

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 229

Rape Crisis Programs

**SPONSOR(S):** Jenne

**TIED BILLS:**

**IDEN./SIM. BILLS:** SB 400

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	<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
1)	Criminal & Civil Justice Appropriations Committee	_____	McAuliffe	Davis
2)	Public Safety & Domestic Security Policy Committee	_____	_____	_____
3)	Full Appropriations Council on Education & Economic Development	_____	_____	_____
4)	_____	_____	_____	_____
5)	_____	_____	_____	_____

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**SUMMARY ANALYSIS**

Current law provides a \$151 surcharge on offenders convicted of sexual battery and other offenses including many of the aggravated battery and battery offenses.

This bill provides additional offenses that would require the offender to pay the current surcharge.

This bill will have a positive fiscal impact on the Rape Crisis Program Trust Fund. Funds are used to provide services for victims of sexual assault.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

In 2003, the Florida legislature created the Sexual Battery Victims' Access to Services Act (s. 794.055, F.S.) and the Rape Crisis Program Trust Fund (s. 794.056, F.S.) in the Department of Health.

The Sexual Battery Victims' Access to Services Act acknowledges that victims of sexual assault in the state of Florida should have access to basic services including: 24-hour hotline; information and referral service; crisis intervention; advocacy and support services; therapy; medical intervention; system coordination; and community awareness. The Rape Crisis Program Trust Fund was created to accept collected surcharges and other funds designated for rape crisis services. The Department of Health contracts with the Florida Council Against Sexual Violence to distribute the trust fund monies to rape crisis centers throughout Florida. Funds are distributed to rape crisis centers based on an allocation formula that takes into account the population and rural characteristics of each county. No more than 15 percent of the funds may be used by the statewide nonprofit association for statewide initiatives and no more than five percent of the funds may be used by the Department of Health for administrative costs (s. 794.055, F.S.).

Current law provides a \$151 (\$1 goes to the clerks of the court) surcharge on offenders convicted of sexual battery and other offenses including many of the aggravated battery and battery offenses be deposited into the Rape Crisis Program Trust Fund.

This bill provides additional offenses that would require the offender to pay the current surcharge. These offenses include: luring or enticing a child; human trafficking and smuggling; unlawful sexual activity with certain minors; female genital mutilation; procuring a person under 18 for prostitution; selling or buying minors into sex trafficking or prostitution; forcing, compelling, or coercing another to become a prostitute; sex trafficking; deriving support from prostitution; retaining space for lewdness or prostitution and other prostitution related crimes; exposure of sexual organs; voyeurism; home invasion robbery; home invasion by false personation; abuse of elderly or disabled person; lewd or lascivious offenses upon elderly or disabled person; written threats to kill or do bodily harm; computer pornography with a minor; transmission of pornography to minor; selling or buying of minors; and registering as a sexual offender.

#### B. SECTION DIRECTORY:

Section 1. Amends s. 794.056, F.S., providing additional offenses which require a surcharge payment.  
Section 2. Amends s. 938.085, F.S., providing additional offenses which require a surcharge payment.  
Section 3. Reenacts s. 20.435, F.S., incorporating the amendments made by this act.

Section 4. Reenacts s. 794.055, F.S., incorporating the amendments made by this act.

Section 5. Provides an effective date of July 1, 2010.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

This bill will have a positive fiscal impact on the Rape Crisis Program Trust Fund. According to the Florida Department of Law Enforcement, in 2008 there were 2,086 people convicted of the additional offenses in this bill that would require payment of the \$151 surcharge (\$1 goes to the courts). This would generate approximately \$312,900 for the Rape Crisis Program Trust Fund to fund sexual battery victims services.

#### 2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

None.

#### 2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

#### 1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

### B. RULE-MAKING AUTHORITY:

Not applicable.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES