

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

6
 7 Be It Enacted by the Legislature of the State of Florida:

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

11 90.807 Residual exception.--A statement not specifically
 12 covered by s. 90.803 or s. 90.804 but having equivalent
 13 circumstantial guarantees of trustworthiness is not excluded by
 14 the hearsay rule if the court determines that:

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

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

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

23
 24 However, a statement may not be admitted under this exception
 25 unless the proponent of the statement makes known to the adverse
 26 party, sufficiently in advance of the trial or hearing to
 27 provide the adverse party with a fair opportunity to prepare to
 28 meet it, the proponent's intention to offer the statement and

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29 | the particulars of the statement, including the name and address
30 | of the declarant.

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