

By the Committee on Commerce and Tourism; and Senator Bradley

577-02262-22

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1                   A bill to be entitled  
2       An act relating to judicial notice; creating s.  
3       90.2035, F.S.; authorizing courts to take judicial  
4       notice of certain information taken from widely  
5       accepted web mapping services, global satellite  
6       imaging sites, or Internet mapping tools upon request  
7       of a party; requiring parties who intend to offer such  
8       information into evidence to file a notice of intent  
9       containing specified information; authorizing parties  
10      to object to the court taking judicial notice of such  
11      information; creating a rebuttable presumption that  
12      such information should be judicially noticed unless  
13      certain findings are made; providing construction;  
14      providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18       Section 1. Section 90.2035, Florida Statutes, is created to  
19      read:

20       90.2035 Judicial notice of information taken from web  
21      mapping services, global satellite imaging sites, or Internet  
22      mapping tools.-

23       (1) (a) Upon request of a party, a court may take judicial  
24      notice of an image, map, location, distance, calculation, or  
25      other information taken from a widely accepted web mapping  
26      service, global satellite imaging site, or Internet mapping  
27      tool, if such image, map, location, distance, calculation, or  
28      other information indicates the date on which the information  
29      was created.

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30 (b) A party intending to offer such information in evidence  
31 at trial or at a hearing must file notice of such intent within  
32 a reasonable time, or as defined by court order. The notice must  
33 include a copy of the information and specify the Internet  
34 address or pathway where such information may be accessed and  
35 inspected.

36 (2) (a) A party may object to the court taking judicial  
37 notice of the image, map, location, distance, calculation, or  
38 other information taken from a widely accepted web mapping  
39 service, global satellite imaging site, or Internet mapping tool  
40 within a reasonable time or as defined by court order.

41 (b) There is a rebuttable presumption that information  
42 sought to be judicially noticed under this section should be  
43 judicially noticed. The rebuttable presumption may be overcome  
44 if the court finds by the greater weight of the evidence that  
45 the information does not fairly and accurately portray what it  
46 is being offered to prove or that it otherwise should not be  
47 admitted into evidence under the Florida Evidence Code.

48 (c) If the court overrules the objection, the court must  
49 take judicial notice of the information and admit the  
50 information into evidence.

51 (3) This section does not affect, expand, or limit  
52 standards for any matters that may otherwise be judicially  
53 noticed.

54 Section 2. This act shall take effect July 1, 2022.