

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37 Procedure, is repealed to the extent that it is inconsistent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, 2009,
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.