

SUPREME COURT OF FLORIDA

In re Amendments to Florida Evidence Code

No. SC2025-0659 · No. SC2025-0659 · Decided November 6, 2025

SUMMARY

The Supreme Court of Florida adopted, to the extent procedural, legislative amendments to section 90.404(2)(c), Florida Statutes, concerning the admissibility of evidence of other sexual offenses in criminal cases. The court expressed no opinion on the substantive amendments and stated that they were effective July 1, 2011, the date the legislation became law.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Carlos G. Muñoz, Chief Justice; Charles T. Canady, Justice; Jorge Labarga, Justice; Renatha Francis, Justice; Jamie R. Grosshans, Justice; Robert J. Luck, Justice; M. Casey Rodgers, Justice
JURISDICTION	Supreme Court of Florida
DECIDED	November 6, 2025
DOCKET	SC2025-0659
DISPOSITION	other
PROCEDURAL POSTURE	Original proceeding concerning adoption of amendments to the Florida Evidence Code following a report from the Criminal Court Steering Committee regarding legislative changes.
PRECEDENTIAL VALUE	Published opinion adopting procedural amendments to the Florida Evidence Code; the Court expressly reserved substantive questions.

TOPICS

- character evidence
- evidence
- criminal procedure
- statutory interpretation

PRACTICE AREAS

- Evidence
- Florida appellate procedure
- Criminal procedure
- Statutory interpretation

QUESTIONS PRESENTED

- Whether the Supreme Court of Florida should adopt the legislative amendments to section 90.404(2)(c), Florida Statutes, to the extent the amendments are procedural.

2. Whether the Court should express an opinion on the substantive effect or validity of the amendments.

HOLDINGS

1. The Court adopted chapter 2011-220, section 2, Laws of Florida, to the extent the amendments to section 90.404(2)(c) were procedural, with the amended language set out in the appendix.
2. The Court expressly declined to express an opinion on the substance of the amendments.

KEY QUOTATIONS

“We adopt chapter 2011-220, section 2, Laws of Florida, to the extent it is procedural.”

“We express no opinion on the substance of the amendments, and they are effective on the date they became law.”

“THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THESE AMENDMENTS.”

FACTUAL BACKGROUND

The Florida Legislature amended section 90.404(2)(c), Florida Statutes, effective July 1, 2011. The amendments concerned the admissibility of evidence of other sexual offenses in a criminal case involving a sexual offense. The Criminal Court Steering Committee later reported the legislative changes to the Supreme Court of Florida, which noted that the changes had not previously been addressed by the Court.

PROCEDURAL HISTORY

The Criminal Court Steering Committee filed a report addressing legislative amendments to section 90.404(2)(c), Florida Statutes, enacted in chapter 2011-220, section 2, Laws of Florida. The Supreme Court of Florida reviewed the amendments and adopted them to the extent they were procedural, without expressing an opinion on their substantive validity or meaning.

DISPOSITION

other

OPINION

PER CURIAM.

Supreme Court of Florida _____ No. SC2025-0659 _____ IN RE: AMENDMENTS TO FLORIDA EVIDENCE CODE. November 6, 2025 PER CURIAM. The Criminal Court Steering Committee has filed a report concerning legislative changes to the Florida Evidence Code. See ch. 2011-220, § 2, Laws of Fla. We have jurisdiction. See art. V, § 2(a), Fla. Const.

The amendments at issue were to section 90.404(2)(c), Florida Statutes, and were enacted by the Florida Legislature effective July 1, 2011. It appears these legislative changes were not previously addressed by this Court.

We adopt chapter 2011-220, section 2, Laws of Florida, to the extent it is procedural. The specific provisions appear in the appendix to this opinion with the new language indicated by underscoring. We express no opinion on the substance of the amendments, and they are effective on the date they became law. It is so ordered. MUÑIZ, C.J., and CANADY, LABARGA, COURIEL, GROSSHANS, FRANCIS, and SASSO, JJ., concur.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THESE AMENDMENTS. Original Proceeding – Florida Rules of Criminal Procedure Judge Joseph A. Bulone, Chair, Criminal Court Steering Committee, Clearwater, Florida, and Bart Schneider, Staff Liaison, Office of the State Courts Administrator, Tallahassee, Florida, for Petitioner Daniel Eisinger, Public Defender, and Benjamin Nathaniel Paley, Fifteenth Judicial Circuit of Florida, West Palm Beach, Florida, Responding with comments -2- APPENDIX 90.404 Character evidence; when admissible (1) [No Change] (2) Other Crimes, Wrongs, or Acts. (a) – (b) [No Change] (c) 1.

In a criminal case in which the defendant is charged with a sexual offense, evidence of the defendant’s commission of other crimes, wrongs, or acts involving a sexual offense is admissible and may be considered for its bearing on any matter to which it is relevant. 2.

For the purposes of this paragraph, the term “sexual offense” means conduct proscribed by s. 787.025(2)(c), s. 787.06(3)(b), (d), (f), or (g), former s. 787.06(3)(h), s. 794.011, excluding s. 794.011(10), s. 794.05, former s. 796.03, former s. 796.035, s. 825.1025(2)(b), s. 827.071, s. 847.0135(5), s. 847.0145, or s. 985.701(1). (d) [No Change] (3) [No Change] -3-