

CHAMBER ACTION

1 The Committee on Judiciary recommends the following:

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3 **Committee Substitute**

4 Remove the entire bill and insert:

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

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

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

15 90.807 Residual exception.--A statement not specifically
16 covered by s. 90.803 or s. 90.804 but having equivalent
17 circumstantial guarantees of trustworthiness is not excluded by
18 the hearsay rule if the court determines that:

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

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

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

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

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