

By Senator Lynn

7-1561-04

See CS/HB 89

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

A bill to be entitled
An act relating to evidence; creating s.
90.807, F.S.; providing for admission of
certain evidence otherwise precluded by the
hearsay rule; providing an effective date.

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

Section 1. Section 90.807, Florida Statutes, is
created to read:

90.807 Residual exception.--A statement not
specifically covered by s. 90.803 or s. 90.804 but having
equivalent circumstantial guarantees of trustworthiness is not
excluded by the hearsay rule if the court determines that:

(1) The statement is offered as evidence of a material
fact.

(2) The statement is more probative on the point for
which it is offered than any other evidence that the proponent
can procure through reasonable efforts.

(3) The general purposes of this code and the
interests of justice will best be served by admission of the
statement into evidence.

However, a statement may not be admitted under this exception
unless the proponent of the statement makes known to the
adverse party, sufficiently in advance of the trial or hearing
to provide the adverse party with a fair opportunity to
prepare to meet it, the proponent's intention to offer the
statement and the particulars of the statement, including the
name and address of the declarant.

Section 2. This act shall take effect July 1, 2004.