

1 A bill to be entitled
 2 An act relating to rape crisis programs; amending ss.
 3 794.056 and 938.085, F.S.; requiring that an additional
 4 court cost or surcharge be assessed against a defendant
 5 who pleads guilty or nolo contendere to, or is found
 6 guilty of, regardless of adjudication, certain specified
 7 criminal offenses; providing for proceeds of the
 8 additional court cost or surcharge to be deposited into
 9 the Rape Crisis Program Trust Fund; reenacting s.
 10 20.435(21) (a), F.S., relating to the Rape Crisis Program
 11 Trust Fund, to incorporate the amendments made to s.
 12 794.056, F.S., in a reference thereto; reenacting s.
 13 794.055(3) (b), F.S., relating to access to services for
 14 victims of sexual battery, to incorporate the amendments
 15 made to s. 938.085, F.S., in a reference thereto;
 16 providing an effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

19
 20 Section 1. Section 794.056, Florida Statutes, is amended
 21 to read:

22 794.056 Rape Crisis Program Trust Fund.--

23 (1) The Rape Crisis Program Trust Fund is created within
 24 the Department of Health for the purpose of providing funds for
 25 rape crisis centers in this state. Trust fund moneys shall be
 26 used exclusively for the purpose of providing services for
 27 victims of sexual assault. Funds credited to the trust fund
 28 consist of those funds collected as an additional court

29 | assessment in each case in which a defendant pleads guilty or
 30 | nolo contendere to, or is found guilty of, regardless of
 31 | adjudication, an offense defined in s. 775.21, s. 784.011, s.
 32 | 784.021, s. 784.03, s. 784.041, s. 784.045, s. 784.048, s.
 33 | 784.07, s. 784.08, s. 784.081, s. 784.082, s. 784.083, s.
 34 | 784.085, s. 787.025, s. 787.06, s. 787.07, ~~or~~ s. 794.011, s.
 35 | 794.05, s. 794.08, s. 796.03, s. 796.035, s. 796.04, s. 796.045,
 36 | s. 796.05, s. 796.06, s. 796.07(2)(a)-(d) and (i), s. 800.03, s.
 37 | 810.14, s. 810.145, s. 812.135, s. 817.025, s. 825.102, s.
 38 | 825.1025, s. 836.10, s. 847.0135(2), s. 847.0137, s. 847.0145,
 39 | or s. 943.0435. Funds credited to the trust fund also shall
 40 | include revenues provided by law, moneys appropriated by the
 41 | Legislature, and grants from public or private entities.

42 | (2) The Department of Health shall establish by rule
 43 | criteria consistent with the provisions of s. 794.055(3)(a) for
 44 | distributing moneys from the trust fund to rape crisis centers.

45 | Section 2. Section 938.085, Florida Statutes, is amended
 46 | to read:

47 | 938.085 Additional cost to fund rape crisis centers.--In
 48 | addition to any sanction imposed when a person pleads guilty or
 49 | nolo contendere to, or is found guilty of, regardless of
 50 | adjudication, a violation of s. 775.21, s. 784.011, s. 784.021,
 51 | s. 784.03, s. 784.041, s. 784.045, s. 784.048, s. 784.07, s.
 52 | 784.08, s. 784.081, s. 784.082, s. 784.083, s. 784.085, s.
 53 | 787.025, s. 787.06, s. 787.07, ~~or~~ s. 794.011, s. 794.05, s.
 54 | 794.08, s. 796.03, s. 796.035, s. 796.04, s. 796.045, s. 796.05,
 55 | s. 796.06, s. 796.07(2)(a)-(d) and (i), s. 800.03, s. 810.14, s.
 56 | 810.145, s. 812.135, s. 817.025, s. 825.102, s. 825.1025, s.

57 836.10, s. 847.0135(2), s. 847.0137, s. 847.0145, or s.
 58 943.0435, the court shall impose a surcharge of \$151. Payment of
 59 the surcharge shall be a condition of probation, community
 60 control, or any other court-ordered supervision. The sum of \$150
 61 of the surcharge shall be deposited into the Rape Crisis Program
 62 Trust Fund established within the Department of Health by
 63 chapter 2003-140, Laws of Florida. The clerk of the court shall
 64 retain \$1 of each surcharge that the clerk of the court collects
 65 as a service charge of the clerk's office.

66 Section 3. For the purpose of incorporating the amendment
 67 made by this act to section 794.056, Florida Statutes, in a
 68 reference thereto, paragraph (a) of subsection (21) of section
 69 20.435, Florida Statutes, is reenacted to read:

70 20.435 Department of Health; trust funds.--The following
 71 trust funds shall be administered by the Department of Health:

72 (21) Rape Crisis Program Trust Fund.

73 (a) Funds to be credited to and uses of the trust fund
 74 shall be administered in accordance with the provisions of s.
 75 794.056.

76 Section 4. For the purpose of incorporating the amendment
 77 made by this act to section 938.085, Florida Statutes, in a
 78 reference thereto, paragraph (b) of subsection (3) of section
 79 794.055, Florida Statutes, is reenacted to read:

80 794.055 Access to services for victims of sexual
 81 battery.--

82 (3)

83 (b) Funds received under s. 938.085 shall be used to
 84 provide sexual battery recovery services to victims and their

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85 families. Funds shall be distributed to rape crisis centers
86 based on an allocation formula that takes into account the
87 population and rural characteristics of each county. No more
88 than 15 percent of the funds shall be used by the statewide
89 nonprofit association for statewide initiatives. No more than 5
90 percent of the funds may be used by the department for
91 administrative costs.

92 Section 5. This act shall take effect July 1, 2010.