

By the Committee on Judiciary; and Senators Montford and Book

590-01956-17

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1 A bill to be entitled
2 An act relating to use of animals in proceedings
3 involving minors; amending s. 92.55, F.S.; specifying
4 that the court may allow the use of therapy animals or
5 facility dogs in certain proceedings; allowing certain
6 animals to be used when taking the testimony of a
7 person who has an intellectual disability; removing
8 the requirement that certain animals be registered;
9 defining terms; providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

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

15 92.55 Judicial or other proceedings involving victim or
16 witness under ~~the age of 18~~ years of age, a person who has an
17 intellectual disability, or a sexual offense victim or witness;
18 special protections; use of ~~registered service or~~ therapy
19 animals or facility dogs.—

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

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

24 (b) "Sexual offense" means any offense specified in s.
25 775.21(4)(a)1. or s. 943.0435(1)(h)1.a.(I).

26 (2) Upon motion of any party, upon motion of a parent,
27 guardian, attorney, guardian ad litem, or other advocate
28 appointed by the court under s. 914.17 for a victim or witness
29 under the age of 18, a person who has an intellectual

590-01956-17

2017416c1

30 disability, or a sexual offense victim or witness, or upon its
31 own motion, the court may enter any order necessary to protect
32 the victim or witness in any judicial proceeding or other
33 official proceeding from severe emotional or mental harm due to
34 the presence of the defendant if the victim or witness is
35 required to testify in open court. Such orders must relate to
36 the taking of testimony and include, but are not limited to:

37 (a) Interviewing or the taking of depositions as part of a
38 civil or criminal proceeding.

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

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

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

44 (a) The age of the child, the nature of the offense or act,
45 the relationship of the child to the parties in the case or to
46 the defendant in a criminal action, the degree of emotional
47 trauma that will result to the child as a consequence of the
48 defendant's presence, and any other fact that the court deems
49 relevant;

50 (b) The age of the person who has an intellectual
51 disability, the functional capacity of such person, the nature
52 of the offenses or act, the relationship of the person to the
53 parties in the case or to the defendant in a criminal action,
54 the degree of emotional trauma that will result to the person as
55 a consequence of the defendant's presence, and any other fact
56 that the court deems relevant; or

57 (c) The age of the sexual offense victim or witness when
58 the sexual offense occurred, the relationship of the sexual

590-01956-17

2017416c1

59 offense victim or witness to the parties in the case or to the
60 defendant in a criminal action, the degree of emotional trauma
61 that will result to the sexual offense victim or witness as a
62 consequence of the defendant's presence, and any other fact that
63 the court deems relevant.

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

75 (5) The court may set any other conditions it finds just
76 and appropriate when taking the testimony of a ~~child~~ victim or
77 witness under 18 years of age, a person who has an intellectual
78 disability, or a sexual offense victim or witness, including the
79 use of a ~~service or therapy animal or facility dog that has been~~
80 ~~evaluated and registered according to national standards,~~ in any
81 proceeding involving a sexual offense or child abuse,
82 abandonment, or neglect.

83 (a) When deciding whether to allow ~~permit~~ a ~~child~~ victim or
84 witness under 18 years of age, a person who has an intellectual
85 disability, or a sexual offense victim or witness to testify
86 with the assistance of a ~~registered service or therapy animal,~~
87 or facility dog, the court shall consider the age of the ~~child~~

590-01956-17

2017416c1

88 victim or witness under 18 years of age, the age of the sexual
89 offense victim or witness at the time the sexual offense
90 occurred, the interests of the ~~child~~ victim or witness under 18
91 years of age or the sexual offense victim or witness, the rights
92 of the parties to the litigation, and any other relevant factor
93 that would facilitate the testimony by the ~~child~~ victim or
94 witness under 18 years of age, a person who has an intellectual
95 disability, or a sexual offense victim or witness.

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

97 1. "Facility dog" means a dog that has been trained,
98 evaluated, and certified as a facility dog pursuant to industry
99 standards and provides unobtrusive emotional support to children
100 and adults in facility settings.

101 2. "Therapy animal" means an animal that has been trained,
102 evaluated, and certified as a therapy animal pursuant to
103 industry standards by an organization that certifies animals as
104 appropriate to provide animal therapy.

105 Section 2. This act shall take effect July 1, 2017.