

By Senator Montford

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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 service animals,
5 therapy animals, or facility dogs in certain
6 proceedings; allowing certain animals to be used when
7 taking the testimony of a person who has an
8 intellectual disability; removing the requirement that
9 certain service or therapy animals must be registered;
10 providing an effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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

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

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

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

25 (b) "Sexual offense" means any offense specified in s.
26 775.21(4)(a)1. or s. 943.0435(1)(h)1.a.(I).

27 (2) Upon motion of any party, upon motion of a parent,
28 guardian, attorney, guardian ad litem, or other advocate
29 appointed by the court under s. 914.17 for a victim or witness
30 under the age of 18, a person who has an intellectual
31 disability, or a sexual offense victim or witness, or upon its
32 own motion, the court may enter any order necessary to protect

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33 the victim or witness in any judicial proceeding or other
34 official proceeding from severe emotional or mental harm due to
35 the presence of the defendant if the victim or witness is
36 required to testify in open court. Such orders must relate to
37 the taking of testimony and include, but are not limited to:

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

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

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

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

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

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

58 (c) The age of the sexual offense victim or witness when
59 the sexual offense occurred, the relationship of the sexual
60 offense victim or witness to the parties in the case or to the
61 defendant in a criminal action, the degree of emotional trauma

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62 that will result to the sexual offense victim or witness as a
63 consequence of the defendant's presence, and any other fact that
64 the court deems relevant.

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

76 (5) The court may set any other conditions it finds just
77 and appropriate when taking the testimony of a child victim or
78 witness, ~~or~~ a sexual offense victim or witness, or a person who
79 has an intellectual disability, including the use of a service
80 animal, ~~or~~ therapy animal, or facility dog that has been trained
81 and evaluated and ~~registered~~ according to industry national
82 standards, in any proceeding involving a sexual offense or child
83 abuse, abandonment, or neglect. When deciding whether to permit
84 a child victim or witness or sexual offense victim or witness to
85 testify with the assistance of a ~~registered~~ service animal, ~~or~~
86 therapy animal, or facility dog, the court shall consider the
87 age of the child victim or witness, the age of the sexual
88 offense victim or witness at the time the sexual offense
89 occurred, the interests of the child victim or witness or sexual
90 offense victim or witness, the rights of the parties to the

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91 litigation, and any other relevant factor that would facilitate
92 the testimony by the child victim or witness or sexual offense
93 victim or witness.

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