

By Senator Book

35-01024C-23

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1 A bill to be entitled
2 An act relating to victims of criminal offenses;
3 amending s. 960.001, F.S.; providing that private
4 counsel retained by a sexual assault victim may be
5 present during victim depositions; providing that
6 results of a toxicology screening of a victim may not
7 be used to prosecute certain offenses; providing an
8 effective date.

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

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12 Section 1. Paragraph (q) of subsection (1) of section
13 960.001, Florida Statutes, is amended, and paragraph (v) is
14 added to that subsection, to read:

15 960.001 Guidelines for fair treatment of victims and
16 witnesses in the criminal justice and juvenile justice systems.—

17 (1) The Department of Legal Affairs, the state attorneys,
18 the Department of Corrections, the Department of Juvenile
19 Justice, the Florida Commission on Offender Review, the State
20 Courts Administrator and circuit court administrators, the
21 Department of Law Enforcement, and every sheriff's department,
22 police department, or other law enforcement agency as defined in
23 s. 943.10(4) shall develop and implement guidelines for the use
24 of their respective agencies, which guidelines are consistent
25 with the purposes of this act and s. 16(b), Art. I of the State
26 Constitution and are designed to implement s. 16(b), Art. I of
27 the State Constitution and to achieve the following objectives:

28 (q) *Presence of victim advocate during discovery*
29 *deposition; testimony of victim of a sexual offense.*—At the

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30 request of the victim or the victim's parent, guardian, or
31 lawful representative, private counsel retained by the victim,
32 the victim advocate designated by the state attorney's office,
33 sheriff's office, or municipal police department, or one
34 representative from a not-for-profit victim services
35 organization, including, but not limited to, rape crisis
36 centers, domestic violence advocacy groups, and alcohol abuse or
37 substance abuse groups shall be permitted to attend and be
38 present during any deposition of the victim. The victim of a
39 sexual offense shall be informed of the right to have the
40 courtroom cleared of certain persons as provided in s. 918.16
41 when the victim is testifying concerning that offense.

42 (v) Immunity from prosecution for test results from
43 victims.-The results of toxicology screening conducted in
44 conjunction with a sexual assault forensic examination or upon a
45 report of sexual violence may not be used to prosecute the
46 victim for a misdemeanor violation of chapter 893.

47 Section 2. This act shall take effect July 1, 2023.