

By the Committee on Criminal Justice; and Senators Fasano and Gaetz

591-02749-10

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1 A bill to be entitled
2 An act relating to programs to prevent violence;
3 amending ss. 794.056, 938.08, and 938.085, F.S.;
4 requiring that an additional or increased court cost
5 or surcharge be assessed against a defendant who
6 pleads guilty or nolo contendere to, or is found
7 guilty of, regardless of adjudication, certain
8 specified criminal offenses; providing for proceeds of
9 the additional court cost or surcharge to be deposited
10 into the Rape Crisis Program Trust Fund or the
11 Domestic Violence Trust Fund; reenacting s.
12 20.435(21)(a), F.S., relating to the Rape Crisis
13 Program Trust Fund, to incorporate the amendments made
14 to s. 794.056, F.S., in a reference thereto;
15 reenacting s. 794.055(3)(b), F.S., relating to access
16 to services for victims of sexual battery, to
17 incorporate the amendments made to s. 938.085, F.S.,
18 in a reference thereto; providing an effective date.
19

20 Be It Enacted by the Legislature of the State of Florida:
21

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

24 794.056 Rape Crisis Program Trust Fund.—

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

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

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

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

49 938.08 Additional cost to fund programs in domestic
50 violence.—In addition to any sanction imposed for a violation of
51 s. 784.011, s. 784.021, s. 784.03, s. 784.041, s. 784.045, s.
52 784.048, s. 784.07, s. 784.08, s. 784.081, s. 784.082, s.
53 784.083, s. 784.085, s. 787.06, s. 787.07, s. 794.011, s.
54 825.102, s. 836.10, or for any offense of domestic violence
55 described in s. 741.28, the court shall impose a surcharge of
56 \$301 ~~\$201~~. Payment of the surcharge shall be a condition of
57 probation, community control, or any other court-ordered
58 supervision. The sum of \$185 ~~\$85~~ of the surcharge shall be

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

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

69 938.085 Additional cost to fund rape crisis centers.—In
 70 addition to any sanction imposed when a person pleads guilty or
 71 nolo contendere to, or is found guilty of, regardless of
 72 adjudication, a violation of s. 775.21, s. 784.011, s. 784.021,
 73 s. 784.03, s. 784.041, s. 784.045, s. 784.048, s. 784.07, s.
 74 784.08, s. 784.081, s. 784.082, s. 784.083, s. 784.085, s.
 75 787.025, s. 787.06, s. 787.07, ~~or~~ s. 794.011, s. 794.05, s.
 76 794.08, s. 796.03, s. 796.035, s. 796.04, s. 796.045, s. 796.05,
 77 s. 796.06, s. 796.07(2)(a)-(d) and (i), s. 800.03, s. 810.14, s.
 78 810.145, s. 812.135, s. 817.025, s. 825.102, s. 825.1025, s.
 79 836.10, s. 847.0135(2), s. 847.0137, s. 847.0145, or s.
 80 943.0435, the court shall impose a surcharge of \$151. Payment of
 81 the surcharge shall be a condition of probation, community
 82 control, or any other court-ordered supervision. The sum of \$150
 83 of the surcharge shall be deposited into the Rape Crisis Program
 84 Trust Fund established within the Department of Health by
 85 chapter 2003-140, Laws of Florida. The clerk of the court shall
 86 retain \$1 of each surcharge that the clerk of the court collects
 87 as a service charge of the clerk's office.

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88 Section 4. For the purpose of incorporating the amendment
89 made by this act to section 794.056, Florida Statutes, in a
90 reference thereto, paragraph (a) of subsection (21) of section
91 20.435, Florida Statutes, is reenacted to read:

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

94 (21) Rape Crisis Program Trust Fund.

95 (a) Funds to be credited to and uses of the trust fund
96 shall be administered in accordance with the provisions of s.
97 794.056.

98 Section 5. For the purpose of incorporating the amendment
99 made by this act to section 938.085, Florida Statutes, in a
100 reference thereto, paragraph (b) of subsection (3) of section
101 794.055, Florida Statutes, is reenacted to read:

102 794.055 Access to services for victims of sexual battery.—

103 (3)

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

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