

## HOUSE OF REPRESENTATIVES TRUST FUND RE-CREATION STAFF ANALYSIS

**BILL #:** HB 175 Rape Crisis Program Trust Fund  
**SPONSOR(S):** Murman  
**TIED BILLS:** HB 173 **IDEN./SIM. BILLS:**

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Elder Affairs &amp; Long-Term Care (Sub)</u>	<u>9 Y, 0 N</u>	<u>Meyer</u>	<u>Liem</u>
2) <u>Future of Florida's Families</u>	<u>15 Y, 0 N</u>	<u>Meyer</u>	<u>Liem</u>
3) <u>Health Services (Sub)</u>		<u>Chavis</u>	<u>Collins</u>
4) <u>Public Safety &amp; Crime Prevention</u>			
5) <u>Finance &amp; Tax</u>			
6) <u>Health Appropriations (Sub)</u>			

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### I. SUMMARY

**HB 175 creates the Sexual Assault Victim's Trust Fund. The trust fund would be used to provide sexual assault recovery services to victims of sexual assault and to their families. The bill provides for an additional assessment of court costs against any person who is found guilty, who pleads nolo contendere to, or who is found guilty regardless of adjudication of specified acts. The bill takes effect upon becoming law.**

**Historically, such fees, while assessed by the courts, have extremely low collection rates. According to the Department of Health, while it is difficult to determine how much in fees would actually be collected; it is estimated that if 100% of those convicted of s. 794.011 alone, paid into the trust fund, revenue of \$34,800 would be generated. Based on information provided by the Department of Corrections, there were 1,354 persons sentenced to prison or state supervision for s. 794.011, F.S. (sexual battery) If the additional court cost of \$151 (minus the \$1 to be retained by the clerk of the court) had been collected, \$203,100 would be available for the trust fund. Number of convictions based on the other criminal sanctions was not available at the time of the publication of this analysis.**

**Costs for the Department of Health to ensure that the funds allocated under CS/HB 173 are expended in manner that is consistent with the requirements of the bill; to require and review an audit of the non-profit statewide association; and to provide an annual report to the Legislature were not available at the time of the publication of this analysis.**

### II. SUBSTANTIVE ANALYSIS

#### A. PRESENT SITUATION:

##### 1. MAJOR STATUTES THAT CONTROL THE TRUST FUND:

Section 938.085, F.S.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

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**DATE:** March 19, 2003

2. BRIEF DESCRIPTION OF THE FUND'S USES OR PURPOSES:

The Department of Health is directed to contract with a statewide organization for allocation of the dollars in the trust fund to provide sexual assault recovery services to victims of sexual assault and their families.

3. MAJOR SOURCES OF REVENUE FOR THE FUND:

The bill provides for an assessment of court costs of \$151 against any person found guilty of sexual specified violations and provides that \$1 of the assessment to be retained by the Clerks of Court in each circuit.

4. TOTAL PROJECTED RECEIPTS INTO THE FUND AND CURRENT YEAR APPROPRIATIONS FROM THE FUND:

Historically, such fees, while assessed by the courts, have extremely low collection rates. According to the Department of Health, while it is difficult to determine how much in fees would actually be collected; it is estimated that if 100% of those convicted of s. 794.011 alone, paid into the trust fund, revenue of \$34,800 would be generated. Based on information provided by the Department of Corrections, there were 1,354 persons sentenced to prison or state supervision for s. 794.011, F.S. (sexual battery) If the additional court cost of \$151 (minus the \$1 to be retained by the clerk of the court) had been collected, \$203,100 would be available for the trust fund. Number of convictions based on the other criminal sanctions was not available at the time of the publication of this analysis.

B. EFFECT OF PROPOSED CHANGES:

HB 175 creates the Rape Crisis Program Trust Fund, to be administered by the Department of Health; provides for sources of funds and purposes; provides for review and termination or re-creation of the trust fund.

**III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

Costs for the Department of Health to ensure that the funds allocated under CS/HB 173 are expended in manner that is consistent with the requirements of the bill; to require and review an audit of the non-profit statewide association; and to provide an annual report to the Legislature were not available at the time of the publication of this analysis.

**IV. COMMENTS**

**V. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**