



259752

LEGISLATIVE ACTION

Senate

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House

The Committee on Rules (Burgess) recommended the following:

Senate Amendment (with title amendment)

Before line 12

insert:

Section 1. Subsection (6) is added to section 92.55,
Florida Statutes, to read:

92.55 Judicial or other proceedings involving victim or
witness under the age of 18, a person who has an intellectual
disability, or a sexual offense victim or witness; special
protections; use of therapy animals or facility dogs.—

(6) (a) Absent a showing of good cause, the defendant in a



259752

12 criminal action, or his or her representative, may not take the
13 deposition of:

14 1. A victim in a sexual offense case who is under the age
15 of 18.

16 2. Any victim who has an intellectual disability.

17 (b) Upon written motion by a defendant in a criminal
18 action, or his or her representative, that a deposition is
19 necessary to assist at a criminal trial, that the evidence
20 sought is not reasonably available by any other means, and that
21 the probative value of the testimony outweighs any potential
22 harm to the person to be deposed, the court may authorize the
23 taking of a deposition and may order any protections deemed
24 necessary, including those provided in this section.

25 (c) In ruling upon a motion filed under paragraph (b), the
26 court may consider:

27 1. The mental and physical age and maturity of the victim.

28 2. The nature and duration of the offense.

29 3. The relationship of the victim to the defendant.

30 4. The complexity of the issues involved.

31 5. Whether the victim would suffer moderate psychological
32 harm as a consequence of being compelled to testify at a
33 deposition.

34 6. The functional capacity of the victim if he or she has
35 an intellectual disability.

36 7. The willingness of the victim to be deposed.

37 8. Any other fact that the court deems relevant.

38 (d) The court shall make specific written findings of fact,
39 on the record, as to the basis for its ruling under this
40 subsection.



259752

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

And the title is amended as follows:

Delete lines 2 - 3

and insert:

An act relating to victims of crime; amending s.
92.55, F.S.; prohibiting the deposition of specified
victims in a criminal proceeding without a showing of
good cause; providing for factors to be considered
concerning such motions; requiring written findings on
such motions; amending s. 960.001, F.S.;