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LEGISLATIVE ACTION

Senate

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House

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Senator Diaz moved the following:

**Senate Amendment (with title amendment)**

Delete lines 72 - 203

and insert:

offense victims in dependency proceedings related to abuse,  
abandonment, or neglect of children under chapter 39 or criminal  
proceedings involving any of the following:

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

2. Murder under s. 782.04.

3. Manslaughter under s. 782.07.



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12 4. Aggravated cyberstalking under s. 784.048.

13 5. Kidnapping under s. 787.01.

14 6. False imprisonment under s. 787.02.

15 7. Human trafficking under s. 787.06.

16 8. Sexual battery under s. 794.011.

17 9. Lewd or lascivious offenses under s. 800.04 or s.  
18 825.1025.

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

20 11. Use of a child in a sexual performance under s.  
21 827.071.

22 12. Computer pornography under s. 847.0135 or the  
23 transmission of pornography by electronic device or equipment  
24 under s. 847.0137.

25 (b) Upon written motion and written findings that a  
26 deposition is necessary to assist a trial, that the evidence  
27 sought is not reasonably available by any other means, and that  
28 the probative value of the testimony outweighs the potential  
29 detriment to the person to be deposed, the court may authorize  
30 the taking of a deposition and may order protections deemed  
31 necessary, including those provided in this section.

32 (4)~~(3)~~ In ruling upon a ~~the~~ motion filed under this  
33 section, the court may ~~shall~~ consider:

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

35 (b) The nature of the offense or act.7

36 (c) The complexity of the issues involved.

37 (d) The relationship of the victim or witness ~~child~~ to the  
38 parties in the case or to the defendant in a criminal action.7

39 (e) The degree of emotional or mental harm ~~trauma~~ that will  
40 result ~~to the child~~ as a consequence of the examination,



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41 interview, or testimony. ~~defendant's presence, and~~

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

44 (g) The age of the sexual offense victim when the sexual  
45 offense occurred.

46 (h) Any other fact that the court deems relevant;

47 ~~(b) The age of the person who has an intellectual~~  
48 ~~disability, the functional capacity of such person, the nature~~  
49 ~~of the offenses or act, the relationship of the person to the~~  
50 ~~parties in the case or to the defendant in a criminal action,~~  
51 ~~the degree of emotional trauma that will result to the person as~~  
52 ~~a consequence of the defendant's presence, and any other fact~~  
53 ~~that the court deems relevant; or~~

54 ~~(c) The age of the sexual offense victim or witness when~~  
55 ~~the sexual offense occurred, the relationship of the sexual~~  
56 ~~offense victim or witness to the parties in the case or to the~~  
57 ~~defendant in a criminal action, the degree of emotional trauma~~  
58 ~~that will result to the sexual offense victim or witness as a~~  
59 ~~consequence of the defendant's presence, and any other fact that~~  
60 ~~the court deems relevant.~~

61 (5)(4) In addition to such other relief provided by law,  
62 the court may enter orders it deems just and appropriate for the  
63 protection of limiting the number of times that a child, a  
64 person who has an intellectual disability, or a sexual offense  
65 victim, including limiting the number of times a victim or  
66 witness may be interviewed, limiting the length and scope of a  
67 deposition, requiring a deposition to be taken only by written  
68 questions, requiring a deposition to be in the presence of a  
69 trial judge or magistrate, sealing the tape or transcript of a



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70 deposition until further order of the court, allowing use of a  
71 therapy animal or facility dog ~~prohibiting depositions of the~~  
72 ~~victim or witness~~, requiring the submission of questions before  
73 the examination of the victim or witness, setting the place and  
74 conditions for interviewing the victim or witness or for  
75 conducting any other proceeding, or permitting or prohibiting  
76 the attendance of any person at any proceeding. The court shall  
77 enter any order necessary to protect the rights of all parties,  
78 including the defendant in any criminal action.

79 (6) Section 794.022 applies to depositions taken pursuant  
80 to this section. If a deposition is taken pursuant to this  
81 section, the court must appoint a guardian ad litem or other  
82 advocate pursuant to s. 914.17 to represent the deponent for the  
83 purposes of the deposition if the deponent does not already have  
84 counsel.

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

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

94 ~~(5) The court may set any other conditions it finds just~~  
95 ~~and appropriate when taking the testimony of a victim or witness~~  
96 ~~under the age of 18, a person who has an intellectual~~  
97 ~~disability, or a sexual offense victim or witness, including the~~  
98 ~~use of a therapy animal or facility dog, in any proceeding~~



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99 ~~involving a sexual offense or child abuse, abandonment, or~~  
100 ~~neglect.~~

101 ~~(a) When deciding whether to permit a victim or witness~~  
102 ~~under the age of 18, a person who has an intellectual~~  
103 ~~disability, or a sexual offense victim or witness to testify~~  
104 ~~with the assistance of a therapy animal or facility dog, the~~  
105 ~~court shall consider the age of the child victim or witness, the~~  
106 ~~age of the sexual offense victim or witness at the time the~~  
107 ~~sexual offense occurred, the interests of the child victim or~~  
108 ~~witness or sexual offense victim or witness, the rights of the~~  
109 ~~parties to the litigation, and any other relevant factor that~~  
110 ~~would facilitate the testimony by the victim or witness under~~  
111 ~~the age of 18, person who has an intellectual disability, or~~  
112 ~~sexual offense victim or witness.~~

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

114 ~~1. "Facility dog" means a dog that has been trained,~~  
115 ~~evaluated, and certified as a facility dog pursuant to industry~~  
116 ~~standards and provides unobtrusive emotional support to children~~  
117 ~~and adults in facility settings.~~

118 ~~2. "Therapy animal" means an animal that has been trained,~~  
119 ~~evaluated, and certified as a therapy animal pursuant to~~  
120 ~~industry standards by an organization that certifies animals as~~  
121 ~~appropriate to provide animal therapy.~~

122 Section 2. Section 1004.343, Florida Statutes, is created  
123 to read:

124 1004.343 Statewide Data Repository for Anonymous Human  
125 Trafficking Data.—

126 (1) There is created the Statewide Data Repository for  
127 Anonymous Human Trafficking Data. The repository shall be housed



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128 in and operated by the University of South Florida Trafficking  
129 in Persons - Risk to Resilience Lab.

130 (a) The Statewide Data Repository for Anonymous Human  
131 Trafficking Data shall:

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

134 2. Evaluate the effectiveness of various state-funded  
135 initiatives to combat human trafficking to enable the state to  
136 make evidence-based decisions in funding future initiatives.

137 3. Disseminate relevant data to law enforcement agencies,  
138 state agencies, and other entities to assist in combating human  
139 trafficking and apprehending and prosecuting persons responsible  
140 for conducting human trafficking.

141 4. Evaluate the effectiveness of interventions and services  
142 provided to assist human trafficking victims.

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

145 1. Design, operate, maintain, and protect the integrity of  
146 the Statewide Data Repository for Anonymous Human Trafficking  
147 Data.

148 2. Design, in consultation with the Department of Law  
149 Enforcement and other law enforcement partners, and launch a  
150 user-friendly system for efficiently reporting anonymous human  
151 trafficking data to the Statewide Data Repository for Anonymous  
152 Human Trafficking Data at no additional cost to reporting  
153 entities.

154 3. Analyze anonymous human trafficking data to identify  
155 initiatives and interventions that are effective in combating  
156 human trafficking, apprehending and prosecuting persons



157 responsible for conducting human trafficking, and assisting  
158 human trafficking victims.

159 4. Work with law enforcement agencies and state agencies to  
160 report data on human trafficking investigations and prosecutions  
161 which can aid such agencies in combating human trafficking and  
162 apprehending and prosecuting persons responsible for conducting  
163 human trafficking.

164 (2) (a) Except as provided in paragraph (b), the following  
165 agencies and entities shall report anonymous human trafficking  
166 data required under this section:

167 1. Law enforcement agencies operating with state or local  
168 government tax proceeds, including, but not limited to,  
169 municipal police departments, county sheriffs, and state  
170 attorneys.

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

173 3. Service providers and other nongovernmental  
174 organizations that serve human trafficking victims and receive  
175 state or federal funding for such purpose.

176 (b) A required reporting entity that submits the data  
177 required under subsection (3) to the Department of Law  
178 Enforcement's Uniform Crime Report system or Florida Incident-  
179 Based Reporting System may, but is not required to, submit any  
180 additional data to the Statewide Data Repository for Anonymous  
181 Human Trafficking Data. The Department of Law Enforcement shall  
182 report to the Statewide Data Repository for Anonymous Human  
183 Trafficking Data, at least quarterly, the data required under  
184 subsection (3) that has been reported by a required reporting  
185 entity to the department.



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186 (3) A required reporting entity shall submit the following  
187 data to the Statewide Data Repository for Anonymous Human  
188 Trafficking Data unless such entity is exempt from the reporting  
189 requirement under paragraph (2) (b):

190 (a) The alleged human trafficking offense that was  
191 investigated or prosecuted and a description of the alleged  
192 prohibited conduct.

193 (b) The age, gender, and race or ethnicity of each suspect  
194 or defendant and victim.

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

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

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

200 (f) Information regarding any victim services organization  
201 or related program to which the victim was referred, if  
202 available.

203 (g) The disposition of the investigation or prosecution,  
204 regardless of the manner of disposition.

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

211 (b) A required reporting entity located in a county with a  
212 population of 500,000 or fewer must begin reporting data  
213 required by this section to the Statewide Data Repository for  
214 Anonymous Human Trafficking Data, or to the Department of Law





215 Enforcement as authorized under paragraph (2)(b), on or before  
216 July 1, 2024, and at least biannually each year thereafter.

217  
218 ===== T I T L E A M E N D M E N T =====

219 And the title is amended as follows:

220       Delete lines 20 - 25

221 and insert:

222       creating s. 1004.343, F.S.; creating the Statewide  
223       Data Repository for Anonymous Human Trafficking Data  
224       at the University of South Florida; providing purposes  
225       of the data repository; specifying duties of the  
226       university; designating required reporting entities;  
227       requiring specified information to be reported;  
228       providing timeframes for reporting; providing an  
229       effective