

By Senator Turner

36-1305-98

See HB

1 A bill to be entitled
2 An act relating to the Florida Evidence Code;
3 amending s. 90.612, F.S., relating to mode and
4 order of interrogation of witnesses and
5 presentation of evidence; providing for the
6 court to protect a witness under 14 years of
7 age from undue harassment or embarrassment;
8 providing for the court to ensure that
9 questions are stated in a form appropriate to
10 the witness's age and understanding and to
11 forbid certain questions upon objection by a
12 party; providing an effective date.

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

16 Section 1. Subsection (1) of section 90.612, Florida
17 Statutes, is amended to read:

18 90.612 Mode and order of interrogation and
19 presentation.--

20 (1) The judge shall exercise reasonable control over
21 the mode and order of the interrogation of witnesses and the
22 presentation of evidence, so as to:

23 (a) Facilitate, through effective interrogation and
24 presentation, the discovery of the truth.

25 (b) Avoid needless consumption of time.

26 (c) Protect witnesses from harassment or undue
27 embarrassment.

28 (d) Take special care to protect a witness under 14
29 years of age from undue harassment or embarrassment and to
30 restrict the unnecessary repetition of questions. The court
31 shall also take special care to ensure questions are stated in

1 a form which is appropriate to the age and understanding of
2 the witness. In the interests of justice, the court may, on
3 objection by a party, forbid the asking of a question which is
4 in a form that is not reasonably likely to be understood by a
5 person of the age and understanding of the witness.

6 Section 2. This act shall take effect July 1 of the
7 year in which enacted.

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HOUSE SUMMARY

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12 Provides for the court to protect a witness under 14
13 years of age from undue harassment or embarrassment.
14 Provides for the court to ensure that questions are
stated in a form appropriate to the witness's age and
understanding and to forbid certain questions, upon
objection by a party.

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