

of sexual battery and other offenses, including many of the aggravated battery and other battery offenses. The clerk of the court retains \$1 of the surcharge as a service fee,³ \$150 goes into the Rape Crisis Program Trust Fund.

Under s. 794.055, F.S., the DOH must contract with a statewide nonprofit association to distribute these funds for the provision of sexual battery recovery services. The DOH contracts with the Florida Council Against Sexual Violence, Inc. (FCASV), a statewide nonprofit organization committed to victims and survivors of sexual violence and the rape crisis centers that serve them. The FCASV subcontracts with rape crisis centers throughout Florida to serve victims and to enhance services.

According to the DOH, from September 2003 to June 2009 county clerks deposited \$7,528,899 into the trust fund. In 2008-2009, the FCASV received \$396,585 to provide statewide initiatives in support of victims, while 31 certified rape crisis centers received \$1,586,339 to serve 8,932 new primary and secondary victims and 26,575 victims who were first seen prior to July 2008, but continued to receive services. These victims received 130,391 sexual battery recovery services.

In 2008, the Florida Department of Law Enforcement reported 10,823 forcible sex offenses and 2,976 arrests.⁴ According to national researchers, approximately one out of every nine adult women in Florida has been the victim of forcible rape, which equates to over 700,000 women in Florida (Ruggiero and Kilpatrick, 2003). Many victims fear disgrace if they tell family and friends about the abuse, and suffer alone (Jewkes, Sen, and Garcia-Moreno, 2002).⁵

III. Effect of Proposed Changes:

The bill requires an additional court cost or surcharge to be assessed against a defendant who pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, to additional specified criminal offenses. The bill requires the additional assessed surcharges to be deposited into the Rape Crisis Program Trust Fund.

The effective date of the bill is July 1, 2010.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

³ See section 938.085, F.S.

⁴ The Sexual Battery Victims' Access to Services Act Rape Crisis Program Trust Fund - Rape Crisis Services in Florida issued by the Division of Family Health Services Sexual Violence Prevention Program, 2010, the Florida Department of Health.

⁵ Id.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

Defendants pleading guilty or nolo contendere to, or found guilty of, regardless of adjudication, the crimes enumerated in the bill will be assessed a surcharge of \$151.

B. Private Sector Impact:

The assessments collected under the bill will provide additional revenue to fund rape crisis services in Florida. According to the Florida State Court Systems, the additional assessments under the bill, will generate an estimated \$283,500 (at a collection rate of 31 percent) in additional revenue.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:**Barcode 880178 by Health Regulation on January 19, 2010:**

The amendment adds offenses relating to human trafficking, human smuggling, lewd and lascivious acts committed upon or in the presence of an elderly person or disabled person, and written threats to kill or do bodily injury to the list of offenses for which the court must impose a surcharge to fund domestic violence programs. The amendment increases

the amount of the surcharge by \$100, with the increase going to the Domestic Violence Trust Fund. (WITH TITLE AMENDMENT)

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
