

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1656

SPONSOR: Judiciary Committee and Senator Burt

SUBJECT: Sexual Assault Counselors

DATE: February 12, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Johnson</u>	<u>JU</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>CF</u>	_____
3.	_____	_____	<u>GO</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Committee Substitute for Senate Bill 1656 amends s. 90.5035, F.S., to provide that information provided to a trained volunteer providing services through a rape crisis center is privileged and confidential in the same manner as information provided to a sexual assault counselor.

Section 794.024, F.S., is amended to allow government employees or officers to provide rape crisis centers or sexual assault counselors with personal information related to victims or alleged victims of sexual offenses.

This bill substantially amends s. 90.5035 and 794.024, Florida Statutes.

II. Present Situation:

There are currently 38 rape crisis centers in the State of Florida. The service availability varies from county to county, and the structure of the programs varies widely. Services are performed by community-based programs in some areas, and by county or city funded programs in others. Most service providers rely upon Victims of Crime Act (VOCA) funding from the Office of the Attorney General to augment their community's support for their programs. A few programs also receive funding from Violence Against Women Act funding administered by the Department for Children and Families and by prevention education and service funding administered by the Department of Health.

Generally, when a victim is identified the medical facility, law enforcement or the victim notifies the rape crisis center hotline directly and an advocate is requested. The hotline worker then pages the on-call advocate to meet with the victim. The page is usually answered by a staff member during the day or an on-call volunteer at night and weekends. The assigned advocate provides

support and information to the victim during the medical exam and legal proceedings and arranges for aftercare. The volunteers generally receive 30 hours of training in addition to on-going updates and in-service training.

Section 90.5035, Florida Statutes, provides that communications between a sexual assault counselor employed by a rape crisis center and a victim of a sexual assault or sexual battery or an alleged or attempted sexual assault or sexual battery, is confidential if it is not intended to be disclosed to third persons. The victim has the right to refuse to disclose and to prevent any sexual assault counselor from disclosing any confidential communication or any record made in the course of advising, counseling, or assisting the victim. The communications may be disclosed with the prior written consent of the victim. The privilege may be claimed by the victim, the victim's attorney on the victim's behalf, a guardian or conservator of the victim, the personal representative of the victim or the sexual assault counselor on behalf of the victim.

Section 794.024, Florida Statutes, provides that public employees or officers may not willfully and knowingly disclose information regarding a person who is alleged to be the victim of sexual battery, lewdness, indecent exposure, child abuse, or acts causing child delinquency or child sexual performance. Information that may not be disclosed includes photographs or the victims name or address. Information may only be disclosed to a person assisting in the investigation or prosecution of the alleged offense, to the defendant, the defendant's attorney, a person specified in an order entered by the court having jurisdiction, or to organizations authorized to receive such information by section 119.07(f). Any person who provides information in violation of this section commits a misdemeanor of the second degree.

III. Effect of Proposed Changes:

This committee substitute amends s. 90.5035, F.S., to provide that information provided to a trained volunteer with a rape crisis center has the same confidentiality as information provided to a sexual assault counselor. Trained volunteer is defined as a person who has completed 30 hours of training in assisting victims of sexual violence and related topics, who is supervised by the staff of a rape crisis center, and who is included on a list of volunteers that is maintained by the rape crisis center.

Section 794.024, F.S., is amended to allow a public employee or officer with access to information on victims of sexual offenses to provide that information to a rape crisis center or sexual assault counselor for a rape crisis center.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
