



971002

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

Floor: 2/WD/3R

04/30/2014 05:34 PM

Senator Simmons moved the following:

Senate Amendment (with title amendment)

Delete lines 9 - 37

and insert:

Section 1. Section 90.807, Florida Statutes, is created to read:

90.807 Residual exception.—A statement not specifically covered by s. 90.803 or s. 90.804 but having equivalent circumstantial guarantees of trustworthiness is not excluded by the hearsay rule if the court determines that:

(1) The statement is offered as evidence of a material



971002

12 fact;

13 (2) The statement is more probative on the point for which
14 it is offered than any other evidence which the proponent can
15 procure through reasonable efforts; and

16 (3) The general purposes of this code and the interests of
17 justice will best be served by admission of the statement into
18 evidence.

19
20 However, a statement may not be admitted under this section
21 unless the proponent of the statement makes known to the adverse
22 party, sufficiently in advance of the trial or hearing to
23 provide the adverse party with a fair opportunity to prepare to
24 meet it, the proponent's intention to offer the statement and
25 the particulars of the statement, including the name and address
26 of the declarant.

27
28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 Delete lines 2 - 5

31 and insert:

32 An act relating to hearsay; creating s. 90.807, F.S.;

33 creating a residual hearsay exception for certain

34 statements; requiring the court to make specified

35 determinations regarding a statement for the residual

36 exception to apply; providing for notice of intention

37 to offer such statement; providing an effective date.

38
39 WHEREAS, domestic violence cases are often difficult to
40 resolve due to the subsequent refusal of a victim to testify or



971002

41 other unique factors, and

42 WHEREAS, if a victim's prior statements satisfy the
43 credibility requirements of s. 90.803 or s. 90.804, Florida
44 Statutes, such statements should be admitted as evidence by the
45 court, NOW, THEREFORE,