

CHAPTER 2022-100

Committee Substitute for Committee Substitute for Senate Bill No. 634

An act relating to judicial notice; creating s. 90.2035, F.S.; authorizing courts to take judicial notice of certain information taken from widely accepted web mapping services, global satellite imaging sites, or Internet mapping tools upon request of a party; requiring parties who intend to offer such information into evidence to file a notice of intent containing specified information; authorizing parties to object to the court taking judicial notice of such information; creating a rebuttable presumption in civil cases that such information should be judicially noticed unless certain findings are made; requiring the court to instruct the jury that the jury may or may not accept the noticed facts as conclusive in criminal cases; providing construction; providing an effective date.

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor May 10, 2022.

Filed in Office Secretary of State May 10, 2022.