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576-03869A-19

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Criminal and Civil Justice)

A bill to be entitled

An act relating to crime victim assistance; amending s. 960.03, F.S.; redefining the term "crime" to include the commission of certain lewd or lascivious offenses and, under certain provisions, to add osteopathic physicians certified as expert witnesses to the list of eligible persons by whom a certain mental injury of a minor must be verified; amending s. 960.28, F.S.; increasing the maximum amount the Crime Victims' Services Office of the Department of Legal Affairs is required to pay for certain medical expenses of victims of specified crimes; providing an effective date.

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

Section 1. Paragraph (a) of subsection (3) of section 960.03, Florida Statutes, is amended, and paragraph (g) is added to that subsection, to read:

960.03 Definitions; ss. 960.01-960.28.—As used in ss. 960.01-960.28, unless the context otherwise requires, the term:

(3) "Crime" means:

(a) A felony or misdemeanor offense committed by an adult or a juvenile which results in physical injury or death, a violation of s. 800.04 or a forcible felony committed by an adult or juvenile which directly results in psychiatric or psychological injury, or a felony or misdemeanor offense of



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28 child abuse committed by an adult or a juvenile which results in
29 a mental injury, as defined in s. 827.03, to a person younger
30 than 18 years of age who was not physically injured by the
31 criminal act. The mental injury to the minor must be verified by
32 a psychologist licensed under chapter 490, by a physician
33 licensed in this state under chapter 458 or chapter 459 who has
34 completed an accredited residency in psychiatry, or by a
35 physician who has obtained certification as an expert witness
36 pursuant to s. 458.3175 or s. 459.0066. The term also includes a
37 criminal act that is committed within this state but that falls
38 exclusively within federal jurisdiction.

39 (g) An act of intentionally touching in a lewd or
40 lascivious manner the breasts, genitals, genital area, or
41 buttocks, or the clothing covering those areas, of a person 16
42 or 17 years of age or forcing or enticing a person 16 or 17
43 years of age to so touch the actor, when such act is without the
44 person's consent and directly results in psychiatric or
45 psychological injury.

46 Section 2. Subsection (2) of section 960.28, Florida
47 Statutes, is amended to read:

48 960.28 Payment for victims' initial forensic physical
49 examinations.-

50 (2) The Crime Victims' Services Office of the department
51 shall pay for medical expenses connected with an initial
52 forensic physical examination of a victim of sexual battery as
53 defined in chapter 794 or a lewd or lascivious offense as
54 defined in chapter 800. Such payment shall be made regardless of
55 whether the victim is covered by health or disability insurance
56 and whether the victim participates in the criminal justice



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57 system or cooperates with law enforcement. The payment shall be
58 made only out of moneys allocated to the Crime Victims' Services
59 Office for the purposes of this section, and the payment may not
60 exceed \$1,000 ~~\$500~~ with respect to any violation. The department
61 shall develop and maintain separate protocols for the initial
62 forensic physical examination of adults and children. Payment
63 under this section is limited to medical expenses connected with
64 the initial forensic physical examination, and payment may be
65 made to a medical provider using an examiner qualified under
66 part I of chapter 464, excluding s. 464.003(14); chapter 458; or
67 chapter 459. Payment made to the medical provider by the
68 department shall be considered by the provider as payment in
69 full for the initial forensic physical examination associated
70 with the collection of evidence. The victim may not be required
71 to pay, directly or indirectly, the cost of an initial forensic
72 physical examination performed in accordance with this section.

73 Section 3. This act shall take effect July 1, 2019.