

1 A bill to be entitled
2 An act relating to witnesses; amending s.
3 90.502, F.S.; providing that a discussion or
4 activity that is not a meeting for purposes of
5 s. 286.011, F.S., does not waive the
6 attorney-client privilege; amending s. 90.612,
7 F.S.; requiring a judge to protect a witness
8 under a specific age during interrogation and
9 to restrict unnecessary repetition of
10 questions; requiring that questions be stated
11 in a form appropriate to the age and
12 understanding of the witness; providing an
13 effective date.

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

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17 Section 1. Subsection (6) is added to section 90.502,
18 Florida Statutes, to read:

19 90.502 Lawyer-client privilege.--

20 (6) A discussion or activity that is not a meeting for
21 purposes of s. 286.011 shall not be construed to waive the
22 attorney-client privilege established in this section. This
23 shall not be construed to constitute an exemption to either s.
24 119.07 or s. 286.011.25 Section 2. Section 90.612, Florida Statutes, is
26 amended to read:27 90.612 Mode and order of interrogation and
28 presentation.--29 (1) The judge shall exercise reasonable control over
30 the mode and order of the interrogation of witnesses and the
31 presentation of evidence, so as to:

1 (a) Facilitate, through effective interrogation and
2 presentation, the discovery of the truth.

3 (b) Avoid needless consumption of time.

4 (c) Protect witnesses from harassment or undue
5 embarrassment.

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.

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18 The judge shall take special care to protect a witness under
19 age 14 from questions that are in a form that cannot
20 reasonably be understood by a person of the age and
21 understanding of the witness, and shall take special care to
22 restrict the unnecessary repetition of questions.

23 Section 3. This act shall take effect July 1, 2000.
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