

## **Court adopts section 90.2035 (Judicial notice of information taken from web mapping services, global satellite imaging sites, or Internet mapping tools) as part of the Florida Evidence Code**

The Florida Supreme Court recently adopted, to the extent procedural, new section 90.2035 (Judicial notice of information taken from web mapping services, global satellite imaging sites, or Internet mapping tools) of the Florida Evidence Code, as proposed by The Florida Bar's Code and Rules of Evidence Committee (Committee). *In re Amends. to Fla. Evid. Code*, No. SC22-1040 (Fla. Sept. 8, 2022). Under new section 90.2035, whenever a party intends to offer into evidence information obtained from web mapping services, global satellite imaging sites, or Internet mapping tools, the party must file with the court a notice of intent that includes copies of any image, map, location, distance, or calculation the party intends to introduce. *Id.* at 1-2. The new section also addresses objections to the court taking judicial notice of such information. *Id.* at 2.

The Court invites all interested persons to comment on the amendments, which are below and reproduced in full online at <https://www.floridasupremecourt.org/Case-Information/Rules-Cases-Proposed-Amendments>. All comments must be filed with the Court on or before November 22, 2022, with a certificate of service verifying that a copy has been served on the Committee Chair, Eric A. Hernandez, Post Office Box 531029, Miami, FL 33153, [eric@hlmlegal.com](mailto:eric@hlmlegal.com), and on the Bar Staff Liaison to the Committee, Heather Telfer, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300, [Htelfer@floridabar.org](mailto:Htelfer@floridabar.org), 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 in this case. The Committee Chair has until December 13, 2022, to file a response to any comments filed with the Court. If filed by an attorney in good standing with The Florida Bar, the comment must be electronically filed via the Florida Courts E-Filing Portal (Portal). If filed by a

nonlawyer or a lawyer not licensed to practice in Florida, the comment may be, but is not required to be, filed via the Portal. Any person unable to submit a comment electronically must mail or hand-deliver the originally signed comment to the Florida Supreme Court, Office of the Clerk, 500 South Duval Street, Tallahassee, Florida 32399-1927.

## **IN THE SUPREME COURT OF FLORIDA**

### **IN RE: AMENDMENTS TO THE FLORIDA EVIDENCE CODE, CASE NO. SC22-1040**

#### **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 matter that may otherwise be judicially noticed.