

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT IN AND FOR
CITRUS, HERNANDO, LAKE, MARION AND SUMTER COUNTIES
OF THE STATE OF FLORIDA**

ADMINISTRATIVE ORDER - A2014-54

**ADMINISTRATIVE ORDER REGARDING INTERVIEWS OF CERTAIN VICTIMS OF
PHYSICAL, EMOTIONAL AND SEXUAL ABUSE**

In accordance with Florida Rule of Judicial Administration 2.215(b), the Undersigned having considered: (1) Section 914.16, Florida Statute, which requires the Chief Judge of each judicial circuit to provide by administrative order the number of interviews that a victim of a violation of s.794.011, s. 800.04, s.827.03 or s. 847.0135(5) who is under 16 years of age or a victim of a violation of a. 794.011, s.800.02. s.800.03 or 825.102 who has an intellectual disability as defined in s. 393.063 must submit to law enforcement for discovery purposes; (2) the need to protect children and the mentally handicapped within the midst of dependency proceedings; (3) the need to protect such victims from unnecessary exposure to repeated interrogations, and (4) the recommendations of the Administrative Judges of this Circuit, the Office of the State Attorney of the Fifth Judicial Circuit and the Office of the Public Defender of the Fifth Judicial Circuit along with the input of the Florida Department and Children and Families, the Child Protection Team of the University of Florida, representatives of local law enforcement and the local bar, it is hereby:

ORDERED AND ADJUDGED as follows:

1. "Interview" for the purposes of this order means any procedure in which the victim is required to provide an account or demonstration of the nature and circumstances of the alleged abuse, including depositions. This definition does not include: (1) an initial contact by law enforcement or the Department of Children and Families to assess the validity of an allegation or to take protective measures on behalf of the victim, which shall be limited to one episode and (2) any history obtained by medical or mental health personnel for the purpose of medical or mental health examination, diagnosis or treatment, including but not limited to the Child Protection Team and its staff.

2. The number of permissible interviews are as follows:

a. The investigating law enforcement agency shall be allowed two interviews. At the first, the law enforcement agency shall notify, when practicable, the Florida Department of Children and Families and allow their participation as required by law. During the first interview, the law enforcement agency shall arrange for the videotaping and/or audio taping of the interview, when practicable. If the law enforcement agency deems it necessary to conduct a second interview, the agency shall notify the Office of the State Attorney and again notify the Department of children and Families. All agencies involved in this second interview shall conduct such interview in cooperation with each other, making as minimal an impact on the victim as possible.

b. The Department of Children and Families shall be allowed up to four interviews with a victim: one initial investigative interview; a second investigative interview, if necessary; one pre-deposition preparation interview, if necessary, and one pre-trial preparation interview, if

necessary. The Department shall conduct its investigative interviews with law enforcement, as enumerated in subsection "a" when possible. If law enforcement is not involved in the investigation, the Department shall arrange for the videotaping and/or audio taping of the interview when practicable.

c. The Office of the State Attorney shall be permitted up to three interviews with a victim: one initial investigative interview, which may occur in conjunction with law enforcement, as enumerated in subsection "a"; one pre-deposition preparation interview, if necessary, and one pre-trial preparation interview, if necessary.

d. The attorney representing the alleged offender in any criminal proceedings shall be allowed one interview.

e. The attorney representing the parent(s) and/or guardian(s) in any dependency proceeding shall be allowed one interview.

3. The Guardian Ad Litem if one has been appointed shall be noticed for all interviews and contacts with the victim.

4. Interviews shall be conducted in a setting and manner intended to minimize the traumatic effects of the interview on the victim. If available, the interview shall take place in a room with decor and furnishings appropriate to the victim.

5. Depositions shall be videotaped and/or audio taped, in a location with decor and furnishings appropriate to the victim where the camera and microphones are hidden from view when such facilities are available.

6. Interested parties and agencies shall endeavor to coordinate their effort so as not to unnecessarily duplicate interviews of the victim.

7. Photo and physical lineups (unless conducted at the initial contact), polygraph examinations and hypnosis may be used only after specific court order.

8. No additional interviews shall be allowed unless by court order with good cause shown. A party seeking additional interviews shall make an ex-parte petition to the Chief Judge of the Circuit. Additional interviews shall be limited in scope to assure minimal impact on the victim.

9. Any violation of this order may be sanctioned through the use of contempt remedies and protective orders addressed to the presiding judge. Violations of this order shall not form the basis for any motions to dismiss or suppress.

DONE AND ORDERED in chambers at Tavares, Lake County, Florida this 24 day
of SEP, 2014.


DON F. BRIGGS
CHIEF JUDGE
FIFTH JUDICIAL CIRCUIT