

The Florida Bar Code and Rules of Evidence Committee (committee) has submitted to the Florida Supreme Court its regular-cycle report concerning recent legislative changes to the Florida Evidence Code. Specifically, the committee recommends that the Court adopt chapters 2005-46, §§ 1-2 (repealing section 90.602, Testimony of interested persons (known as “Deadman’s Statute”) and amending section 90.804, Hearsay exceptions; declarant unavailable); and 2006-204, § 1 (amending section 90.503, Psychotherapist-patient privilege), Laws of Florida.

The Court invites all interested persons to comment on the committee’s recommendations, a summary of which is provided below. The proposals are reproduced in full at <http://www.floridasupremecourt.org/decisions/proposed.shtml>. An original and nine paper copies of all comments must be filed with the Court on or before April 2, 2007, with a certificate of service verifying that a copy has been served on the committee chair, Hon. Dedee S. Costello, Bay County Courthouse, P.O. Box 1089, Panama City, FL 32402-1089, as well as a separate request for oral argument if the person filing the comment wishes to participate in oral argument, which may be scheduled for June 2007. The committee chair has until April 16, 2007, to file a response to any comments filed with the Court. Electronic copies of all comments also must be filed in accordance with the Court’s administrative order In re Mandatory Submission of Electronic Copies of Documents, Fla. Admin. Order No. AOSC04-84 (Sept. 13, 2004).

IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO THE FLORIDA EVIDENCE CODE, CASE NO. SC07-178

SESSION LAW	STATUTE/RULE	CHANGE TO RULE
Ch. 2005-46, § 1	§ 90.602, Testimony of interested persons	Deletes § 90.602 to bring the statutory code and rules into agreement as to the elimination of the “Deadman’s Statute”
Ch. 2005-46, § 2	§ 90.804, Hearsay exceptions; declarant	Amends § 90.804(2) to add (e), Statement by deceased or ill declarant similar to one

	unavailable	previously admitted, bringing the statutory code and rules into agreement regarding hearsay exceptions
Ch. 2006-204, § 1	§ 90.503, Psychotherapist-patient privilege	Amends § 90.503(1)(a) by adding 5. to bring the statutory code and rules into agreement regarding who qualifies as a “psychotherapist” for purposes of the psychotherapist-patient privilege