

Senate Bill No. 794

An act relating to witnesses; amending s. 90.502, F.S.; providing that a discussion or activity that is not a meeting for purposes of s. 286.011, F.S., does not waive the attorney-client privilege; amending s. 90.612, F.S.; requiring a judge to protect a witness under a specific age during interrogation and to restrict unnecessary repetition of questions; requiring that questions be stated in a form appropriate to the age and understanding of the witness; providing an effective date.

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

Section 1. Subsection (6) is added to section 90.502, Florida Statutes, to read:

90.502 Lawyer-client privilege.—

(6) A discussion or activity that is not a meeting for purposes of s. 286.011 shall not be construed to waive the attorney-client privilege established in this section. This shall not be construed to constitute an exemption to either s. 119.07 or s. 286.011.

Section 2. Section 90.612, Florida Statutes, is amended to read:

90.612 Mode and order of interrogation and presentation.—

(1) The judge shall exercise reasonable control over the mode and order of the interrogation of witnesses and the presentation of evidence, so as to:

(a) Facilitate, through effective interrogation and presentation, the discovery of the truth.

(b) Avoid needless consumption of time.

(c) Protect witnesses from harassment or undue embarrassment.

(2) Cross-examination of a witness is limited to the subject matter of the direct examination and matters affecting the credibility of the witness. The court may, in its discretion, permit inquiry into additional matters.

(3) Leading questions should not be used on the direct examination of a witness except as may be necessary to develop the witness's testimony. Ordinarily, leading questions should be permitted on cross-examination. When a party calls a hostile witness, an adverse party, or a witness identified with an adverse party, interrogation may be by leading questions.

The judge shall take special care to protect a witness under age 14 from questions that are in a form that cannot reasonably be understood by a person of the age and understanding of the witness, and shall take special care to restrict the unnecessary repetition of questions.

Section 3. This act shall take effect July 1, 2000.

Approved by the Governor June 19, 2000.

Filed in Office Secretary of State June 19, 2000.