

1 A bill to be entitled
2 An act relating to programs to assist victims of violence;
3 amending ss. 794.056, 938.08, and 938.085, F.S.; requiring
4 that an additional or increased court cost or surcharge be
5 assessed against a defendant who pleads guilty or nolo
6 contendere to, or is found guilty of, regardless of
7 adjudication, certain specified criminal offenses;
8 providing for proceeds of the additional or increased
9 court cost or surcharge to be deposited into the Rape
10 Crisis Program Trust Fund or the Domestic Violence Trust
11 Fund; reenacting s. 20.435(21)(a), F.S., relating to the
12 Rape Crisis Program Trust Fund, to incorporate the
13 amendments made to s. 794.056, F.S., in a reference
14 thereto; reenacting s. 794.055(3)(b), F.S., relating to
15 access to services for victims of sexual battery, to
16 incorporate the amendments made to s. 938.085, F.S., in a
17 reference thereto; providing an effective date.

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

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

23 794.056 Rape Crisis Program Trust Fund.—

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

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

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

46 Section 2. Section 938.08, Florida Statutes, is amended to
 47 read:

48 938.08 Additional cost to fund programs in domestic
 49 violence.—In addition to any sanction imposed for a violation of
 50 s. 784.011, s. 784.021, s. 784.03, s. 784.041, s. 784.045, s.
 51 784.048, s. 784.07, s. 784.08, s. 784.081, s. 784.082, s.
 52 784.083, s. 784.085, s. 787.06, s. 787.07, s. 794.011, s.
 53 825.102, s. 836.10, or for any offense of domestic violence
 54 described in s. 741.28, the court shall impose a surcharge of
 55 \$301 ~~\$201~~. Payment of the surcharge shall be a condition of
 56 probation, community control, or any other court-ordered

57 supervision. The sum of \$185 ~~\$85~~ of the surcharge shall be
 58 deposited into the Domestic Violence Trust Fund established in
 59 s. 741.01. The clerk of the court shall retain \$1 of each
 60 surcharge that the clerk of the court collects as a service
 61 charge of the clerk's office. The remainder of the surcharge
 62 shall be provided to the governing board of the county and must
 63 be used only to defray the costs of incarcerating persons
 64 sentenced under s. 741.283 and provide additional training to
 65 law enforcement personnel in combating domestic violence.

66 Section 3. Section 938.085, Florida Statutes, is amended
 67 to read:

68 938.085 Additional cost to fund rape crisis centers.—In
 69 addition to any sanction imposed when a person pleads guilty or
 70 nolo contendere to, or is found guilty of, regardless of
 71 adjudication, a violation of s. 775.21, s. 784.011, s. 784.021,
 72 s. 784.03, s. 784.041, s. 784.045, s. 784.048, s. 784.07, s.
 73 784.08, s. 784.081, s. 784.082, s. 784.083, s. 784.085, s.
 74 787.025, s. 787.06, s. 787.07, ~~or~~ s. 794.011, s. 794.05, s.
 75 794.08, s. 796.03, s. 796.035, s. 796.04, s. 796.045, s. 796.05,
 76 s. 796.06, s. 796.07(2)(a)-(d) and (i), s. 800.03, s. 810.14, s.
 77 810.145, s. 812.135, s. 817.025, s. 825.102, s. 825.1025, s.
 78 836.10, s. 847.0135(2), s. 847.0137, s. 847.0145, or s.
 79 943.0435, the court shall impose a surcharge of \$151. Payment of
 80 the surcharge shall be a condition of probation, community
 81 control, or any other court-ordered supervision. The sum of \$150
 82 of the surcharge shall be deposited into the Rape Crisis Program
 83 Trust Fund established within the Department of Health by
 84 chapter 2003-140, Laws of Florida. The clerk of the court shall

85 retain \$1 of each surcharge that the clerk of the court collects
86 as a service charge of the clerk's office.

87 Section 4. For the purpose of incorporating the amendment
88 made by this act to section 794.056, Florida Statutes, in a
89 reference thereto, paragraph (a) of subsection (21) of section
90 20.435, Florida Statutes, is reenacted to read:

91 20.435 Department of Health; trust funds.—The following
92 trust funds shall be administered by the Department of Health:

93 (21) Rape Crisis Program Trust Fund.

94 (a) Funds to be credited to and uses of the trust fund
95 shall be administered in accordance with the provisions of s.
96 794.056.

97 Section 5. For the purpose of incorporating the amendment
98 made by this act to section 938.085, Florida Statutes, in a
99 reference thereto, paragraph (b) of subsection (3) of section
100 794.055, Florida Statutes, is reenacted to read:

101 794.055 Access to services for victims of sexual battery.—

102 (3)

103 (b) Funds received under s. 938.085 shall be used to
104 provide sexual battery recovery services to victims and their
105 families. Funds shall be distributed to rape crisis centers
106 based on an allocation formula that takes into account the
107 population and rural characteristics of each county. No more
108 than 15 percent of the funds shall be used by the statewide
109 nonprofit association for statewide initiatives. No more than 5
110 percent of the funds may be used by the department for
111 administrative costs.

112 Section 6. This act shall take effect July 1, 2010.