

By the Committee on Judiciary; and Senator Bennett

590-03549-12

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1 A bill to be entitled
2 An act relating to the Florida Evidence Code; amending
3 s. 90.804, F.S.; providing that a statement offered
4 against a party that wrongfully caused the declarant's
5 unavailability is not excluded as hearsay; providing
6 an effective date.

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

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10 Section 1. Paragraph (f) is added to subsection (2) of
11 section 90.804, Florida Statutes, to read:

12 90.804 Hearsay exceptions; declarant unavailable.—

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

16 (f) Statement offered against a party that wrongfully
17 caused the declarant's unavailability.—A statement offered
18 against a party that wrongfully caused, or acquiesced in
19 wrongfully causing, the declarant's unavailability as a witness,
20 and did so intending that result.

21 Section 2. This act shall take effect upon becoming a law.