

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Yarkosky offered the following:

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3 **Amendment (with title amendment)**

4 Between lines 11 and 12, insert:

5 Section 1. Subsection (6) is added to section 92.55,  
6 Florida Statutes, to read:

7 92.55 Judicial or other proceedings involving victim or  
8 witness under the age of 18, a person who has an intellectual  
9 disability, or a sexual offense victim or witness; special  
10 protections; use of therapy animals or facility dogs.—

11 (6) (a) Absent a showing of good cause, the defendant in a  
12 criminal action, or his or her representative, may not take the  
13 deposition of:

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14 1. A victim in a sexual offense case who is under the age  
15 of 18.

16 2. Any victim who has an intellectual disability.

17 (b) Upon written motion by a defendant in a criminal  
18 action, or his or her representative, that a deposition is  
19 necessary to assist at a criminal trial, that the evidence  
20 sought is not reasonably available by any other means, and that  
21 the probative value of the testimony outweighs any potential  
22 harm to the person to be deposed, the court may authorize the  
23 taking of a deposition and may order any protections deemed  
24 necessary, including those provided in this section.

25 (c) In ruling upon a motion filed under paragraph (b), the  
26 court may consider:

27 1. The mental and physical age and maturity of the victim.

28 2. The nature and duration of the offense.

29 3. The relationship of the victim to the defendant.

30 4. The complexity of the issues involved.

31 5. Whether the victim would suffer moderate psychological  
32 harm as a consequence of being compelled to testify at a  
33 deposition.

34 6. The functional capacity of the victim if he or she has  
35 an intellectual disability.

36 7. The willingness of the victim to be deposed.

37 8. Any other fact that the court deems relevant.

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38           (d) The court shall make specific written findings of  
39 fact, on the record, as to the basis for its ruling under this  
40 subsection.

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**T I T L E   A M E N D M E N T**

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Remove lines 2-3 and insert:

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An act relating to victims of crime; amending s. 92.55,

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F.S.; prohibiting the deposition of specified victims in a

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criminal proceeding without a showing of good cause;

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providing for factors to be considered in determining good

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cause; requiring written findings; amending s. 960.001,

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F.S.;

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