

1                                   A bill to be entitled  
 2       An act relating to discovery depositions; creating s.  
 3       914.29, F.S.; providing that a discovery deposition may  
 4       not be taken in a case in which the defendant is charged  
 5       only with a felony of the third degree, a misdemeanor, or  
 6       a criminal traffic offense when all other discovery  
 7       provided by law has been completed; providing for an  
 8       exception for good cause; requiring the trial court to  
 9       consider certain factors before allowing the discovery  
 10      deposition; providing that the prohibition against taking  
 11      a discovery deposition does not apply under a specified  
 12      circumstance; repealing Rule 3.220(h)(1)(D), Florida Rules  
 13      of Criminal Procedure, relating to discovery depositions  
 14      for misdemeanors; providing an effective date.

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

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 18       Section 1.   Section 914.29, Florida Statutes, is created to  
 19 read:

20       914.29 Discovery depositions; limitations.--

21       (1) A discovery deposition may not be taken in a case in  
 22 which the defendant is charged only with a felony of the third  
 23 degree, a misdemeanor, or a criminal traffic offense when all  
 24 other discovery provided by law has been complied with unless  
 25 good cause can be shown to the trial court.

26       (2) In determining whether to allow a discovery  
 27 deposition, the court must consider the consequences to the  
 28 defendant, the complexity of the issues involved, the complexity

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29 of the witness' testimony, and the other opportunities available  
30 to the defendant to discover the information sought by the  
31 discovery deposition.

32 (3) The prohibition against taking a discovery deposition  
33 does not apply if, following the furnishing of discovery by the  
34 defendant, the state takes the statement of a listed defense  
35 witness under s. 27.04.

36 Section 2. Rule 3.220(h)(1)(D), Florida Rules of Criminal  
37 Procedure, is repealed to the extent that it is inconsistent  
38 with this act.

39 Section 3. This act shall take effect October 1, 2008,  
40 except that section 2 of this act shall take effect only if this  
41 act is enacted by a two-thirds vote of the membership of each  
42 house of the Legislature.