

By Senator Book

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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

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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.

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

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

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

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

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59 the type of offense in the case to which he or she is assigned.

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

62 154.012 Sexual assault response teams; membership; duties.-

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

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

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

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

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

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

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

83 (a) The state attorney.

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

85 (c) The chief of police.

86 (d) The county sheriff.

87 (e) A forensic sexual assault nurse examiner or a

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88 designated health care provider who performs forensic medical
89 examinations and collects evidence.

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

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

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

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

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

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

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

113 627.6131 Payment of claims.—

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

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

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

121 (c) Another party who has the exclusive legal authorization
122 to consent to care for the covered person or recipient

123
124 to receive the explanation of benefits by an alternative method,
125 provided that each such alternative method is in compliance with
126 45 C.F.R. s. 164.522 regarding the right to request privacy
127 protection for protected health information.

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

130 943.17 Basic recruit, advanced, and career development
131 training programs; participation; cost; evaluation.—The
132 commission shall, by rule, design, implement, maintain,
133 evaluate, and revise entry requirements and job-related
134 curricula and performance standards for basic recruit, advanced,
135 and career development training programs and courses. The rules
136 shall include, but are not limited to, a methodology to assess
137 relevance of the subject matter to the job, student performance,
138 and instructor competency.

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

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146 certification must include training on culturally responsive
147 trauma-informed interviewing and investigations of sexual
148 assault victims.

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

151 943.1724 Training on sexual assault.—

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

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

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