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1 A bill to be entitled
2 An act relating to the protection of victims and
3 witnesses; amending s. 92.55, F.S.; replacing the term
4 "sexual offense victim or witness" with "sexual
5 offense victim"; defining the term "sexual offense
6 victim"; revising the standard for orders to protect
7 certain testifying victims and witnesses; prohibiting
8 depositions of certain victims and witnesses in
9 certain proceedings without a showing of good cause;
10 authorizing the court to allow such depositions under
11 certain circumstances; revising factors to be
12 considered by a court in a motion seeking to protect a
13 victim or witness; revising provisions related to
14 available relief; requiring the court to appoint a
15 guardian ad litem or other advocate for the deponent
16 under certain circumstances; authorizing the court to
17 request the aid of an interpreter; requiring the court
18 to make specific findings of fact on the record for
19 certain orders and rulings; making technical changes;
20 creating s. 1004.343, F.S.; creating the Statewide
21 Data Repository for Anonymous Human Trafficking Data
22 at the University of South Florida; providing purposes
23 of the data repository; specifying duties of the
24 university; designating required reporting entities;
25 requiring specified information to be reported;
26 providing timeframes for reporting; providing an
27 effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:

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30
31 Section 1. Section 92.55, Florida Statutes, is amended to
32 read:

33 92.55 Judicial or other proceedings involving certain
34 victims and witnesses ~~victim or witness under the age of 18, a~~
35 ~~person who has an intellectual disability, or a sexual offense~~
36 ~~victim or witness~~; special protections; use of therapy animals
37 or facility dogs.-

38 (1) For purposes of this section, the term:

39 (a) "Facility dog" means a dog that has been trained,
40 evaluated, and certified as a facility dog pursuant to industry
41 standards and provides unobtrusive emotional support to children
42 and adults in facility settings.

43 (c) ~~(a)~~ "Sexual offense victim ~~or witness"~~ means a person
44 who was under the age of 18 when he or she was the victim of ~~or~~
45 ~~a witness to~~ a sexual offense.

46 (b) "Sexual offense" means any offense specified in s.
47 775.21(4)(a)1. or s. 943.0435(1)(h)1.a.(I).

48 (d) "Therapy animal" means an animal that has been trained,
49 evaluated, and certified as a therapy animal pursuant to
50 industry standards by an organization that certifies animals as
51 appropriate to provide animal therapy.

52 (2) Upon motion of any party; ~~or~~ upon motion of a parent,
53 guardian, attorney, guardian ad litem, or other advocate
54 appointed by the court ~~under s. 914.17~~ for a victim or witness
55 under the age of 18, a person who has an intellectual
56 disability, or a sexual offense victim; ~~or witness~~, or upon its
57 own motion, the court may enter any order necessary to protect
58 the person ~~victim or witness~~ in any judicial proceeding or other

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59 official proceeding from moderate ~~severe~~ emotional or mental
60 harm ~~due to the presence of the defendant if the victim or~~
61 ~~witness is required to testify in open court.~~ Such orders must
62 relate to the taking of testimony and include, but are not
63 limited to:

64 (a) Interviewing or the taking of depositions as part of a
65 civil or criminal proceeding.

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

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

70 (3) (a) Depositions are not allowed, except upon a showing
71 of good cause, of victims or witnesses younger than the age of
72 18, persons who have intellectual disabilities, or sexual
73 offense victims in dependency proceedings related to abuse,
74 abandonment, or neglect of children under chapter 39 or criminal
75 proceedings involving any of the following:

76 1. Any offense constituting domestic violence as defined in
77 s. 741.28.

78 2. Murder under s. 782.04.

79 3. Manslaughter under s. 782.07.

80 4. Aggravated cyberstalking under s. 784.048.

81 5. Kidnapping under s. 787.01.

82 6. False imprisonment under s. 787.02.

83 7. Human trafficking under s. 787.06.

84 8. Sexual battery under s. 794.011.

85 9. Lewd or lascivious offenses under s. 800.04 or s.
86 825.1025.

87 10. Child abuse or neglect of a child under s. 827.03.

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88 11. Use of a child in a sexual performance under s.
89 827.071.

90 12. Computer pornography under s. 847.0135 or the
91 transmission of pornography by electronic device or equipment
92 under s. 847.0137.

93 (b) Upon written motion and written findings that a
94 deposition is necessary to assist a trial, that the evidence
95 sought is not reasonably available by any other means, and that
96 the probative value of the testimony outweighs the potential
97 detriment to the person to be deposed, the court may authorize
98 the taking of a deposition and may order protections deemed
99 necessary, including those provided in this section.

100 (4)~~(3)~~ In ruling upon a the motion filed under this
101 section, the court may ~~shall~~ consider:

102 (a) The age of the victim or witness. ~~child,~~

103 (b) The nature of the offense or act.‡

104 (c) The complexity of the issues involved.

105 (d) The relationship of the victim or witness ~~child~~ to the
106 parties in the case or to the defendant in a criminal action.‡

107 (e) The degree of emotional or mental harm ~~trauma~~ that will
108 result ~~to the child~~ as a consequence of the examination,
109 interview, or testimony. ~~defendant's presence, and~~

110 (f) The functional capacity of the victim or witness if he
111 or she has an intellectual disability.

112 (g) The age of the sexual offense victim when the sexual
113 offense occurred.

114 (h) Any other fact that the court deems relevant~~‡~~

115 ~~(b) The age of the person who has an intellectual~~
116 ~~disability, the functional capacity of such person, the nature~~

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117 ~~of the offenses or act, the relationship of the person to the~~
118 ~~parties in the case or to the defendant in a criminal action,~~
119 ~~the degree of emotional trauma that will result to the person as~~
120 ~~a consequence of the defendant's presence, and any other fact~~
121 ~~that the court deems relevant; or~~

122 ~~(c) The age of the sexual offense victim or witness when~~
123 ~~the sexual offense occurred, the relationship of the sexual~~
124 ~~offense victim or witness to the parties in the case or to the~~
125 ~~defendant in a criminal action, the degree of emotional trauma~~
126 ~~that will result to the sexual offense victim or witness as a~~
127 ~~consequence of the defendant's presence, and any other fact that~~
128 ~~the court deems relevant.~~

129 ~~(5)(4)~~ In addition to such other relief provided by law,
130 the court may enter orders it deems just and appropriate for the
131 protection of limiting the number of times that a child, a
132 person who has an intellectual disability, or a sexual offense
133 victim, including limiting the number of times a victim or
134 witness may be interviewed, limiting the length and scope of a
135 deposition, requiring a deposition to be taken only by written
136 questions, requiring a deposition to be in the presence of a
137 trial judge or magistrate, sealing the tape or transcript of a
138 deposition until further order of the court, allowing use of a
139 therapy animal or facility dog ~~prohibiting depositions of the~~
140 ~~victim or witness,~~ requiring the submission of questions before
141 the examination of the victim or witness, setting the place and
142 conditions for interviewing the victim or witness or for
143 conducting any other proceeding, or permitting or prohibiting
144 the attendance of any person at any proceeding. The court shall
145 enter any order necessary to protect the rights of all parties,

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146 including the defendant in any criminal action.

147 (6) Section 794.022 applies to depositions taken pursuant
148 to this section. If a deposition is taken pursuant to this
149 section, the court must appoint a guardian ad litem or other
150 advocate pursuant to s. 914.17 to represent the deponent for the
151 purposes of the deposition if the deponent does not already have
152 counsel.

153 (7) The court, on its own motion or that of any party, may
154 request the aid of an interpreter, as provided in s. 90.606, to
155 aid the parties in formulating methods of questioning the child,
156 the person who has an intellectual disability, or the sexual
157 offense victim and in interpreting his or her answers during
158 proceedings conducted under this section.

159 (8) The court shall make specific findings of fact on the
160 record as to the basis for its orders and rulings under this
161 section.

162 ~~(5) The court may set any other conditions it finds just~~
163 ~~and appropriate when taking the testimony of a victim or witness~~
164 ~~under the age of 18, a person who has an intellectual~~
165 ~~disability, or a sexual offense victim or witness, including the~~
166 ~~use of a therapy animal or facility dog, in any proceeding~~
167 ~~involving a sexual offense or child abuse, abandonment, or~~
168 ~~neglect.~~

169 ~~(a) When deciding whether to permit a victim or witness~~
170 ~~under the age of 18, a person who has an intellectual~~
171 ~~disability, or a sexual offense victim or witness to testify~~
172 ~~with the assistance of a therapy animal or facility dog, the~~
173 ~~court shall consider the age of the child victim or witness, the~~
174 ~~age of the sexual offense victim or witness at the time the~~

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175 ~~sexual offense occurred, the interests of the child victim or~~
176 ~~witness or sexual offense victim or witness, the rights of the~~
177 ~~parties to the litigation, and any other relevant factor that~~
178 ~~would facilitate the testimony by the victim or witness under~~
179 ~~the age of 18, person who has an intellectual disability, or~~
180 ~~sexual offense victim or witness.~~

181 ~~(b) For purposes of this subsection the term:~~

182 ~~1. "Facility dog" means a dog that has been trained,~~
183 ~~evaluated, and certified as a facility dog pursuant to industry~~
184 ~~standards and provides unobtrusive emotional support to children~~
185 ~~and adults in facility settings.~~

186 ~~2. "Therapy animal" means an animal that has been trained,~~
187 ~~evaluated, and certified as a therapy animal pursuant to~~
188 ~~industry standards by an organization that certifies animals as~~
189 ~~appropriate to provide animal therapy.~~

190 Section 2. Section 1004.343, Florida Statutes, is created
191 to read:

192 1004.343 Statewide Data Repository for Anonymous Human
193 Trafficking Data.—

194 (1) There is created the Statewide Data Repository for
195 Anonymous Human Trafficking Data. The repository shall be housed
196 in and operated by the University of South Florida Trafficking
197 in Persons - Risk to Resilience Lab.

198 (a) The Statewide Data Repository for Anonymous Human
199 Trafficking Data shall:

200 1. Collect and analyze anonymous human trafficking data to
201 identify trends in human trafficking in the state over time.

202 2. Evaluate the effectiveness of various state-funded
203 initiatives to combat human trafficking to enable the state to

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204 make evidence-based decisions in funding future initiatives.

205 3. Disseminate relevant data to law enforcement agencies,
206 state agencies, and other entities to assist in combating human
207 trafficking and apprehending and prosecuting persons responsible
208 for conducting human trafficking.

209 4. Evaluate the effectiveness of interventions and services
210 provided to assist human trafficking victims.

211 (b) The University of South Florida Trafficking in Persons
212 - Risk to Resilience Lab shall:

213 1. Design, operate, maintain, and protect the integrity of
214 the Statewide Data Repository for Anonymous Human Trafficking
215 Data.

216 2. Design, in consultation with the Department of Law
217 Enforcement and other law enforcement partners, and launch a
218 user-friendly system for efficiently reporting anonymous human
219 trafficking data to the Statewide Data Repository for Anonymous
220 Human Trafficking Data at no additional cost to reporting
221 entities.

222 3. Analyze anonymous human trafficking data to identify
223 initiatives and interventions that are effective in combating
224 human trafficking, apprehending and prosecuting persons
225 responsible for conducting human trafficking, and assisting
226 human trafficking victims.

227 4. Work with law enforcement agencies and state agencies to
228 report data on human trafficking investigations and prosecutions
229 which can aid such agencies in combating human trafficking and
230 apprehending and prosecuting persons responsible for conducting
231 human trafficking.

232 (2) (a) Except as provided in paragraph (b), the following

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233 agencies and entities shall report anonymous human trafficking
234 data required under this section:

235 1. Law enforcement agencies operating with state or local
236 government tax proceeds, including, but not limited to,
237 municipal police departments, county sheriffs, and state
238 attorneys.

239 2. The Department of Law Enforcement and any other state
240 agency that holds data related to human trafficking.

241 3. Service providers and other nongovernmental
242 organizations that serve human trafficking victims and receive
243 state or federal funding for such purpose.

244 (b) A required reporting entity that submits the data
245 required under subsection (3) to the Department of Law
246 Enforcement's Uniform Crime Report system or Florida Incident-
247 Based Reporting System may, but is not required to, submit any
248 additional data to the Statewide Data Repository for Anonymous
249 Human Trafficking Data. The Department of Law Enforcement shall
250 report to the Statewide Data Repository for Anonymous Human
251 Trafficking Data, at least quarterly, the data required under
252 subsection (3) that has been reported by a required reporting
253 entity to the department.

254 (3) A required reporting entity shall submit the following
255 data to the Statewide Data Repository for Anonymous Human
256 Trafficking Data unless such entity is exempt from the reporting
257 requirement under paragraph (2) (b):

258 (a) The alleged human trafficking offense that was
259 investigated or prosecuted and a description of the alleged
260 prohibited conduct.

261 (b) The age, gender, and race or ethnicity of each suspect

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262 or defendant and victim.

263 (c) The date, time, and location of the alleged offense.

264 (d) The type of human trafficking involved, whether for
265 labor or services or commercial sexual activity.

266 (e) Any other alleged offense related to the human
267 trafficking offense that was investigated or prosecuted.

268 (f) Information regarding any victim services organization
269 or related program to which the victim was referred, if
270 available.

271 (g) The disposition of the investigation or prosecution,
272 regardless of the manner of disposition.

273 (4) (a) A required reporting entity located in a county with
274 a population of more than 500,000 must begin reporting data
275 required by this section to the Statewide Data Repository for
276 Anonymous Human Trafficking Data, or to the Department of Law
277 Enforcement as authorized under paragraph (2) (b), on or before
278 July 1, 2023, and at least quarterly each year thereafter.

279 (b) A required reporting entity located in a county with a
280 population of 500,000 or fewer must begin reporting data
281 required by this section to the Statewide Data Repository for
282 Anonymous Human Trafficking Data, or to the Department of Law
283 Enforcement as authorized under paragraph (2) (b), on or before
284 July 1, 2024, and at least biannually each year thereafter.

285 Section 3. This act shall take effect upon becoming a law.