



512352

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/17/2015	.	
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The Committee on Judiciary (Stargel) recommended the following:

Senate Amendment

Delete lines 31 - 75
and insert:

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



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12 governmental agency.

13 (a) The party seeking authentication of a document pursuant
14 to this subsection must:

15 1. File a Notice of Reliance on Electronic Records which
16 attaches a copy of the document to be authenticated and
17 discloses the website and web address where the document can be
18 located.

19 2. Serve the written Notice of Reliance on Electronic
20 Records at least 20 days before a hearing at which the
21 authenticity of the document or its acceptance by a court as an
22 authentic document is at issue. The court may waive or shorten
23 the time period for filing the notice set forth in this
24 subparagraph.

25 (b) A party may object to the authenticity of a document
26 that is the subject of a Notice of Reliance on Electronic
27 Records by filing and serving an affidavit on all other parties
28 at least 5 days before a hearing, unless such time period is
29 waived or shortened by the court. The affidavit must do one of
30 the following:

31 1. Challenge the authenticity of the document by detailing
32 in writing the portion of the document which is not authentic. A
33 copy of what the challenging party asserts is the true, correct,
34 and authentic document must be attached to the affidavit.

35 2. Assert that the document does not exist on the website
36 or web address as specified in the Notice of Reliance on
37 Electronic Records.

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



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

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

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

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

52
53 This subsection does not prohibit a party from authenticating a
54 document using the alternative methods of authentication under
55 subsection (4) or s. 90.901.