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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2011	.	
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The Committee on Judiciary (Richter) recommended the following:

Senate Amendment (with title amendment)

Between lines 469 and 470

insert:

Section 14. Section 92.55, Florida Statutes, is amended to read:

92.55 Judicial or other proceedings involving victim or witness under the age of 16 or person with mental retardation; special protections; use of registered service or therapy animals.—

(1) Upon motion of any party, upon motion of a parent, guardian, attorney, or guardian ad litem for a child under the age of 16 or person with mental retardation, or upon its own



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14 motion, the court may enter any order necessary to protect a
15 child under the age of 16 or person with mental retardation who
16 is a victim or witness in any judicial proceeding or other
17 official proceeding from severe emotional or mental harm due to
18 the presence of the defendant if the child or person with mental
19 retardation is required to testify in open court. Such orders
20 shall relate to the taking of testimony and shall include, but
21 not be limited to:

22 (a) Interviewing or the taking of depositions as part of a
23 civil or criminal proceeding.

24 (b) Examination and cross-examination for the purpose of
25 qualifying as a witness or testifying in any proceeding.

26 (c) The use of testimony taken outside of the courtroom,
27 including proceedings under ss. 92.53 and 92.54.

28 (2) In ruling upon the motion, the court shall take into
29 consideration:

30 (a) The age of the child, the nature of the offense or act,
31 the relationship of the child to the parties in the case or to
32 the defendant in a criminal action, the degree of emotional
33 trauma that will result to the child as a consequence of the
34 defendant's presence, and any other fact that the court deems
35 relevant; or

36 (b) The age of the person with mental retardation, the
37 functional capacity of the person with mental retardation, the
38 nature of the offenses or act, the relationship of the person
39 with mental retardation to the parties in the case or to the
40 defendant in a criminal action, the degree of emotional trauma
41 that will result to the person with mental retardation as a
42 consequence of the defendant's presence, and any other fact that



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43 the court deems relevant.

44 (3) In addition to such other relief as is provided by law,
45 the court may enter orders limiting the number of times that a
46 child or person with mental retardation may be interviewed,
47 prohibiting depositions of a child or person with mental
48 retardation, requiring the submission of questions prior to
49 examination of a child or person with mental retardation,
50 setting the place and conditions for interviewing a child or
51 person with mental retardation or for conducting any other
52 proceeding, or permitting or prohibiting the attendance of any
53 person at any proceeding. The court shall enter any order
54 necessary to protect the rights of all parties, including the
55 defendant in any criminal action.

56 (4) The court may set any other conditions on the taking of
57 testimony by children which it finds just and appropriate,
58 including the use of a registered service or therapy animal.
59 When deciding whether to permit a child to testify with the
60 assistance of a registered service or therapy animal, the court
61 shall take into consideration the age of the child, the
62 interests of the child, the rights of the parties to the
63 litigation, and any other relevant factor that would aid in the
64 facilitation of testimony by the child. Each registered service
65 or therapy animal shall be evaluated and registered according to
66 national standards.

67
68 ===== T I T L E A M E N D M E N T =====

69 And the title is amended as follows:

70
71 Delete line 59



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72 and insert:

73 safety; amending s. 92.55, F.S.; authorizing a court
74 to use registered service or therapy animals to aid
75 children in giving testimony in legal proceedings when
76 appropriate; requiring the court to consider certain
77 factors before permitting such testimony; requiring
78 that such registered service or therapy animals be
79 evaluated and registered according to national
80 standards; providing an effective date.