

By the Committee on Criminal Justice; and Senator Book

591-03250-21

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1                   A bill to be entitled  
2           An act relating to victims of sexual offenses;  
3           amending s. 27.14, F.S.; authorizing a victim of  
4           sexual battery or cyberstalking to petition the  
5           Governor to disqualify a state attorney under certain  
6           circumstances; creating s. 154.012, F.S.; requiring  
7           county health departments to participate in local  
8           sexual assault response teams coordinated by local  
9           certified rape crisis centers if such a team exists;  
10          authorizing the certified rape crisis center serving  
11          the county to coordinate with community partners to  
12          establish a local or regional team if a local sexual  
13          assault response team does not exist; providing the  
14          purpose of such teams; providing for duties,  
15          membership, meetings, technical assistance, and an  
16          annual report; requiring teams to promote and support  
17          the use of sexual assault forensic examiners meeting  
18          certain requirements; providing an effective date.

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

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22           Section 1. Present subsections (2) and (3) of section  
23           27.14, Florida Statutes, are redesignated as subsections (3) and  
24           (4), respectively, and a new subsection (2) is added to that  
25           section, to read:

26           27.14 Assigning state attorneys to other circuits.—

27           (2) A victim of a sexual battery or cyberstalking may  
28           petition the Governor to disqualify a state attorney pursuant to  
29           subsection (1) if sufficient evidence is presented that shows a

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30 willful disregard of the evidence and repeated failure of a  
31 state attorney to prosecute a particular crime.

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

34 154.012 Sexual assault response teams; membership; duties.-

35 (1) The health department in every county in this state, or  
36 its designee, shall participate in the local sexual assault  
37 response team coordinated by the certified rape crisis center  
38 serving the county if such a team exists. If a local sexual  
39 assault response team does not exist, the certified rape crisis  
40 center serving the county may coordinate with community partners  
41 to establish a local or a regional team. The purpose of the  
42 sexual assault response team is to ensure a coordinated  
43 multidisciplinary response to sexual violence.

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

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

47 (b) Procedural issues regarding the immediate crisis and  
48 health care and law enforcement responses and followup services  
49 provided to a victim.

50 (c) Procedures for the preservation, secure storage, and  
51 destruction of evidence from a sexual assault evidence kit,  
52 including length of storage, site of storage, and chain of  
53 custody.

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

56 (3) Membership of each team shall be determined by the  
57 certified rape crisis center in collaboration with community  
58 partners. At a minimum, membership should include the following

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59 persons or their designees:

60 (a) The director of the local certified rape crisis center;

61 (b) A representative from the county health department;

62 (c) The state attorney;

63 (d) The chief of police;

64 (e) The county sheriff;

65 (f) Forensic sexual assault nurse examiners; and

66 (g) A representative from local hospital emergency  
67 departments.

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

71 (5) Each team shall promote and support the use of  
72 qualified sexual assault forensic examiners who have  
73 successfully completed a minimum of 40 hours of specialized  
74 training in the provision of trauma-informed medical care and in  
75 the collection of evidence for sexual assault victims.

76 (6) Each team shall meet at least quarterly, or more often  
77 as determined by the team's membership, to ensure a coordinated  
78 multidisciplinary response to sexual violence and shall produce  
79 an annual report for the jurisdictions covered by the team which  
80 includes local statistics on the number of forensic medical  
81 examinations performed, the number of criminal sexual assaults  
82 reported to law enforcement, the number of cases referred by law  
83 enforcement for prosecution, the number of criminal sexual  
84 assaults prosecuted, and the outcome of the prosecutions. Each  
85 annual report shall be submitted to the Florida Council Against  
86 Sexual Violence, which must publish the annual reports on its  
87 website.

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Section 3. This act shall take effect July 1, 2021.