

1 A bill to be entitled
2 An act relating to victims of sexual offenses;
3 amending s. 16.01, F.S.; authorizing the Attorney
4 General to review the evidence in alleged cases of
5 sexual battery or cyberstalking upon the written
6 request of specified persons; authorizing the Attorney
7 General to prosecute such cases; providing
8 requirements for attorneys assigned to such cases;
9 creating s. 154.012, F.S.; requiring counties to
10 establish sexual assault response teams; providing for
11 duties, membership, meetings, technical assistance,
12 and an annual report; requiring teams to promote the
13 use of sexual assault forensic examiners meeting
14 certain requirements; amending s. 627.6131, F.S.;
15 requiring health insurers to establish certain
16 alternative methods of delivery of explanation of
17 benefits in certain circumstances; amending s. 943.17,
18 F.S.; requiring the Criminal Justice Standards and
19 Training Commission, in consultation with the Florida
20 Council Against Sexual Violence, to establish minimum
21 standards for basic and advanced career development
22 training programs for law enforcement officers that
23 include a culturally responsive trauma-informed
24 response to sexual assault; requiring every basic
25 skills course for law enforcement officers to include

26 | certain training by a specified date; creating s.
 27 | 943.1724, F.S.; requiring the Criminal Justice
 28 | Standards and Training Commission to incorporate a
 29 | culturally responsive trauma-informed response to
 30 | sexual assault into a certain course curriculum;
 31 | requiring each certified law enforcement officer to
 32 | successfully complete a specified number of hours of
 33 | training on sexual violence and interviewing and
 34 | investigations of sexual assault victims within a
 35 | specified timeframe; providing requirements for
 36 | current law enforcement officers; providing an
 37 | effective date.

38 |
 39 | Be It Enacted by the Legislature of the State of Florida:

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

45 | 16.01 Residence, office, and duties of Attorney General.—
 46 | The Attorney General:

47 | (4) Shall, upon written request of a victim of an alleged
 48 | sexual battery or cyberstalking offense, the state attorney of
 49 | the judicial circuit in which the alleged sexual battery or
 50 | cyberstalking offense occurred, or the law enforcement agency

51 which investigated the alleged sexual battery or cyberstalking
52 offense, review the evidence in the investigation to determine
53 whether a charge or charges should be filed. If the Attorney
54 General determines that filing a charge or charges is
55 appropriate, the Office of the Attorney General shall prosecute
56 such case in the judicial circuit in which it occurred. The
57 attorney assigned to prosecute the case shall have the training
58 and experience required to effectively prosecute the type of
59 offense in the case to which he or she is assigned.

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

62 154.012 Sexual assault response teams; membership;
63 duties.—

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

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

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

73 (b) Procedural issues regarding the immediate crisis and
74 health care and law enforcement responses and follow-up services
75 provided to a victim.

76 (c) Procedures for the preservation, secure storage, and
77 destruction of evidence from a sexual assault evidence kit,
78 including length of storage, site of storage, and chain of
79 custody.

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

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

84 (a) The state attorney.

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

87 (c) The chief of police.

88 (d) The county sheriff.

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

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

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

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

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

100 (5) Each team shall promote the use of sexual assault

101 forensic examiners who have received a minimum of 40 hours of
102 specialized training in the provision of trauma-informed medical
103 care and in the collection of evidence for sexual assault
104 victims.

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

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

115 627.6131 Payment of claims.—

116 (20) For claims involving a sexual assault victim, a
117 health insurer shall establish alternative methods of delivery
118 of the explanation of benefits that permit:

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

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

124 (c) Another party who has the exclusive legal
125 authorization to consent to care for the covered person or

126 recipient
 127
 128 to receive the explanation of benefits by an alternative method,
 129 provided that each such alternative method is in compliance with
 130 45 C.F.R. s. 164.522 regarding the right to request privacy
 131 protection for protected health information.

132 Section 4. Subsection (7) is added to section 943.17,
 133 Florida Statutes, to read:

134 943.17 Basic recruit, advanced, and career development
 135 training programs; participation; cost; evaluation.—The
 136 commission shall, by rule, design, implement, maintain,
 137 evaluate, and revise entry requirements and job-related
 138 curricula and performance standards for basic recruit, advanced,
 139 and career development training programs and courses. The rules
 140 shall include, but are not limited to, a methodology to assess
 141 relevance of the subject matter to the job, student performance,
 142 and instructor competency.

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

151 trauma-informed interviewing and investigations of sexual
152 assault victims.

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

155 943.1724 Training on sexual assault.-

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

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

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