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

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

Section 1. Subsection (2) of section 92.60, Florida
Statutes, is amended, present subsection (4) of that section
is redesignated as subsection (5) and amended, and a new
subsection (4) is added to that section, to read:

92.60 Foreign records of regularly conducted business
activity.--

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

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

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

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

1 (d) If such record is not the original, it is a
2 duplicate of the original;
3
4 unless the source of information or the method or
5 circumstances of preparation indicate lack of trustworthiness.

6 (4) No evidence in such records in the form of opinion
7 or diagnosis is admissible under subsection (2) unless such
8 opinion or diagnosis would be admissible under ss.
9 90.701-90.705 if the person whose opinion is recorded were to
10 testify to the opinion directly.

11 (5)(4) At the arraignment or as soon after the
12 arraignment as practicable, or 60 days prior to a civil trial,
13 a party intending to offer in evidence under this section a
14 foreign record of regularly conducted business activity shall
15 provide written notice of that intention to each other party.
16 A motion opposing admission in evidence of such record shall
17 be made by the opposing party and determined by the court
18 before trial. Failure by a party to file such motion before
19 trial shall constitute a waiver of objection to such record or
20 duplicate, but the court for cause shown may grant relief from
21 the waiver.

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