

By Senator Bean

4-01278A-19

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1                                   A bill to be entitled  
2       An act relating to crime victim assistance; amending  
3       s. 960.03, F.S.; redefining the term "crime" to  
4       include the commission of certain lewd or lascivious  
5       offenses; amending s. 960.28, F.S.; increasing the  
6       maximum amount the Crime Victims' Services Office of  
7       the Department of Legal Affairs is required to pay for  
8       certain medical expenses of victims of specified  
9       crimes; providing an effective date.

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

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13       Section 1. Paragraph (a) of subsection (3) of section  
14       960.03, Florida Statutes, is amended, and paragraph (g) is added  
15       to that subsection, to read:

16       960.03 Definitions; ss. 960.01-960.28.—As used in ss.  
17       960.01-960.28, unless the context otherwise requires, the term:

18       (3) "Crime" means:

19       (a) A felony or misdemeanor offense committed by an adult  
20       or a juvenile which results in physical injury or death, a  
21       violation of s. 800.04 or a forcible felony committed by an  
22       adult or juvenile which directly results in psychiatric or  
23       psychological injury, or a felony or misdemeanor offense of  
24       child abuse committed by an adult or a juvenile which results in  
25       a mental injury, as defined in s. 827.03, to a person younger  
26       than 18 years of age who was not physically injured by the  
27       criminal act. The mental injury to the minor must be verified by  
28       a psychologist licensed under chapter 490, by a physician  
29       licensed in this state under chapter 458 or chapter 459 who has

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30 completed an accredited residency in psychiatry, or by a  
31 physician who has obtained certification as an expert witness  
32 pursuant to s. 458.3175. The term also includes a criminal act  
33 that is committed within this state but that falls exclusively  
34 within federal jurisdiction.

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

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

44 960.28 Payment for victims' initial forensic physical  
45 examinations.—

46 (2) The Crime Victims' Services Office of the department  
47 shall pay for medical expenses connected with an initial  
48 forensic physical examination of a victim of sexual battery as  
49 defined in chapter 794 or a lewd or lascivious offense as  
50 defined in chapter 800. Such payment shall be made regardless of  
51 whether the victim is covered by health or disability insurance  
52 and whether the victim participates in the criminal justice  
53 system or cooperates with law enforcement. The payment shall be  
54 made only out of moneys allocated to the Crime Victims' Services  
55 Office for the purposes of this section, and the payment may not  
56 exceed \$1,000 ~~\$500~~ with respect to any violation. The department  
57 shall develop and maintain separate protocols for the initial  
58 forensic physical examination of adults and children. Payment

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59 under this section is limited to medical expenses connected with  
60 the initial forensic physical examination, and payment may be  
61 made to a medical provider using an examiner qualified under  
62 part I of chapter 464, excluding s. 464.003(14); chapter 458; or  
63 chapter 459. Payment made to the medical provider by the  
64 department shall be considered by the provider as payment in  
65 full for the initial forensic physical examination associated  
66 with the collection of evidence. The victim may not be required  
67 to pay, directly or indirectly, the cost of an initial forensic  
68 physical examination performed in accordance with this section.

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