

By the Committee on Judiciary and Senator Turner

308-2232-98

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 that questions are

1 stated in a form that is appropriate to the age and
2 understanding of the witness. In the interests of justice, the
3 court may, for good cause, forbid the asking of a question
4 that is in a form that is not reasonably likely to be
5 understood by a person of the age and understanding of the
6 witness. This paragraph does not apply to situations in which
7 a witness under the age of 14 is a criminal defendant being
8 tried as an adult.

9 Section 2. This act shall take effect July 1, 1998.

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11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
12 COMMITTEE SUBSTITUTE FOR
13 Senate Bill 1538

14 The Committee Substitute for Senate Bill 1538 provides that
15 the bill does not apply to a witness under 14 years of age who
16 is a criminal defendant being tried as an adult.
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