

1 A bill to be entitled
 2 An act relating to evidence; repealing s. 90.602, F.S.,
 3 relating to testimony of interested persons regarding oral
 4 communication with a deceased or mentally incompetent
 5 person; amending s. 90.804, F.S.; providing a hearsay
 6 exception for statements made by declarants unavailable
 7 due to death, illness, or infirmity that are similar to
 8 statements previously admitted; 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 Section 90.602, Florida Statutes, is repealed.

14 Section 2. Paragraph (e) is added to subsection (2) of
 15 section 90.804, Florida Statutes, to read:

16 90.804 Hearsay exceptions; declarant unavailable.--

17 (2) HEARSAY EXCEPTIONS.--The following are not excluded
 18 under s. 90.802, provided that the declarant is unavailable as a
 19 witness:

20 (e) Statement by deceased or ill declarant similar to one
 21 previously admitted.--If a declarant is unavailable as provided
 22 in paragraph (1)(d), a written or oral statement made regarding
 23 the same subject matter as another statement made by the
 24 declarant that has previously been admitted in evidence.

25 Section 3. This act shall take effect July 1, 2005.