

By Senator Campbell

33-1055-02

1 A bill to be entitled
2 An act relating to the Florida Evidence Code;
3 amending s. 90.704, F.S.; providing for the
4 disclosure to a jury of certain data that is
5 otherwise inadmissible; amending s. 90.104,
6 F.S.; eliminating the need to renew certain
7 objections to preserve appellate rights;
8 providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Section 90.704, Florida Statutes, is
13 amended to read:

14 90.704 Basis of opinion testimony by experts.--The
15 facts or data upon which an expert bases an opinion or
16 inference may be those perceived by, or made known to, the
17 expert at or before the trial. If the facts or data are of a
18 type reasonably relied upon by experts in the subject to
19 support the opinion expressed, the facts or data need not be
20 admissible in evidence. Facts or data that are otherwise
21 inadmissible may not be disclosed to the jury by the proponent
22 of the opinion or inference unless the court determines that
23 the probative value in assisting the jury to evaluate the
24 expert's opinion substantially outweighs the prejudicial
25 effect of such disclosure.

26 Section 2. Subsection (4) is added to section 90.104,
27 Florida Statutes, to read:

28 90.104 Rulings on evidence.--

29 (4) When a court makes a definitive ruling on the
30 record admitting or excluding evidence, at or before trial, a
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

party need not renew an objection or offer of proof to
preserve a claim of error for appeal.

Section 3. This act shall take effect July 1, 2002.

SENATE SUMMARY

Revises provisions of the Florida Evidence Code to allow
an exception for certain inadmissible evidence and to
eliminate the need to renew certain objections or offers
in order to preserve certain rights on appeal.