

By the Committee on Judiciary and Senators Klein and Brown-Waite

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A bill to be entitled  
An act relating to trial testimony concerning sexual offenses; amending s. 918.16, F.S.; requiring that the court clear the courtroom at the request of a victim during his or her testimony concerning a sexual offense, regardless of the victim's age or mental capacity; providing certain exceptions; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 918.16, Florida Statutes, is amended to read:

918.16 Sex offenses; testimony of person under age 16 or person with mental retardation; testimony of victim; courtroom cleared; exceptions.--

(1) Except as provided in subsection (2),in the trial of any case, civil or criminal, when any person under the age of 16 or any person with mental retardation as defined in s. 393.063(44)~~s. 393.063(41)~~is testifying concerning any sex offense, the court shall clear the courtroom of all persons except parties to the cause and their immediate families or guardians, attorneys and their secretaries, officers of the court, jurors, newspaper reporters or broadcasters, court reporters, and at the request of the victim, victim or witness advocates designated by the state attorney's office.

(2) When the victim of a sex offense is testifying concerning that offense in any civil or criminal trial, the court shall clear the courtroom of all persons upon the request of the victim, regardless of the victim's age or

1 mental capacity, except that parties to the cause and their  
2 immediate families or guardians, attorneys and their  
3 secretaries, officers of the court, jurors, newspaper  
4 reporters or broadcasters, court reporters, and, at the  
5 request of the victim, victim or witness advocates designated  
6 by the state attorney may remain in the courtroom.

7 Section 2. This act shall take effect July 1, 1999.

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9 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
10 COMMITTEE SUBSTITUTE FOR  
11 SB 198

12 Reinstates existing statutory language inadvertently deleted  
13 regarding the presence of victim advocates or witness  
14 advocates in the courtroom during the sexual offense testimony  
of a person who is under the age of 16 years or who has mental  
retardation.