

CHAMBER ACTION

1 The Judiciary Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to evidence; repealing s. 90.602, F.S.,
7 relating to testimony of interested persons regarding oral
8 communication with a deceased or mentally incompetent
9 person; amending s. 90.804, F.S.; providing a hearsay
10 exception for statements made by declarants unavailable
11 due to death, illness, or infirmity that are similar to
12 statements previously offered by an adverse party and
13 admitted; providing an effective date.

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

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17 Section 1. Section 90.602, Florida Statutes, is repealed.

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

20 90.804 Hearsay exceptions; declarant unavailable.--

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

HB 523

2005
CS

24 (e) Statement by deceased or ill declarant similar to one
25 previously admitted.--If a declarant is unavailable as provided
26 in paragraph (1)(d), a written or oral statement made regarding
27 the same subject matter as another statement made by the
28 declarant that has previously been offered by an adverse party
29 and admitted in evidence.

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