

ENROLLED
 HB 523, Engrossed 1

2005 Legislature

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 in specified actions or proceedings for a
 7 statement made by a declarant who is unavailable due to
 8 death, illness, or infirmity regarding the same subject
 9 matter as a statement made by the declarant that was
 10 previously offered by an adverse party and admitted;
 11 providing an effective date.

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

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 Section 90.602, Florida Statutes, is repealed.

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

18 90.804 Hearsay exceptions; declarant unavailable.--

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

22 (e) Statement by deceased or ill declarant similar to one
 23 previously admitted.--In an action or proceeding brought against
 24 the personal representative, heir at law, assignee, legatee,
 25 devisee, or survivor of a deceased person, or against a trustee
 26 of a trust created by a deceased person, or against the
 27 assignee, committee, or guardian of a mentally incompetent
 28 person, when a declarant is unavailable as provided in paragraph

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29 | (1) (d), a written or oral statement made regarding the same
30 | subject matter as another statement made by the declarant that
31 | has previously been offered by an adverse party and admitted in
32 | evidence.

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