By the Committees on Rules; and Judiciary; and Senator Detert

595-04150A-14   2014764c2

1   A bill to be entitled

2   An act relating to hearsay; amending s. 90.803, F.S.;

3   providing that certain statements are an exception to

4   the hearsay rule and thus admissible; providing an

5   effective date.

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

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9   Section 1. Subsection (25) is added to section 90.803,

10   Florida Statutes, to read:

11   90.803 Hearsay exceptions; availability of declarant

12   immaterial.—The provision of s. 90.802 to the contrary

13   notwithstanding, the following are not inadmissible as evidence,

14   even though the declarant is available as a witness:

15   (25) HEARSAY EXCEPTION; STATEMENT OF DOMESTIC VIOLENCE

16   VICTIM.—

17   (a) A statement that purports to narrate, describe, report,

18   or explain an act of domestic violence as defined in s. 741.28

19   made by a victim of the domestic violence if the statement was

20   recorded, electronically or in writing, or was made to a law

21   enforcement officer to enable the law enforcement agency to

22   respond to an ongoing emergency, and has sufficient indicia of

23   reliability.

24   (b) In determining whether a statement has sufficient

25   indicia of reliability under paragraph (a), the court shall

26   consider all circumstances surrounding the statement, including,

27   but not limited to:

28   1. Whether the statement is corroborated by evidence other

29   than statements that are subject to admission only pursuant to

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30 this subsection;

31   2. The timing of the statement;

32   3. Whether the statement was elicited by leading questions;

33 and

34   4. Subsequent statements made by the victim. The victim's

35 recantation alone is not sufficient reason for denying admission

36 of a statement under this subsection unless there are other

37 factors also indicating unreliability.

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