

Florida Procedures: Evidence Code

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Florida Evidence Code

Introduction
The *Florida Rules Evidence Code* is found within the Florida Revised Statutes. These rules are the guidelines regarding evidentiary issues in Florida courts. If you have not done so, click below to download or purchase the rules:

[Click Here for Court Rules](#)

Once you have opened up the *Florida Evidence Code*, click on the tab titled: The Rules.

Text

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The Rules

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The Rules

The Evidence Code

The Florida Evidence Code (which is contained within the Florida Statutes) is cited when dealing with evidentiary issues in a Florida court. Remember, as you review the following rules:

- Create your own index.
- If you have questions about a rule, do not hesitate to contact your instructor.
- You do not have to read the "Comments" or "Annotations." Just read the rule itself.
- You do not have to memorize the rules. Read them.
- The ultimate goal is to be able to locate and apply the rules when asked a procedural question.
- The final exam will, of course, be open book.
- The rules provided here are those most relevant to a paralegal's duties, or are most critical to the judicial process.

Complete reading the following rules before progressing.

Florida Evidence Code

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The Evidence Code

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Complete reading the following rules before progressing.

Florida Evidence Code

90.103 SCOPE; APPLICABILITY.

90.104 RULINGS ON EVIDENCE.

90.301 PRESUMPTION DEFINED; INFERENCES.

90.401 DEFINITION OF RELEVANT EVIDENCE.

90.402 ADMISSIBILITY OF RELEVANT EVIDENCE.

90.501 PRIVILEGES RECOGNIZED ONLY AS PROVIDED.

90.502 LAWYER-CLIENT PRIVILEGE.

90.507 WAIVER OF PRIVILEGE BY VOLUNTARY DISCLOSURE.

90.509 APPLICATION OF PRIVILEGED COMMUNICATION.

90.607 COMPETENCY OF CERTAIN PERSONS AS WITNESSES.

90.608 WHO MAY IMPEACH.

90.702 TESTIMONY BY EXPERTS.

90.801 HEARSAY; DEFINITIONS; EXCEPTIONS.

90.802 HEARSAY RULE.

90.805 HEARSAY WITHIN HEARSAY.

90.952 REQUIREMENT OF ORIGINALS.

90.953 ADMISSIBILITY OF DUPLICATES.

Searching for Rules

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Searching for Rules

How to Search the Rules (Repeated as a reminder)

With today's technology searching for rules is not difficult. But you do have choices. Here are the best methods to searching the rules:

1. If you are using the PDF downloaded version of the rules, simply enter a key word or term in the Search text box on the tool bar and click enter. You will be taken to any results found within the rules.
2. If you are using Lexis or Westlaw, you can use the search tools in these services. However, you may be provided with more results than you need, so use this after looking in the downloaded version.
3. Use the Index you have created. You may find it strange that this is the third option since you have been encouraged to create your own index, but the reason you have created the index is primarily to become familiar with the rules.

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you have created the index is primarily to become familiar with the rules.

4 Use the Table of Contents within the rules.

Citing the Rules

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Citing the Rules

How to Cite the Rules

For the *Florida Evidence Code* the rules are cited as:

Fla. Stat. Ann. § 90.- - -,

...followed by the number of the rule. The citation is different from other court rules because the *Evidence Code* is contained within the Florida Statutes, Chapter 90. An example of a *Florida Evidence Code* citation using the *Blue Book Uniform System of Citations* would be:

Fla. Stat. Ann. § 90.703
or
Fla. Stat. Ann. Sec. 90.703

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Review Questions

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Review Questions

Following are a few review questions. Using the *Florida Evidence Code*, the index you have created, and if necessary using the search tool in the PDF version of the rules, answer the following:

1. What rule provides for testimony by expert witnesses?
2. Is all relevant evidence admissible?
3. What rule lists exceptions to the hearsay rule?
4. May the Husband-Wife privilege be claimed by either spouse?
5. In a case where a husband is charged with assaulting his wife, is the husband able to prevent the testimony of the wife due to the privilege?

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6. Does the Evidence Code apply to both civil and criminal cases?

Review Answers

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Review Answers

1. What rule provides for testimony by expert witnesses?
Answer: Fla. Stat. Ann. § 90.702
2. Is all relevant evidence admissible?
Answer: Fla. Stat. Ann. § 90.402 - Yes and no! Yes, except as provided by law. That means that if there is a privilege, or a rule that keeps evidence out of trial even if it is relevant (such as the Hearsay Rule), that evidence will not be admissible.
3. What rule lists exceptions to the hearsay rule?
Answer: Fla. Stat. Ann. § 90.803
4. May the Husband-Wife privilege be claimed by either spouse?
Answer: Fla. Stat. Ann. § 90.504(2) - Yes.

Step Text

1. What rule provides for testimony by expert witnesses?
Answer: Fla. Stat. Ann. § 90.702
 2. Is all relevant evidence admissible?
Answer: Fla. Stat. Ann. § 90.402 - Yes and no! Yes, except as provided by law. That means that if there is a privilege, or a rule that keeps evidence out of trial even if it is relevant (such as the Hearsay Rule), that evidence will not be admissible.
 3. What rule lists exceptions to the hearsay rule?
Answer: Fla. Stat. Ann. § 90.803
-

4. May the Husband-Wife privilege be claimed by either spouse?

Answer: Fla. Stat. Ann. § 90.504(2) - Yes.

5. In a case where a husband is charged with assaulting his wife, is the husband able to prevent the testimony of the wife due to the privilege?

Answer: Fla. Stat. Ann. § 90.504(3)(a) - No. The privilege does not apply to proceedings involving one spouse against another.

6. Does the Evidence Code apply to both civil and criminal cases?

Answer: Fla. Stat. Ann. § 90.103(2) - Yes, both civil and criminal cases.

Quiz

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