

By Representative Lacasa

1                                   A bill to be entitled  
2           An act relating to foreign records of regularly  
3           conducted business activity; amending s. 92.60,  
4           F.S.; providing for admissibility in civil  
5           proceedings of such records under a specified  
6           exception to the hearsay rule; requiring 60  
7           days' written notice of a party's intention to  
8           offer civil trial evidence of such records;  
9           providing an effective date.

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

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13           Section 1. Subsections (2) and (4) of section 92.60,  
14 Florida Statutes, are amended to read:

15           92.60 Foreign records of regularly conducted business  
16 activity.--

17           (2) In a criminal or civil proceeding in a court of  
18 the State of Florida, a foreign record of regularly conducted  
19 business activity, or a copy of such record, shall not be  
20 excluded as evidence by the hearsay rule if a foreign  
21 certification attests that:

22           (a) Such record was made at or near the time of the  
23 occurrence of the matters set forth by, or from information  
24 transmitted by, a person with knowledge of those matters;

25           (b) Such record was kept in the course of a regularly  
26 conducted business activity;

27           (c) The business activity made such a record as a  
28 regular practice; and

29           (d) If such record is not the original, it is a  
30 duplicate of the original;

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1 unless the source of information or the method or  
2 circumstances of preparation indicate lack of trustworthiness.  
3 (4) At the arraignment or as soon after the  
4 arraignment as practicable, or 60 days prior to a civil trial,  
5 a party intending to offer in evidence under this section a  
6 foreign record of regularly conducted business activity shall  
7 provide written notice of that intention to each other party.  
8 A motion opposing admission in evidence of such record shall  
9 be made by the opposing party and determined by the court  
10 before trial. Failure by a party to file such motion before  
11 trial shall constitute a waiver of objection to such record or  
12 duplicate, but the court for cause shown may grant relief from  
13 the waiver.

14 Section 2. This act shall take effect July 1, 1997.

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17 HOUSE SUMMARY

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19 Provides for admissibility in civil proceedings of  
20 foreign records of regularly conducted business activity  
21 under a specified exception to the hearsay rule.  
22 Requires 60 days' written notice prior to the civil trial  
23 of a party's intention to offer evidence of such records.

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