

Committee Substitute for
Committee Substitute for Senate Bill No. 144

An act relating to services for victims of sexual battery; providing legislative intent with respect to enhancing the availability of services to victims of sexual battery; creating the “Sexual Battery Victims” Access to Services Act; providing definitions; authorizing the Department of Health to contract with a statewide nonprofit association for the purpose of allocating funds to rape crisis centers; requiring that funds be used to provide sexual battery recovery services to victims of sexual battery and their families; providing requirements and limitations with respect to distribution and use of funds; requiring an annual report to the Legislature on the use of funds; creating s. 938.085, F.S.; providing for an assessment of an additional court cost against any person who pleads guilty or nolo contendere to, or who is found guilty of, an act of sexual battery or other specified crimes; providing for deposit of the court cost into the Rape Crisis Program Trust Fund; providing for the trust fund to be used to support rape crisis centers; providing an appropriation; providing an effective date.

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

Section 1. It is the intent of the Legislature through this act to make services available to each victim of sexual battery in this state.

Section 2. Access to services for victims of sexual battery.—

(1) This section may be cited by the popular name, the “Sexual Battery Victims’ Access to Services Act.”

(2) As used in this section, the term:

(a) “Crisis-intervention services” means advice, counseling, or consultation provided by a sexual battery counselor or trained volunteer to a victim aimed at reducing the level of emotional trauma experienced by the victim.

(b) “Department” means the Department of Health.

(c) “Medical intervention” means services necessary for the forensic examination of a victim or medical treatment for injuries of a victim of sexual battery.

(d) “Rape crisis center” means any public or private agency that offers at least five of the sexual battery recovery services in paragraph (g) to victims of sexual battery and their families.

(e) “Sexual battery” has the same meaning as that term has in the offenses provided in section 794.011, Florida Statutes.

(f) “Sexual battery counselor” means any employee of a rape crisis center whose primary purpose is the rendering of advice, counseling, or assistance to victims of sexual battery.

(g) “Sexual battery recovery services” include the following services:

1. For victims who have reported the offense to law enforcement:

a. A telephone hotline that is operated 24 hours a day and answered by a sexual battery counselor or trained volunteer, as defined in section 90.5035, Florida Statutes.

b. Information and referral services.

c. Crisis-intervention services.

d. Advocacy and support services.

e. Therapy services.

f. Service coordination.

g. Programs to promote community awareness of available services.

h. Medical intervention.

2. For victims who have not reported the offense to law enforcement:

a. A telephone hotline that is operated 24 hours a day and answered by a sexual battery counselor or trained volunteer, as defined in section 90.5035, Florida Statutes.

b. Information and referral services.

c. Crisis-intervention services.

d. Advocacy and support services.

e. Therapy services.

f. Service coordination.

g. Programs to promote community awareness of available services.

(i) “Trained volunteer” means a person who volunteers at a rape crisis center, has completed 30 hours of training in assisting victims of sexual violence and related topics provided by the rape crisis center, is supervised by members of the staff of the rape crisis center, and is included on a list of volunteers which is maintained by the rape crisis center.

(j) “Victim” means a person who consults a sexual battery counselor or a trained volunteer for the purpose of securing advice, counseling, or assistance concerning a mental, physical, or emotional condition caused by a sexual battery.

(3)(a) The department shall contract with a statewide nonprofit association whose primary purpose is to represent and provide technical assistance to rape crisis centers. This association shall receive 95 percent of the Rape Crisis Program Trust Fund.

(b) Funds received under section 938.085, Florida Statutes, shall be used to provide sexual battery recovery services to victims and their families. Funds shall be distributed by county, based on an allocation formula that takes into account the population and rural characteristics of the county. No more than 15 percent of the funds shall be used for statewide initiatives, including developing service standards and a certification process for rape crisis centers. No more than 5 percent of the funds may be used for administrative costs.

(c) The department shall ensure that funds allocated under this section are expended in a manner that is consistent with the requirements of this section. The department may require an annual audit of the expenditures and shall provide a report to the Legislature by February 1 of each year.

Section 3. Section 938.085, Florida Statutes, is created to read:

938.085 Additional cost to fund rape crisis centers.—In addition to any sanction imposed when a person pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, a violation of s. 784.011, s. 784.021, s. 784.03, s. 784.041, s. 784.045, s. 784.048, s. 784.07, s. 784.08, s. 784.081, s. 784.082, s. 784.083, s. 784.085, or s. 794.011, the court shall impose a surcharge of \$151. Payment of the surcharge shall be a condition of probation, community control, or any other court-ordered supervision. The sum of \$150 of the surcharge shall be deposited into the Rape Crisis Program Trust Fund established within the Department of Health by SB 146. The clerk of the court shall retain \$1 of each surcharge that the clerk of the court collects as a service charge of the clerk's office.

Section 4. The sum of \$917,000 is appropriated from the Rape Crisis Program Trust Fund to the Department of Health for the purpose of implementing this act during the 2003-2004 fiscal year.

Section 5. This act shall take effect July 1, 2003.

Approved by the Governor June 6, 2003.

Filed in Office Secretary of State June 6, 2003.