

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 175 Rape Crisis Trust Fund
SPONSOR(S): Murman and Others
TIED BILLS: HB 173 w/CS **IDEN./SIM. BILLS:** SB 146 (s); CS/SB 144 (c)

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Elder & Long Term Care (Sub)	9 Y, 0 N	Meyer	Liem
2) Future of Florida's Families	15 Y, 0 N	Meyer	Liem
3) Health Services (Sub)	11 Y, 0 N	Chavis	Collins
4) Health Care	19 Y, 0 N	Chavis	Collins
5) Public Safety & Crime Prevention		Maynard	De La Paz
6) Finance & Tax			
7) Transportation & Economic (Sub)			
8) Appropriations			

SUMMARY ANALYSIS

HB 175 creates the Rape Crisis Trust Fund within the Department of Health (department). 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.

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, F.S., 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 violation of 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 have been available for the trust fund.

Costs for the Department of Health to ensure that the funds allocated under 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.

The bill takes effect July 1, 2003, if HB 173 or similar legislation creating the Sexual Battery Victims' Access to Services Act is adopted in the same legislative session, or an extension thereof, and becomes law.

While updated fiscal analysis information was not provided by the Department of Health at the time of the publication of this analysis, it is estimated that the department will require 1 Coordinator of Human Services contract position, along with the requisite office equipment, computer, software, and travel activities.

The bill is inconsistent with the "tied" bill, HB 173. HB 173 authorizes the trust fund to receive money from the \$150 surcharge imposed from a court assessment of \$151 on individuals who plead guilty, or nolo contendere or are found guilty regardless of adjudication of any sanction as defined in ss. 784.011, 784.021, 784.03,

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

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784.041, 784.045, 784.048, 784.07, 784.08, 784.081, 784.082, 784.083, 784.085, or 794.011, F.S.; however, the trust fund created by this bill is only authorized to accept funds from court assessments on s. 794.011, F.S., and not the other offenses.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

For any principle that received a "no" above, please explain:

1. HB 175 creates the Sexual Assault Victim's Trust Fund. The bill requires the Department of Health (department) to promulgate a rule establishing criteria for distributing moneys collected under HB 173 or other similar legislation relating to the imposition of additional court costs for conviction or under other specified circumstances, of s. 794.011, F.S., relating to sexual battery.

B. EFFECT OF PROPOSED CHANGES:

Florida has 37 rape crisis programs. While some states fund rape crisis centers, Florida does not. In three areas, Broward County, Orlando, and Jacksonville, the local government funds stand-alone rape treatment centers. In Miami, Jackson Memorial Hospital houses a hospital-based rape treatment center. In two judicial circuits, rape crisis services are provide through the State Attorney's Office. However, 40 percent of the counties do not have a rape crisis program and rural counties are especially underserved, according to the Florida Council Against Sexual Violence.

In Florida, most rape crisis centers depend on federal money. The Department of Health currently receives approximately \$2.3 million dollars from the Federal Centers for Disease Control and Prevention (CDC) to offer programs in rape prevention and education. However, it is anticipated that Florida will likely experience more than a \$3 million cut in federal funds for victim services for the 2003/2004 grant cycle.

HB 175 creates the Rape Crisis Program Trust Fund within the Department of Health. The bill is inconsistent with the "tied" bill, HB 173. HB 173 authorizes the trust fund to receive money from the \$150 surcharge imposed on from a court assessment of \$151 on individuals who plead guilty, or nolo contendere or are found guilty regardless of adjudication of any sanction as defined in ss. 784.011, 784.021, 784.03, 784.041, 784.045, 784.048, 784.07, 784.08, 784.081, 784.082, 784.083, 784.085, or 794.011, F.S.; however, the trust fund created by this bill is only authorized to accept funds from court assessments on s. 794.011, F.S., and not the other offenses.

Historically, such fees, while assessed by the courts, have extremely low collection rates. According to the Department of Health, it is difficult to determine how much in fees would actually be collected. However, it is estimated that if 100 percent of those convicted of s. 794.011, F.S., paid into the trust fund, revenue of \$34,900 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. If the additional court cost of \$151 authorized by HB 173 (minus the \$1 to be retained by the clerk of the court) had been collected, \$203,100 would be available for the trust fund.

The bill requires the department to establish by rule criteria for distributing moneys from the trust fund. In accordance with s. 19(f)(2) of Article III of the State Constitution, the trust fund must be terminated

on July 1, 2007, unless terminated sooner. However, the bill requires that before the scheduled termination, the trust fund must be reviewed as provided in s. 215.3206(1) and (2), F.S.

The bill takes effect July 1, 2003, if HB 173 or similar legislation creating the Sexual Assault Victims' Access to Services Act is adopted in the same legislative session, or an extension thereof, and becomes law.

C. SECTION DIRECTORY:

Section 1. Creates the Rape Crisis Program Trust Fund; provides for funds credited to the trust fund to come from additional court assessments related to s. 794.011, F.S., relating to sexual battery; authorizes the Department of Health to establish by rule certain criteria; provides for State Constitution required termination of the trust fund, unless terminated sooner; and requires mandatory review of trust fund, as required by s. 215.3206(1) and (2), F.S., relating to trust fund termination and re-creation.

Section 2. Provides an effective date of July 1, 2003, if HB 173 or similar legislation creating the Sexual Assault Victims' Access to Services Act is adopted in the same legislative session, or an extension thereof, and becomes law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

According to the Department of Health, it is difficult to determine how much in fees would actually be collected. However, it is estimated that if 100 percent of those convicted of s. 794.011, F.S., paid into the trust fund, revenue of \$34,900 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. If the additional court cost of \$151 authorized by HB 173 (minus the \$1 to be retained by the clerk of the court) had been collected, \$203,100 would be available for the trust fund.

2. Expenditures:

While updated fiscal analysis information was not provided by the Department of Health at the time of the publication of this analysis, it is estimated that the department will require 1 Coordinator of Human Services contract position, along with the requisite office equipment, computer, software, and travel activities.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

For the local governments that provide funding for rape treatment centers (Broward County, Orlando, and Jacksonville), the funds distributed from the trust fund would assist in supplementing or replacing existing local government funding.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

- Updated fiscal analysis information was not provided by the Department of Health at the time of the publication of this analysis, it is estimated that the department will require a Coordinator of Human Services contract position, along with the requisite office equipment, computer, software, and travel activities.
- HB 173 w/CS authorizes the imposition of additional court assessments on a number of offenses; however HB 175 is authorized only to accept assessments only on s. 794.011, F.S.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenues.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill authorizes the Department of Health to promulgate rules to establish criteria for distributing moneys from the trust fund to rape crisis centers.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill is inconsistent with the "tied" bill, HB 173. HB 173 authorizes the trust fund to receive money from the \$150 surcharge imposed on from a court assessment of \$151 on individuals who plead guilty, or nolo contendere or are found guilty regardless of adjudication of any sanction as defined in ss. 784.011, 784.021, 784.03, 784.041, 784.045, 784.048, 784.07, 784.08, 784.081, 784.082, 784.083, 784.085, or 794.011, F.S.; however, the trust fund created by this bill is only authorized to accept funds from court assessments on s. 794.011, F.S., and not the other offenses.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES