



191518

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/22/2017	.	
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The Committee on Judiciary (Montford) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 92.55, Florida Statutes, is amended to
read:

92.55 Judicial or other proceedings involving victim or
witness under ~~the age of 18~~ years of age, a person who has an
intellectual disability, or a sexual offense victim or witness;
special protections; use of ~~registered service or~~ therapy
animals or facility dogs.-



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12 (1) For purposes of this section, the term:

13 (a) "Sexual offense victim or witness" means a person who
14 was under the age of 18 when he or she was the victim of or a
15 witness to a sexual offense.

16 (b) "Sexual offense" means any offense specified in s.
17 775.21(4)(a)1. or s. 943.0435(1)(h)1.a.(I).

18 (2) Upon motion of any party, upon motion of a parent,
19 guardian, attorney, guardian ad litem, or other advocate
20 appointed by the court under s. 914.17 for a victim or witness
21 under the age of 18, a person who has an intellectual
22 disability, or a sexual offense victim or witness, or upon its
23 own motion, the court may enter any order necessary to protect
24 the victim or witness in any judicial proceeding or other
25 official proceeding from severe emotional or mental harm due to
26 the presence of the defendant if the victim or witness is
27 required to testify in open court. Such orders must relate to
28 the taking of testimony and include, but are not limited to:

29 (a) Interviewing or the taking of depositions as part of a
30 civil or criminal proceeding.

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

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

35 (3) In ruling upon the motion, the court shall consider:

36 (a) The age of the child, the nature of the offense or act,
37 the relationship of the child to the parties in the case or to
38 the defendant in a criminal action, the degree of emotional
39 trauma that will result to the child as a consequence of the
40 defendant's presence, and any other fact that the court deems



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41 relevant;

42 (b) The age of the person who has an intellectual
43 disability, the functional capacity of such person, the nature
44 of the offenses or act, the relationship of the person to the
45 parties in the case or to the defendant in a criminal action,
46 the degree of emotional trauma that will result to the person as
47 a consequence of the defendant's presence, and any other fact
48 that the court deems relevant; or

49 (c) The age of the sexual offense victim or witness when
50 the sexual offense occurred, the relationship of the sexual
51 offense victim or witness to the parties in the case or to the
52 defendant in a criminal action, the degree of emotional trauma
53 that will result to the sexual offense victim or witness as a
54 consequence of the defendant's presence, and any other fact that
55 the court deems relevant.

56 (4) In addition to such other relief provided by law, the
57 court may enter orders limiting the number of times that a
58 child, a person who has an intellectual disability, or a sexual
59 offense victim or witness may be interviewed, prohibiting
60 depositions of the victim or witness, requiring the submission
61 of questions before the examination of the victim or witness,
62 setting the place and conditions for interviewing the victim or
63 witness or for conducting any other proceeding, or permitting or
64 prohibiting the attendance of any person at any proceeding. The
65 court shall enter any order necessary to protect the rights of
66 all parties, including the defendant in any criminal action.

67 (5) The court may set any other conditions it finds just
68 and appropriate when taking the testimony of a ~~child~~ victim or
69 witness under 18 years of age, a person who has an intellectual



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70 disability, or a sexual offense victim or witness, including the
71 use of a ~~service or~~ therapy animal or facility dog ~~that has been~~
72 ~~evaluated and registered according to national standards,~~ in any
73 proceeding involving a sexual offense or child abuse,
74 abandonment, or neglect.

75 (a) When deciding whether to allow ~~permit~~ a ~~child~~ victim or
76 witness under 18 years of age, a person who has an intellectual
77 disability, or a sexual offense victim or witness to testify
78 with the assistance of a ~~registered service or~~ therapy animal,
79 or facility dog, the court shall consider the age of the ~~child~~
80 victim or witness under 18 years of age, the age of the sexual
81 offense victim or witness at the time the sexual offense
82 occurred, the interests of the ~~child~~ victim or witness under 18
83 years of age or the sexual offense victim or witness, the rights
84 of the parties to the litigation, and any other relevant factor
85 that would facilitate the testimony by the ~~child~~ victim or
86 witness under 18 years of age, a person who has an intellectual
87 disability, or a sexual offense victim or witness.

88 (b) For purpose of this section, the term:

89 1. "Facility dog" means a dog that has been trained,
90 evaluated, and certified as a facility dog pursuant to industry
91 standards and provides unobtrusive emotional support to children
92 and adults in facility settings.

93 2. "Therapy animal" means an animal that has been trained,
94 evaluated, and certified as a therapy animal pursuant to
95 industry standards by an organization that certifies animals as
96 appropriate to provide animal therapy.

97 Section 2. This act shall take effect July 1, 2017.
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99 ===== T I T L E A M E N D M E N T =====

100 And the title is amended as follows:

101 Delete everything before the enacting clause

102 and insert:

103 A bill to be entitled

104 An act relating to use of animals in proceedings
105 involving minors; amending s. 92.55, F.S.; specifying
106 that the court may allow the use of therapy animals or
107 facility dogs in certain proceedings; allowing certain
108 animals to be used when taking the testimony of a
109 person who has an intellectual disability; removing
110 the requirement that certain animals be registered;
111 defining terms; providing an effective date.