

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Seiler and Farkas offered the following:

**Substitute Amendment for Amendment (815133) (with title amendment)**

On page 1, between lines 12 and 13, of the bill

insert:

Section 1. Subsection (11) is added to section 794.011, Florida Statutes, to read:

794.011 Sexual battery.--

(11) When mental defect or mental incapacity of the victim is in issue, an expert witness who is licensed pursuant to chapter 490 or chapter 458, may be utilized to testify to such issue.

Section 2. Paragraph (b) of subsection (1) of section 458.303, Florida Statutes, is amended to read:

458.303 Provisions not applicable to other practitioners; exceptions, etc.--

(1) The provisions of ss. 458.301, 458.303, 458.305, 458.307, 458.309, 458.311, 458.313, 458.315, 458.317, 458.319, 458.321, 458.327, 458.329, 458.331, 458.337, 458.339, 458.341,

Amendment No. \_\_\_\_ (for drafter's use only)

1 458.343, 458.345, and 458.347 shall have no application to:

2 (b) Any physician lawfully licensed in another state  
3 or territory or foreign country, when meeting duly licensed  
4 physicians of this state in consultation or when testifying or  
5 preparing to testify as a witness in any civil or criminal  
6 case, provide that such physician may not perform any medical  
7 procedure on or render treatment to the patient.

8 Section 3. Paragraph (b) of subsection (1) of section  
9 459.002, Florida Statutes, is amended to read:

10 459.002 Chapter not applicable to practice of  
11 medicine, surgery, chiropractic medicine, etc.--

12 (1) The provisions of this chapter shall have no  
13 application to:

14 (b) Any physician lawfully licensed in another state  
15 or territory or foreign country when meeting duly licensed  
16 physicians of this state in consultation or when testifying or  
17 preparing to testify as a witness in any civil or criminal  
18 case, provide that such physician may not perform any medical  
19 procedure on or render treatment to the patient.

20 Section 4. Paragraph (g) is added to subsection (2) of  
21 section 490.014, Florida Statutes, to read:

22 490.014 Exemptions.--

23 (2) No person shall be required to be licensed or  
24 provisionally licensed under this chapter who:

25 (g) Is lawfully licensed or certified by a state or  
26 territory of the United States, or by a foreign country or  
27 province and examines, evaluates, interviews, tests, or  
28 diagnoses a person solely for the purpose of testifying or  
29 preparing to testify as an expert witness in any civil or  
30 criminal case.

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Amendment No. \_\_\_\_ (for drafter's use only)

1 ===== T I T L E A M E N D M E N T =====  
2 And the title is amended as follows:  
3       On page 1, line 3 after "offenses;"  
4 remove:  
5  
6 and insert:  
7       amending s. 794.011, providing for use of  
8       expert witnesses; amending ss. 458.303,  
9       459.002, and 490.014, F.S.; providing for use  
10      of expert witnesses;  
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