

By Senator Fasano

11-00424C-10

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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  
4       additional court cost or surcharge be assessed against  
5       a defendant who pleads guilty or nolo contendere to,  
6       or is found guilty of, regardless of adjudication,  
7       certain specified criminal offenses; providing for  
8       proceeds of the additional court cost or surcharge to  
9       be deposited into the Rape Crisis Program Trust Fund;  
10      reenacting s. 20.435(21)(a), F.S., relating to the  
11      Rape Crisis Program Trust Fund, to incorporate the  
12      amendments made to s. 794.056, F.S., in a reference  
13      thereto; reenacting s. 794.055(3)(b), F.S., relating  
14      to access to services for victims of sexual battery,  
15      to incorporate the amendments made to s. 938.085,  
16      F.S., in a reference thereto; providing an effective  
17      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 to  
22      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

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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, ~~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 938.085, Florida Statutes, is amended to  
47 read:

48 938.085 Additional cost to fund rape crisis centers.—In  
49 addition to any sanction imposed when a person pleads guilty or  
50 nolo contendere to, or is found guilty of, regardless of  
51 adjudication, a violation of s. 775.21, s. 784.011, s. 784.021,  
52 s. 784.03, s. 784.041, s. 784.045, s. 784.048, s. 784.07, s.  
53 784.08, s. 784.081, s. 784.082, s. 784.083, s. 784.085, s.  
54 787.025, s. 787.06, s. 787.07, ~~s. 794.011~~, s. 794.05, s.  
55 794.08, s. 796.03, s. 796.035, s. 796.04, s. 796.045, s. 796.05,  
56 s. 796.06, s. 796.07(2)(a)-(d) and (i), s. 800.03, s. 810.14, s.  
57 810.145, s. 812.135, s. 817.025, s. 825.102, s. 825.1025, s.  
58 836.10, s. 847.0135(2), s. 847.0137, s. 847.0145, or s.

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

67 Section 3. For the purpose of incorporating the amendment  
68 made by this act to section 794.056, Florida Statutes, in a  
69 reference thereto, paragraph (a) of subsection (21) of section  
70 20.435, Florida Statutes, is reenacted to read:

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

73 (21) Rape Crisis Program Trust Fund.

74 (a) Funds to be credited to and uses of the trust fund  
75 shall be administered in accordance with the provisions of s.  
76 794.056.

77 Section 4. For the purpose of incorporating the amendment  
78 made by this act to section 938.085, Florida Statutes, in a  
79 reference thereto, paragraph (b) of subsection (3) of section  
80 794.055, Florida Statutes, is reenacted to read:

81 794.055 Access to services for victims of sexual 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  
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

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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.