

HB 785

2019

1 A bill to be entitled
2 An act relating to crime victim assistance; amending
3 s. 960.03, F.S.; revising the definition of "crime"
4 for purposes of crime victim assistance; amending s.
5 960.28, F.S.; increasing the maximum monetary
6 reimbursement amount for certain medical providers;
7 providing an effective date.
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9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Paragraph (a) of subsection (3) of section
12 960.03, Florida Statutes, is amended, and paragraph (g) is added
13 to that subsection, to read:

14 960.03 Definitions; ss. 960.01-960.28.—As used in ss.
15 960.01-960.28, unless the context otherwise requires, the term:

16 (3) "Crime" means:

17 (a) A felony or misdemeanor offense committed by an adult
18 or a juvenile which results in physical injury or death, a
19 violation of s. 800.04, a forcible felony committed by an adult
20 or juvenile which directly results in psychiatric or
21 psychological injury, or a felony or misdemeanor offense of
22 child abuse committed by an adult or a juvenile which results in
23 a mental injury, as defined in s. 827.03, to a person younger
24 than 18 years of age who was not physically injured by the
25 criminal act. The mental injury to the minor must be verified by

26 | a psychologist licensed under chapter 490, by a physician
27 | licensed in this state under chapter 458 or chapter 459 who has
28 | completed an accredited residency in psychiatry, or by a
29 | physician who has obtained certification as an expert witness
30 | pursuant to s. 458.3175. The term also includes a criminal act
31 | that is committed within this state but that falls exclusively
32 | within federal jurisdiction.

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

39 | Section 2. Subsection (2) of section 960.28, Florida
40 | Statutes, is amended to read:

41 | 960.28 Payment for victims' initial forensic physical
42 | examinations.—

43 | (2) The Crime Victims' Services Office of the department
44 | shall pay for medical expenses connected with an initial
45 | forensic physical examination of a victim of sexual battery as
46 | defined in chapter 794 or a lewd or lascivious offense as
47 | defined in chapter 800. Such payment shall be made regardless of
48 | whether the victim is covered by health or disability insurance
49 | and whether the victim participates in the criminal justice
50 | system or cooperates with law enforcement. The payment shall be

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

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