

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
2 Representative Fitzenhagen offered the following:

3
4 **Amendment**

5 Remove lines 30-73 and insert:

6 (5) A copy of any pleading, order, or other filing in any
7 court sitting in the United States or a United States territory,
8 or any document or record entry filed with or retained by the
9 United States or any state, municipality, district,
10 commonwealth, territory, or governmental department or agency of
11 such an entity which is available to the public from an Internet
12 website operated by a governmental agency or authorized by a
13 governmental agency.

14 (a) The party seeking authentication of a document pursuant
15 to this subsection shall:

16 1. File a Notice of Reliance on Electronic Records which
17 attaches a copy of the document to be authenticated and

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18 discloses the website and web address where the document can be
19 located.

20 2. Serve the written Notice of Reliance on Electronic
21 Records no less than 20 days before a hearing at which the
22 authenticity of the document or its acceptance by a court as an
23 authentic document is at issue. The court may waive or shorten
24 the time period for filing the notice set forth in this
25 subparagraph.

26 (b) A party may object to the authenticity of a document
27 which is the subject of a Notice of Reliance on Electronic
28 Records by filing and serving on every other party an affidavit
29 no less than 5 days before a hearing, unless such time period is
30 waived or shortened by the court. The affidavit must challenge
31 either the authenticity of the document by attaching a copy of
32 what the challenging party asserts is the true, correct, and
33 authentic document, and detailing in writing the portion of the
34 document which is not authentic; or assert that the document
35 does not exist on the website or web address as specified in the
36 Notice of Reliance on Electronic Records.

37 (c) After review and consideration by the court, the court
38 shall deem authentic the document that is the subject of the
39 Notice of Reliance on Electronic Records unless:

40 1. The party seeking authentication of the document does
41 not satisfy the requirements of paragraph (a);

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42 2. An affidavit objecting to the authenticity of the
43 document is filed pursuant to paragraph (b) and the court
44 sustains the objection;

45 3. The document does not have the same content or text, in
46 all material respects, as the document that appears on the
47 website identified in the Notice of Reliance on Electronic
48 Records; or

49 4. The court otherwise determines the document is not
50 authentic.

51

52 This subsection does not prohibit a party from authenticating a
53 document under s. 90.901 or as otherwise provided in subsection
54 (4), all of which are alternative methods of