

HB 0089

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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.

WHEREAS, the Legislature wishes to protect the victims of
domestic violence and other crimes by providing for the
admission of hearsay testimony when found by the court to meet
standards of circumstantial reliability; and

WHEREAS, the Legislature wishes to harmonize the Florida
Evidence Code and the Federal Evidence Code to improve the
quality of justice, NOW, THEREFORE

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 material fact;

(2) The statement is more probative on the point for which
it is offered than any other evidence which has been procured
through reasonable efforts; and

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

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31 However, a statement may not be admitted under this exception
32 unless the person wishing to offer the statement into evidence
33 makes known to the adverse party sufficiently in advance of the
34 trial or hearing the proponent's intention to offer the
35 statement and the particulars of the statement, including the
36 name and address of the declarant.

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