

By the Committees on Judiciary; and Criminal Justice; and  
Senator Fasano

590-04396-11

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1                                   A bill to be entitled  
2           An act relating to sexual offenses; providing a short  
3           title; amending s. 90.404, F.S.; revising offenses  
4           that are considered "child molestation" for purposes  
5           of admitting evidence of other crimes, wrongs, or acts  
6           in a criminal case involving child molestation;  
7           providing for admission of evidence of other crimes,  
8           wrongs, or acts in cases involving a sexual offense;  
9           defining the term "sexual offense"; requiring certain  
10          property or material that is used in a criminal  
11          proceeding to remain in the care, custody, and control  
12          of the law enforcement agency, the state attorney, or  
13          the court; prohibiting the reproduction of such  
14          property or material by the defendant when specified  
15          criteria are met by the state attorney; permitting  
16          access to the materials by the defendant; amending s.  
17          395.1021, F.S.; requiring a licensed facility that  
18          provides emergency room services to arrange for the  
19          gathering of forensic medical evidence required for  
20          investigation and prosecution from a victim who has  
21          reported a sexual battery to a law enforcement agency  
22          or who requests that such evidence be gathered for a  
23          possible future report; amending s. 775.15, F.S.;  
24          providing that a prosecution for video voyeurism in  
25          violation of specified provisions may, in addition to  
26          existing time periods, be commenced within 1 year  
27          after the victim of video voyeurism obtains actual  
28          knowledge of the existence of such a recording or the  
29          recording is confiscated by a law enforcement agency,

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30           whichever occurs first; providing that dissemination  
31           of a recording before such knowledge or confiscation  
32           does not affect such a time period; amending s.  
33           794.052, F.S.; requiring a law enforcement officer to  
34           provide or arrange for transportation of a victim of  
35           sexual battery to an appropriate facility for medical  
36           treatment or forensic examination; providing for a  
37           review of a police officer's final report by a victim  
38           and an opportunity for a statement by a victim;  
39           amending ss. 794.056 and 938.085, F.S.; requiring that  
40           an additional court cost or surcharge be assessed  
41           against a defendant who pleads guilty or nolo  
42           contendere to, or is found guilty of, regardless of  
43           adjudication, certain criminal offenses; providing for  
44           proceeds of the additional court cost or surcharge to  
45           be deposited into the Rape Crisis Program Trust Fund;  
46           reenacting s. 20.435(21)(a), F.S., relating to the  
47           Rape Crisis Program Trust Fund, to incorporate the  
48           amendment made to s. 794.056, F.S., in a reference  
49           thereto; reenactings. 794.055(3)(b), F.S., relating  
50           to access to services for victims of sexual battery,  
51           to incorporate the amendment made to s. 938.085, F.S.,  
52           in a reference thereto; amending s. 960.003, F.S.;  
53           providing for hepatitis testing of persons charged  
54           with certain offenses; amending s. 960.198, F.S.;  
55           authorizing relocation assistance awards to certain  
56           victims of sexual violence; amending s. 1003.42, F.S.;  
57           requiring that public schools provide comprehensive  
58           health education that addresses concepts of Internet

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59 safety; amending s. 92.55, F.S.; authorizing a court  
60 to use registered service or therapy animals to aid  
61 children in giving testimony in judicial or other  
62 proceedings involving a sexual offense when  
63 appropriate; requiring the court to consider certain  
64 factors before permitting such testimony; requiring  
65 that such registered service or therapy animals be  
66 evaluated and registered according to national  
67 standards; providing an effective date.

68  
69 Be It Enacted by the Legislature of the State of Florida:  
70

71 Section 1. This act may be cited as the "Walk in Their  
72 Shoes Act."

73 Section 2. Subsection (2) of section 90.404, Florida  
74 Statutes, is amended to read:

75 90.404 Character evidence; when admissible.—

76 (2) OTHER CRIMES, WRONGS, OR ACTS.—

77 (a) Similar fact evidence of other crimes, wrongs, or acts  
78 is admissible when relevant to prove a material fact in issue,  
79 including, but not limited to, proof of motive, opportunity,  
80 intent, preparation, plan, knowledge, identity, or absence of  
81 mistake or accident, but it is inadmissible when the evidence is  
82 relevant solely to prove bad character or propensity.

83 (b)1. In a criminal case in which the defendant is charged  
84 with a crime involving child molestation, evidence of the  
85 defendant's commission of other crimes, wrongs, or acts of child  
86 molestation is admissible, and may be considered for its bearing  
87 on any matter to which it is relevant.

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88           2. For the purposes of this paragraph, the term "child  
89 molestation" means conduct proscribed by s. 787.025(2)(c), s.  
90 794.011, excluding s. 794.011(10), s. 794.05, s. 796.03, s.  
91 796.035, s. 796.045, s. 800.04, s. 827.071, ~~or~~ s. 847.0135(5),  
92 s. 847.0145, or s. 985.701(1) when committed against a person 16  
93 years of age or younger.

94           (c)1. In a criminal case in which the defendant is charged  
95 with a sexual offense, evidence of the defendant's commission of  
96 other crimes, wrongs, or acts involving a sexual offense is  
97 admissible and may be considered for its bearing on any matter  
98 to which it is relevant.

99           2. For the purposes of this paragraph, the term "sexual  
100 offense" means conduct proscribed by s. 787.025(2)(c), s.  
101 794.011, excluding s. 794.011(10), s. 794.05, s. 796.03, s.  
102 796.035, s. 796.045, s. 825.1025(2)(b), s. 827.071, s.  
103 847.0135(5), s. 847.0145, or s. 985.701(1).

104           (d) ~~(e)~~1. When the state in a criminal action intends to  
105 offer evidence of other criminal offenses under paragraph (a),  
106 ~~or~~ paragraph (b), or paragraph (c), no fewer than 10 days before  
107 trial, the state shall furnish to the defendant or to the  
108 defendant's counsel a written statement of the acts or offenses  
109 it intends to offer, describing them with the particularity  
110 required of an indictment or information. No notice is required  
111 for evidence of offenses used for impeachment or on rebuttal.

112           2. When the evidence is admitted, the court shall, if  
113 requested, charge the jury on the limited purpose for which the  
114 evidence is received and is to be considered. After the close of  
115 the evidence, the jury shall be instructed on the limited  
116 purpose for which the evidence was received and that the

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117 defendant cannot be convicted for a charge not included in the  
118 indictment or information.

119 Section 3. Prohibition on reproduction of child  
120 pornography.—

121 (1) In a criminal proceeding, any property or material that  
122 portrays sexual performance by a child as defined in s. 827.071,  
123 Florida Statutes, or constitutes child pornography as defined in  
124 s. 847.001, Florida Statutes, must remain secured or locked in  
125 the care, custody, and control of a law enforcement agency, the  
126 state attorney, or the court.

127 (2) Notwithstanding any law or rule of court, a court shall  
128 deny, in a criminal proceeding, any request by the defendant to  
129 copy, photograph, duplicate, or otherwise reproduce any property  
130 or material that portrays sexual performance by a child or  
131 constitutes child pornography so long as the state attorney  
132 makes the property or material reasonably available to the  
133 defendant.

134 (3) For purposes of this section, property or material is  
135 deemed to be reasonably available to the defendant if the state  
136 attorney provides ample opportunity at a designated facility for  
137 the inspection, viewing, and examination of the property or  
138 material that portrays sexual performance by a child or  
139 constitutes child pornography by the defendant, his or her  
140 attorney, or any individual whom the defendant uses as an expert  
141 during the discovery process or at a court proceeding.

142 Section 4. Subsection (2) of section 395.1021, Florida  
143 Statutes, is amended to read:

144 395.1021 Treatment of sexual assault victims.—Any licensed  
145 facility which provides emergency room services shall arrange

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146 for the rendering of appropriate medical attention and treatment  
147 of victims of sexual assault through:

148 (2) The ~~administration of medical examinations, tests, and~~  
149 ~~analyses required by law enforcement personnel in the gathering~~  
150 ~~of forensic medical evidence required for investigation and~~  
151 ~~prosecution from a victim who has reported a sexual battery to a~~  
152 ~~law enforcement agency or who requests that such evidence be~~  
153 ~~gathered for a possible future report.~~

154  
155 Such licensed facility shall also arrange for the protection of  
156 the victim's anonymity while complying with the laws of this  
157 state and may encourage the victim to notify law enforcement  
158 personnel and to cooperate with them in apprehending the  
159 suspect.

160 Section 5. Subsection (17) is added to section 775.15,  
161 Florida Statutes, to read:

162 775.15 Time limitations; general time limitations;  
163 exceptions.—

164 (17) In addition to the time periods prescribed in this  
165 section, a prosecution for video voyeurism in violation of s.  
166 810.145 may be commenced within 1 year after the date on which  
167 the victim of video voyeurism obtains actual knowledge of the  
168 existence of such a recording or the date on which the recording  
169 is confiscated by a law enforcement agency, whichever occurs  
170 first. Any dissemination of such a recording before the victim  
171 obtains actual knowledge thereof or before its confiscation by a  
172 law enforcement agency does not affect any provision of this  
173 subsection.

174 Section 6. Subsection (1) of section 794.052, Florida

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175 Statutes, is amended to read:

176 794.052 Sexual battery; notification of victim's rights and  
177 services.—

178 (1) A law enforcement officer who investigates an alleged  
179 sexual battery shall:

180 (a) Assist the victim in obtaining medical treatment, if  
181 medical treatment is necessary as a result of the alleged  
182 incident, a forensic examination, and advocacy and crisis-  
183 intervention services from a certified rape crisis center and  
184 provide or arrange for transportation to the appropriate  
185 facility.

186 (b) Advise the victim that he or she may contact a  
187 certified rape crisis center from which the victim may receive  
188 services.

189 (c) Prior to submitting a final report, permit the victim  
190 to review the final report and provide a statement as to the  
191 accuracy of the final report.

192 Section 7. Section 794.056, Florida Statutes, is amended to  
193 read:

194 794.056 Rape Crisis Program Trust Fund.—

195 (1) The Rape Crisis Program Trust Fund is created within  
196 the Department of Health for the purpose of providing funds for  
197 rape crisis centers in this state. Trust fund moneys shall be  
198 used exclusively for the purpose of providing services for  
199 victims of sexual assault. Funds credited to the trust fund  
200 consist of those funds collected as an additional court  
201 assessment in each case in which a defendant pleads guilty or  
202 nolo contendere to, or is found guilty of, regardless of  
203 adjudication, an offense provided ~~defined~~ in s. 775.21(6) and

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204 (10) (a), (b), and (g), s. 784.011, s. 784.021, s. 784.03, s.  
 205 784.041, s. 784.045, s. 784.048, s. 784.07, s. 784.08, s.  
 206 784.081, s. 784.082, s. 784.083, s. 784.085, s. 787.01(3), s.  
 207 787.02(3), s. 787.025, s. 787.06, s. 787.07, ~~or~~ s. 794.011, s.  
 208 794.05, s. 794.08, s. 796.03, s. 796.035, s. 796.04, s. 796.045,  
 209 s. 796.05, s. 796.06, s. 796.07(2) (a)-(d) and (i), s. 800.03, s.  
 210 800.04, s. 810.14, s. 810.145, s. 812.135, s. 817.025, s.  
 211 825.102, s. 825.1025, s. 827.071, s. 836.10, s. 847.0133, s.  
 212 847.0135(2), s. 847.0137, s. 847.0145, s. 943.0435(4) (c), (7),  
 213 (8), (9) (a), (13), and (14) (c), or s. 985.701(1). Funds credited  
 214 to the trust fund also shall include revenues provided by law,  
 215 moneys appropriated by the Legislature, and grants from public  
 216 or private entities.

217 (2) The Department of Health shall establish by rule  
 218 criteria consistent with the provisions of s. 794.055(3) (a) for  
 219 distributing moneys from the trust fund to rape crisis centers.

220 Section 8. Section 938.085, Florida Statutes, is amended to  
 221 read:

222 938.085 Additional cost to fund rape crisis centers.—In  
 223 addition to any sanction imposed when a person pleads guilty or  
 224 nolo contendere to, or is found guilty of, regardless of  
 225 adjudication, a violation of s. 775.21(6) and (10) (a), (b), and  
 226 (g), s. 784.011, s. 784.021, s. 784.03, s. 784.041, s. 784.045,  
 227 s. 784.048, s. 784.07, s. 784.08, s. 784.081, s. 784.082, s.  
 228 784.083, s. 784.085, s. 787.01(3), s. 787.02(3), 787.025, s.  
 229 787.06, s. 787.07, ~~or~~ s. 794.011, s. 794.05, s. 794.08, s.  
 230 796.03, s. 796.035, s. 796.04, s. 796.045, s. 796.05, s. 796.06,  
 231 s. 796.07(2) (a)-(d) and (i), s. 800.03, s. 800.04, s. 810.14, s.  
 232 810.145, s. 812.135, s. 817.025, s. 825.102, s. 825.1025, s.



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233 827.071, s. 836.10, s. 847.0133, s. 847.0135(2), s. 847.0137, s.  
234 847.0145, s. 943.0435(4)(c), (7), (8), (9)(a), (13), and  
235 (14)(c), or s. 985.701(1), the court shall impose a surcharge of  
236 \$151. Payment of the surcharge shall be a condition of  
237 probation, community control, or any other court-ordered  
238 supervision. The sum of \$150 of the surcharge shall be deposited  
239 into the Rape Crisis Program Trust Fund established within the  
240 Department of Health by chapter 2003-140, Laws of Florida. The  
241 clerk of the court shall retain \$1 of each surcharge that the  
242 clerk of the court collects as a service charge of the clerk's  
243 office.

244 Section 9. For the purpose of incorporating the amendment  
245 made by this act to section 794.056, Florida Statutes, in a  
246 reference thereto, paragraph (a) of subsection (21) of section  
247 20.435, Florida Statutes, is reenacted to read:

248 20.435 Department of Health; trust funds.—The following  
249 trust funds shall be administered by the Department of Health:

250 (21) Rape Crisis Program Trust Fund.

251 (a) Funds to be credited to and uses of the trust fund  
252 shall be administered in accordance with the provisions of s.  
253 794.056.

254 Section 10. For the purpose of incorporating the amendment  
255 made by this act to section 938.085, Florida Statutes, in a  
256 reference thereto, paragraph (b) of subsection (3) of section  
257 794.055, Florida Statutes, is reenacted to read:

258 794.055 Access to services for victims of sexual battery.—

259 (3)

260 (b) Funds received under s. 938.085 shall be used to  
261 provide sexual battery recovery services to victims and their

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262 families. Funds shall be distributed to rape crisis centers  
263 based on an allocation formula that takes into account the  
264 population and rural characteristics of each county. No more  
265 than 15 percent of the funds shall be used by the statewide  
266 nonprofit association for statewide initiatives. No more than 5  
267 percent of the funds may be used by the department for  
268 administrative costs.

269 Section 11. Section 960.003, Florida Statutes, is amended  
270 to read:

271 960.003 Hepatitis and HIV testing for persons charged with  
272 or alleged by petition for delinquency to have committed certain  
273 offenses; disclosure of results to victims.-

274 (1) LEGISLATIVE INTENT.-The Legislature finds that a victim  
275 of a criminal offense which involves the transmission of body  
276 fluids, or which involves certain sexual offenses in which the  
277 victim is a minor, disabled adult, or elderly person, is  
278 entitled to know at the earliest possible opportunity whether  
279 the person charged with or alleged by petition for delinquency  
280 to have committed the offense has tested positive for hepatitis  
281 or human immunodeficiency virus (HIV) infection. The Legislature  
282 finds that to deny victims access to hepatitis and HIV test  
283 results causes unnecessary mental anguish in persons who have  
284 already suffered trauma. The Legislature further finds that  
285 since medical science now recognizes that early diagnosis is a  
286 critical factor in the treatment of hepatitis and HIV infection,  
287 both the victim and the person charged with or alleged by  
288 petition for delinquency to have committed the offense benefit  
289 from prompt disclosure of hepatitis and HIV test results.

290 (2) TESTING OF PERSON CHARGED WITH OR ALLEGED BY PETITION

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291 FOR DELINQUENCY TO HAVE COMMITTED CERTAIN OFFENSES.—

292 (a) In any case in which a person has been charged by  
293 information or indictment with or alleged by petition for  
294 delinquency to have committed any offense enumerated in s.  
295 775.0877(1)(a)-(n), which involves the transmission of body  
296 fluids from one person to another, upon request of the victim or  
297 the victim's legal guardian, or of the parent or legal guardian  
298 of the victim if the victim is a minor, the court shall order  
299 such person to undergo hepatitis and HIV testing within 48 hours  
300 after ~~of~~ the information or indictment is filed ~~court order~~. In  
301 the event the victim or, if the victim is a minor, the victim's  
302 parent or legal guardian, requests hepatitis and HIV testing  
303 after 48 hours have elapsed from the filing of the indictment or  
304 information, the testing shall be done within 48 hours after the  
305 request.

306 (b) However, when a victim of any sexual offense enumerated  
307 in s. 775.0877(1)(a)-(n) is under the age of 18 at the time the  
308 offense was committed or when a victim of any sexual offense  
309 enumerated in s. 775.0877(1)(a)-(n) or s. 825.1025 is a disabled  
310 adult or elderly person as defined in s. 825.1025 regardless of  
311 whether the offense involves the transmission of bodily fluids  
312 from one person to another, then upon the request of the victim  
313 or the victim's legal guardian, or of the parent or legal  
314 guardian, the court shall order such person to undergo hepatitis  
315 and HIV testing within 48 hours after ~~of~~ the information or  
316 indictment is filed ~~court order~~. In the event the victim or, if  
317 the victim is a minor, the victim's parent or legal guardian,  
318 requests hepatitis and HIV testing after 48 hours have elapsed  
319 from the filing of the indictment or information, the testing

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320 shall be done within 48 hours after the request. The testing  
321 shall be performed under the direction of the Department of  
322 Health in accordance with s. 381.004. The results of a hepatitis  
323 and ~~an~~ HIV test performed on a defendant or juvenile offender  
324 pursuant to this subsection shall not be admissible in any  
325 criminal or juvenile proceeding arising out of the alleged  
326 offense.

327 (c) If medically appropriate, followup HIV testing shall be  
328 provided when testing has been ordered under paragraph (a) or  
329 paragraph (b). The medical propriety of followup HIV testing  
330 shall be based upon a determination by a physician and does not  
331 require an additional court order. Notification to the victim,  
332 or to the victim's parent or legal guardian, and to the  
333 defendant of the results of each followup test shall made be as  
334 soon as practicable in accordance with this section.

335 (3) DISCLOSURE OF RESULTS.—

336 (a) The results of the test shall be disclosed no later  
337 than 2 weeks after the court receives such results, under the  
338 direction of the Department of Health, to the person charged  
339 with or alleged by petition for delinquency to have committed or  
340 to the person convicted of or adjudicated delinquent for any  
341 offense enumerated in s. 775.0877(1)(a)-(n), which involves the  
342 transmission of body fluids from one person to another, and,  
343 upon request, to the victim or the victim's legal guardian, or  
344 the parent or legal guardian of the victim if the victim is a  
345 minor, and to public health agencies pursuant to s. 775.0877. If  
346 the alleged offender is a juvenile, the test results shall also  
347 be disclosed to the parent or guardian. When the victim is a  
348 victim as described in paragraph (2)(b), the test results must

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349 also be disclosed no later than 2 weeks after the court receives  
350 such results, to the person charged with or alleged by petition  
351 for delinquency to have committed or to the person convicted of  
352 or adjudicated delinquent for any offense enumerated in s.  
353 775.0877(1)(a)-(n), or s. 825.1025 regardless of whether the  
354 offense involves the transmission of bodily fluids from one  
355 person to another, and, upon request, to the victim or the  
356 victim's legal guardian, or the parent or legal guardian of the  
357 victim, and to public health agencies pursuant to s. 775.0877.  
358 Otherwise, hepatitis and HIV test results obtained pursuant to  
359 this section are confidential and exempt from the provisions of  
360 s. 119.07(1) and s. 24(a), Art. I of the State Constitution and  
361 shall not be disclosed to any other person except as expressly  
362 authorized by law or court order.

363 (b) At the time that the results are disclosed to the  
364 victim or the victim's legal guardian, or to the parent or legal  
365 guardian of a victim if the victim is a minor, the same  
366 immediate opportunity for face-to-face counseling which must be  
367 made available under s. 381.004 to those who undergo hepatitis  
368 and HIV testing shall also be afforded to the victim or the  
369 victim's legal guardian, or to the parent or legal guardian of  
370 the victim if the victim is a minor.

371 (4) POSTCONVICTION TESTING.—If, for any reason, the testing  
372 requested under subsection (2) has not been undertaken, then  
373 upon request of the victim or the victim's legal guardian, or  
374 the parent or legal guardian of the victim if the victim is a  
375 minor, the court shall order the offender to undergo hepatitis  
376 and HIV testing following conviction or delinquency  
377 adjudication. The testing shall be performed under the direction

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378 of the Department of Health, and the results shall be disclosed  
379 in accordance with the provisions of subsection (3).

380 (5) EXCEPTIONS.—~~The provisions of~~ Subsections (2) and (4)  
381 do not apply if:

382 (a) The person charged with or convicted of or alleged by  
383 petition for delinquency to have committed or been adjudicated  
384 delinquent for an offense described in subsection (2) has  
385 undergone hepatitis and HIV testing voluntarily or pursuant to  
386 procedures established in s. 381.004(3)(h)6. or s. 951.27, or  
387 any other applicable law or rule providing for hepatitis and HIV  
388 testing of criminal defendants, inmates, or juvenile offenders,  
389 subsequent to his or her arrest, conviction, or delinquency  
390 adjudication for the offense for which he or she was charged or  
391 alleged by petition for delinquency to have committed; and

392 (b) The results of such hepatitis and HIV testing have been  
393 furnished to the victim or the victim's legal guardian, or the  
394 parent or legal guardian of the victim if the victim is a minor.

395 (6) TESTING DURING INCARCERATION, DETENTION, OR PLACEMENT;  
396 DISCLOSURE.—In any case in which a person convicted of or  
397 adjudicated delinquent for an offense described in subsection  
398 (2) has not been tested under subsection (2), but undergoes  
399 hepatitis and HIV testing during his or her incarceration,  
400 detention, or placement, the results of the initial hepatitis  
401 and HIV testing shall be disclosed in accordance with ~~the~~  
402 ~~provisions of~~ subsection (3). Except as otherwise requested by  
403 the victim or the victim's legal guardian, or the parent or  
404 guardian of the victim if the victim is a minor, if the initial  
405 test is conducted within the first year of the imprisonment,  
406 detention, or placement, the request for disclosure shall be

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407 considered a standing request for any subsequent hepatitis and  
408 HIV test results obtained within 1 year after the initial  
409 hepatitis and HIV test are performed, and need not be repeated  
410 for each test administration. Where the inmate or juvenile  
411 offender has previously been tested pursuant to subsection (2)  
412 the request for disclosure under this subsection shall be  
413 considered a standing request for subsequent hepatitis and HIV  
414 results conducted within 1 year of the test performed pursuant  
415 to subsection (2). If the hepatitis and HIV testing is performed  
416 by an agency other than the Department of Health, that agency  
417 shall be responsible for forwarding the test results to the  
418 Department of Health for disclosure in accordance with the  
419 provisions of subsection (3). This subsection shall not be  
420 limited to results of hepatitis and HIV tests administered  
421 subsequent to June 27, 1990, but shall also apply to the results  
422 of all hepatitis and HIV tests performed on inmates convicted of  
423 or juvenile offenders adjudicated delinquent for sex offenses as  
424 described in subsection (2) during their incarceration,  
425 detention, or placement prior to June 27, 1990.

426 Section 12. Section 960.198, Florida Statutes, is amended  
427 to read:

428 960.198 Relocation assistance for victims of domestic  
429 violence and sexual violence.—

430 (1) Notwithstanding the criteria set forth in s. 960.13 for  
431 crime victim compensation awards, the department may award a  
432 one-time payment of up to \$1,500 on any one claim and a lifetime  
433 maximum of \$3,000 to a victim of domestic violence who needs  
434 immediate assistance to escape from a domestic violence  
435 environment or to a victim of sexual violence who reasonably

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436 fears for her or his safety.

437 (2) In order for an award to be granted to a victim for  
438 relocation assistance:

439 (a) There must be proof that a domestic violence or sexual  
440 violence offense was committed;

441 (b) The domestic violence or sexual violence offense must  
442 be reported to the proper authorities;

443 (c) The victim's need for assistance must be certified by a  
444 certified domestic violence center or a certified rape crisis  
445 center in this state; and

446 (d) The center certification must assert that the victim is  
447 cooperating with law enforcement officials, if applicable, and  
448 must include documentation that the victim has developed a  
449 safety plan.

450 Section 13. Paragraph (n) of subsection (2) of section  
451 1003.42, Florida Statutes, is amended to read:

452 1003.42 Required instruction.—

453 (2) Members of the instructional staff of the public  
454 schools, subject to the rules of the State Board of Education  
455 and the district school board, shall teach efficiently and  
456 faithfully, using the books and materials required that meet the  
457 highest standards for professionalism and historic accuracy,  
458 following the prescribed courses of study, and employing  
459 approved methods of instruction, the following:

460 (n) Comprehensive health education that addresses concepts  
461 of community health; consumer health; environmental health;  
462 family life, including an awareness of the benefits of sexual  
463 abstinence as the expected standard and the consequences of  
464 teenage pregnancy; mental and emotional health; injury



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465 prevention and safety; Internet safety; nutrition; personal  
466 health; prevention and control of disease; and substance use and  
467 abuse. The health education curriculum for students in grades 7  
468 through 12 shall include a teen dating violence and abuse  
469 component that includes, but is not limited to, the definition  
470 of dating violence and abuse, the warning signs of dating  
471 violence and abusive behavior, the characteristics of healthy  
472 relationships, measures to prevent and stop dating violence and  
473 abuse, and community resources available to victims of dating  
474 violence and abuse.

475

476 The State Board of Education is encouraged to adopt standards  
477 and pursue assessment of the requirements of this subsection.

478 Section 14. Section 92.55, Florida Statutes, is amended to  
479 read:

480 92.55 Judicial or other proceedings involving victim or  
481 witness under the age of 16 or person with mental retardation;  
482 special protections; use of registered service or therapy  
483 animals.-

484 (1) Upon motion of any party, upon motion of a parent,  
485 guardian, attorney, or guardian ad litem for a child under the  
486 age of 16 or person with mental retardation, or upon its own  
487 motion, the court may enter any order necessary to protect a  
488 child under the age of 16 or person with mental retardation who  
489 is a victim or witness in any judicial proceeding or other  
490 official proceeding from severe emotional or mental harm due to  
491 the presence of the defendant if the child or person with mental  
492 retardation is required to testify in open court. Such orders  
493 shall relate to the taking of testimony and shall include, but

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494 not be limited to:

495 (a) Interviewing or the taking of depositions as part of a  
496 civil or criminal proceeding.

497 (b) Examination and cross-examination for the purpose of  
498 qualifying as a witness or testifying in any proceeding.

499 (c) The use of testimony taken outside of the courtroom,  
500 including proceedings under ss. 92.53 and 92.54.

501 (2) In ruling upon the motion, the court shall take into  
502 consideration:

503 (a) The age of the child, the nature of the offense or act,  
504 the relationship of the child to the parties in the case or to  
505 the defendant in a criminal action, the degree of emotional  
506 trauma that will result to the child as a consequence of the  
507 defendant's presence, and any other fact that the court deems  
508 relevant; or

509 (b) The age of the person with mental retardation, the  
510 functional capacity of the person with mental retardation, the  
511 nature of the offenses or act, the relationship of the person  
512 with mental retardation to the parties in the case or to the  
513 defendant in a criminal action, the degree of emotional trauma  
514 that will result to the person with mental retardation as a  
515 consequence of the defendant's presence, and any other fact that  
516 the court deems relevant.

517 (3) In addition to such other relief as is provided by law,  
518 the court may enter orders limiting the number of times that a  
519 child or person with mental retardation may be interviewed,  
520 prohibiting depositions of a child or person with mental  
521 retardation, requiring the submission of questions prior to  
522 examination of a child or person with mental retardation,

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523 setting the place and conditions for interviewing a child or  
524 person with mental retardation or for conducting any other  
525 proceeding, or permitting or prohibiting the attendance of any  
526 person at any proceeding. The court shall enter any order  
527 necessary to protect the rights of all parties, including the  
528 defendant in any criminal action.

529 (4) The court may set any other conditions on the taking of  
530 testimony by children which it finds just and appropriate,  
531 including the use of a registered service or therapy animal in  
532 any proceeding involving a sexual offense. When deciding whether  
533 to permit a child to testify with the assistance of a registered  
534 service or therapy animal, the court shall take into  
535 consideration the age of the child, the interests of the child,  
536 the rights of the parties to the litigation, and any other  
537 relevant factor that would aid in the facilitation of testimony  
538 by the child. Each registered service or therapy animal shall be  
539 evaluated and registered according to national standards.

540 Section 15. This act shall take effect July 1, 2011.