

By Senator Saunders

25-360-00

1                                   A bill to be entitled  
2           An act relating to witnesses; amending s.  
3           90.612, F.S.; requiring a judge to protect a  
4           witness under a specific age from undue  
5           harassment or embarrassment during  
6           interrogation and to restrict unnecessary  
7           repetition of questions; requiring that  
8           questions be stated in a form appropriate to  
9           the age and understanding of the witness;  
10          authorizing a court to forbid questions that  
11          are not in a form reasonably understood;  
12          providing an effective date.

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

16           Section 1. Section 90.612, Florida Statutes, is  
17 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 age  
29 14 from undue harassment or embarrassment and to restrict the  
30 unnecessary repetition of questions. The court shall also take  
31 special care to ensure that the questions are stated in a form

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

6 (2) Cross-examination of a witness is limited to the  
7 subject matter of the direct examination and matters affecting  
8 the credibility of the witness. The court may, in its  
9 discretion, permit inquiry into additional matters.

10 (3) Leading questions should not be used on the direct  
11 examination of a witness except as may be necessary to develop  
12 the witness's testimony. Ordinarily, leading questions should  
13 be permitted on cross-examination. When a party calls a  
14 hostile witness, an adverse party, or a witness identified  
15 with an adverse party, interrogation may be by leading  
16 questions.

17 Section 2. This act shall take effect July 1, 2000.

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20 SENATE SUMMARY

21 Requires a judge to protect a witness under age 14 from  
22 undue harassment or embarrassment during interrogation  
23 and to restrict unnecessary repetition of questions.  
24 Requires that questions be stated in a form appropriate  
25 to the age and understanding of the witness. Authorizes a  
26 court to forbid questions that are not in a form  
27 reasonably understood.  
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