

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/HB 701 — Florida Evidence Code

by Civil Justice Subcommittee and Reps. Logan, Holder, and others (CS/SB 782 by Judiciary Committee and Senator Bennett)

This bill creates a hearsay exception to allow a court to consider statements that would otherwise be inadmissible into evidence if a party wrongfully makes a witness unavailable. Specifically, this bill creates a hearsay exception for a statement offered by an unavailable witness against a party that has engaged or acquiesced in wrongdoing intended to make the witness unavailable. The Florida Evidence Code generally prohibits a judge or jury from considering hearsay, which is an out-of-court statement offered by someone other than the declarant while testifying at trial or a hearing used to prove the truth of the matter asserted.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 40-0; House 114-0