

By Senator Braynon

36-00896-13

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1                   A bill to be entitled  
2           An act relating to human trafficking; amending s.  
3           39.01, F.S.; revising the definition of the term  
4           "sexual abuse of a child"; amending s. 92.54, F.S.;  
5           authorizing the court to order that the testimony of a  
6           child younger than 18 years of age who is a victim or  
7           witness be taken outside the courtroom and shown by  
8           means of closed circuit television; amending s. 92.56,  
9           F.S.; authorizing the state to use a pseudonym instead  
10          of the victim's name to designate the victim of human  
11          trafficking; reenacting s. 847.01357(3), F.S.,  
12          relating to exploited children's civil remedy, to  
13          incorporate the amendment made to s. 92.56, F.S., in a  
14          reference thereto; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

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18           Section 1. Paragraph (g) of subsection (67) of section  
19           39.01, Florida Statutes, is amended to read:

20           39.01 Definitions.—When used in this chapter, unless the  
21           context otherwise requires:

22           (67) "Sexual abuse of a child" for purposes of finding a  
23           child to be dependent means one or more of the following acts:

24           (g) The sexual exploitation of a child, which includes the  
25           act of a child offering to engage in or engaging in  
26           prostitution, provided that the child is not under arrest or is  
27           not being prosecuted in a delinquency or criminal proceeding for  
28           a violation of any offense in chapter 796 based on such  
29           behavior; or allowing, encouraging, or forcing a child to:

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- 30           1. Solicit for or engage in prostitution;  
31           2. Engage in a sexual performance, as defined by chapter  
32 827; or  
33           3. Participate in the trade of sex trafficking as provided  
34 in s. 787.06(3)(g) or (h), and s. 796.035.

35           Section 2. Subsection (1) of section 92.54, Florida  
36 Statutes, is amended to read:

37           92.54 Use of closed circuit television in proceedings  
38 involving victims or witnesses younger than 18 years of age  
39 ~~under the age of 16~~ or persons with mental retardation.—

40           (1) Upon motion and hearing in camera and upon a finding  
41 that there is a substantial likelihood that the child or person  
42 with mental retardation will suffer at least moderate emotional  
43 or mental harm due to the presence of the defendant if the child  
44 or person with mental retardation is required to testify in open  
45 court, or that such victim or witness is unavailable as defined  
46 in s. 90.804(1), the trial court may order that the testimony of  
47 a child younger than 18 years of ~~under the age of 16~~ or person  
48 with mental retardation who is a victim or witness be taken  
49 outside ~~of~~ the courtroom and shown by means of closed circuit  
50 television.

51           Section 3. Subsection (3) of section 92.56, Florida  
52 Statutes, is amended to read:

53           92.56 Judicial proceedings and court records involving  
54 sexual offenses.—

55           (3) The state may use a pseudonym instead of the victim's  
56 name to designate the victim of a crime described in s.  
57 787.06(3)(g) or (h), chapter 794, or chapter 800, ~~or~~ of child  
58 abuse, aggravated child abuse, or sexual performance by a child

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59 as described in chapter 827, or any crime involving the  
60 production, possession, or promotion of child pornography as  
61 described in chapter 847, in all court records and records of  
62 court proceedings, both civil and criminal.

63 Section 4. For the purpose of incorporating the amendment  
64 made by this act to section 92.56, Florida Statutes, in a  
65 reference thereto, subsection (3) of section 847.01357, Florida  
66 Statutes, is reenacted to read:

67 847.01357 Exploited children's civil remedy.—

68 (3) Any victim who has a bona fide claim under this section  
69 shall, upon request, be provided a pseudonym, pursuant to s.  
70 92.56(3), which shall be issued and maintained by the Department  
71 of Legal Affairs for use in all legal pleadings. This identifier  
72 shall be fully recognized in all courts in this state as a valid  
73 legal identity.

74 Section 5. This act shall take effect July 1, 2013.