



466338

LEGISLATIVE ACTION

Senate

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House

The Committee on Criminal Justice (Burgess) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and 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.-



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11 (6) (a) Absent a showing of good cause, the defendant in a
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 person 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 or witness.

29 2. The nature and duration of the offense.

30 3. The relationship of the victim or witness to the
31 defendant.

32 4. The complexity of the issues involved.

33 5. Whether the victim or witness would suffer moderate
34 psychological harm as a consequence of being compelled to
35 testify at a deposition.

36 6. The functional capacity of the victim or witness if he
37 or she has an intellectual disability.

38 7. The willingness of the victim or witness to be deposed.

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



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

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

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

46 And the title is amended as follows:

47 Delete everything before the enacting clause
48 and insert:

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 A bill to be entitled

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 An act relating to depositions of witnesses in

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 criminal proceedings; amending s. 92.55, F.S.;

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 prohibiting the deposition of specified victims and

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 witnesses in a criminal proceeding without a showing

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 of good cause; providing for motions to depose

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 witnesses; providing for factors to be considered

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 concerning such motions; requiring written findings on

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 such motions; providing an effective date.