A bill to be entitled
An act relating to victims of sexual offenses;
amending s. 16.01, F.S.; authorizing the Attorney
General to review the evidence in alleged cases of
sexual battery or cyberstalking upon the written
request of specified persons; authorizing the Attorney
General to prosecute such cases; providing
requirements for attorneys assigned to such cases;
creating s. 154.012, F.S.; requiring counties to
establish sexual assault response teams; providing for
duties, membership, meetings, technical assistance,
and an annual report; requiring teams to promote the
use of sexual assault forensic examiners meeting
certain requirements; amending s. 627.6131, F.S.;
requiring health insurers to establish certain
alternative methods of delivery of explanation of
benefits in certain circumstances; amending s. 943.17,
F.S.; requiring the Criminal Justice Standards and
Training Commission, in consultation with the Florida
Council Against Sexual Violence, to establish minimum
standards for basic and advanced career development
training programs for law enforcement officers that
include a culturally responsive trauma-informed
response to sexual assault; requiring every basic
skills course for law enforcement officers to include
certain training by a specified date; creating s. 943.1724, F.S.; requiring the Criminal Justice Standards and Training Commission to incorporate a culturally responsive trauma-informed response to sexual assault into a certain course curriculum; requiring each certified law enforcement officer to successfully complete a specified number of hours of training on sexual violence and interviewing and investigations of sexual assault victims within a specified timeframe; providing requirements for current law enforcement officers; providing an effective date.

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

Section 1. Subsections (4) through (9) of section 16.01, Florida Statutes, are renumbered as subsections (5) through (10), respectively, and a new subsection (4) is added to that section to read:

16.01 Residence, office, and duties of Attorney General.—

The Attorney General:

(4) Shall, upon written request of a victim of an alleged sexual battery or cyberstalking offense, the state attorney of the judicial circuit in which the alleged sexual battery or cyberstalking offense occurred, or the law enforcement agency
which investigated the alleged sexual battery or cyberstalking offense, review the evidence in the investigation to determine whether a charge or charges should be filed. If the Attorney General determines that filing a charge or charges is appropriate, the Office of the Attorney General shall prosecute such case in the judicial circuit in which it occurred. The attorney assigned to prosecute the case shall have the training and experience required to effectively prosecute the type of offense in the case to which he or she is assigned.

Section 2. Section 154.012, Florida Statutes, is created to read:

154.012 Sexual assault response teams; membership; duties.—

(1) The health department in every county in this state, or its designee, shall establish a local sexual assault response team or enter into a collaborative agreement with another jurisdiction to establish a regional sexual assault response team. The purpose of the team is to ensure a coordinated multidisciplinary response to sexual violence.

(2) Each team shall develop a written protocol to govern the team's response to sexual assault that includes:

(a) The role and responsibilities of each team member.

(b) Procedural issues regarding the immediate crisis and health care and law enforcement responses and follow-up services provided to a victim.
(c) Procedures for the preservation, secure storage, and destruction of evidence from a sexual assault evidence kit, including length of storage, site of storage, and chain of custody.

(d) Procedures for maintaining the confidentiality of the victim regarding the forensic medical examination.

(3) Membership of each team shall consist of the following persons or their designees:

(a) The state attorney.

(b) The director of the local sexual assault crisis center.

(c) The chief of police.

(d) The county sheriff.

(e) A forensic Sexual Assault Nurse Examiner (SANE) or a designated health care provider who performs forensic medical examinations and collects evidence.

(f) A representative from hospital emergency room nursing or physician leadership.

(g) The director or administrator of the local county health department.

(h) The director of the local victim or witness program.

(4) The Florida Council Against Sexual Violence shall provide technical assistance relating to the development and implementation of the teams.

(5) Each team shall promote the use of sexual assault
forensic examiners who have received a minimum of 40 hours of
specialized training in the provision of trauma-informed medical
care and in the collection of evidence for sexual assault
victims.

(6) Each team shall meet at least quarterly, or more often
if necessary, to ensure a coordinated multidisciplinary response
to sexual violence and shall publish an annual report for the
jurisdictions covered by the team that includes local statistics
on the number of forensic medical examinations performed, the
number of criminal sexual assaults reported to law enforcement,
and the number of criminal sexual assaults prosecuted and the
outcome of the prosecutions.

Section 3. Subsection (20) is added to section 627.6131,
Florida Statutes, to read:

627.6131 Payment of claims.—
(20) For claims involving a sexual assault victim, a
health insurer shall establish alternative methods of delivery
of the explanation of benefits that permit:

(a) A subscriber who is legally authorized to consent to
care for a covered person or recipient;

(b) A covered person or recipient who is legally
authorized to consent to that covered person's or recipient's
own care; or

(c) Another party who has the exclusive legal
authorization to consent to care for the covered person or
recipient
to receive the explanation of benefits by an alternative method, provided that each such alternative method is in compliance with 45 C.F.R. s. 164.522 regarding the right to request privacy protection for protected health information.

Section 4. Subsection (7) is added to section 943.17, Florida Statutes, to read:
943.17 Basic recruit, advanced, and career development training programs; participation; cost; evaluation.—The commission shall, by rule, design, implement, maintain, evaluate, and revise entry requirements and job-related curricula and performance standards for basic recruit, advanced, and career development training programs and courses. The rules shall include, but are not limited to, a methodology to assess relevance of the subject matter to the job, student performance, and instructor competency.

(7) The commission, in consultation with the Florida Council Against Sexual Violence, shall establish minimum standards for basic and advanced career development training programs for law enforcement officers that include a culturally responsive trauma-informed response to sexual assault. After January 1, 2022, every basic skills course required for law enforcement officers to obtain initial and continuing education certification must include training on culturally responsive
trauma-informed interviewing and investigations of sexual assault victims.

Section 5. Section 943.1724, Florida Statutes, is created to read:

943.1724 Training on sexual assault.—

(1) The commission shall incorporate a culturally responsive trauma-informed response to sexual assault into the course curriculum required for a law enforcement officer to obtain initial certification.

(2) Within 1 year after beginning employment, each certified law enforcement officer must successfully complete 8 hours of training on sexual violence and interviewing and investigations of sexual assault victims, with an emphasis on culturally responsive trauma-informed interviewing and investigations of sexual assault victims. Completion of the training may count toward the 40 hours of instruction for continued employment or appointment as a law enforcement officer required under s. 943.135. The training must be completed by current law enforcement officers by July 1, 2024. If an officer fails to complete the required training, his or her certification must be placed on inactive status until the employing agency notifies the commission that the officer has completed the training.

Section 6. This act shall take effect July 1, 2021.