

By Senator Campbell

32-994-05

See HB 523

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A bill to be entitled

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

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

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 Section 90.602, Florida Statutes, is repealed.

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

90.804 Hearsay exceptions; declarant unavailable.--

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

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

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