

By the Committees on Rules; and Commerce and Tourism; and
Senator Bradley

595-02699-22

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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 in
12 civil cases that such information should be judicially
13 noticed unless certain findings are made; requiring
14 the court to instruct the jury that the jury may or
15 may not accept the noticed facts as conclusive in
16 criminal cases; providing construction; providing an
17 effective date.

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

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21 Section 1. Section 90.2035, Florida Statutes, is created to
22 read:

23 90.2035 Judicial notice of information taken from web
24 mapping services, global satellite imaging sites, or Internet
25 mapping tools.—

26 (1) (a) Upon request of a party, a court may take judicial
27 notice of an image, map, location, distance, calculation, or
28 other information taken from a widely accepted web mapping
29 service, global satellite imaging site, or Internet mapping

595-02699-22

2022634c2

30 tool, if such image, map, location, distance, calculation, or
31 other information indicates the date on which the information
32 was created.

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

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

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

52 (c) If the court overrules the objection, the court must
53 take judicial notice of the information and admit the
54 information into evidence.

55 (3) In criminal cases, the court must instruct the jury
56 that the jury may or may not accept the noticed facts as
57 conclusive.

58 (4) This section does not affect, expand, or limit

595-02699-22

2022634c2

59 standards for any matters that may otherwise be judicially
60 noticed.

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