

By Senator Richter

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1 A bill to be entitled
 2 An act relating to expert testimony; amending s.
 3 90.702, F.S.; revising the circumstances under which
 4 the court may allow a witness who is qualified as an
 5 expert to testify as to the facts at issue in a case;
 6 requiring that state courts interpret and apply
 7 certain requirements for expert testimony in
 8 accordance with specified decisions of the United
 9 States Supreme Court; providing an effective date.

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

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 13 Section 1. Section 90.702, Florida Statutes, is amended to
 14 read:

15 90.702 Testimony by experts.—

16 (1) If scientific, technical, or other specialized
 17 knowledge will assist the trier of fact in understanding the
 18 evidence or in determining a fact in issue, a witness qualified
 19 as an expert by knowledge, skill, experience, training, or
 20 education may testify about it in the form of an opinion, or
 21 otherwise, if:

22 (a) The testimony is based upon sufficient facts or data;

23 (b) The testimony is the product of reliable principles and
 24 methods; and

25 (c) The witness has applied the principles and methods
 26 reliably to the facts of the case ~~however, the opinion is~~
 27 ~~admissible only if it can be applied to evidence at trial.~~

28 (2) The courts of this state shall interpret and apply the
 29 requirements of subsection (1) and s. 90.704 in accordance with

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30 Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579
31 (1993); General Electric Co. v. Joiner, 522 U.S. 136 (1997);
32 Kumho Tire Co., Ltd. v. Carmichael, 526 U.S. 137 (1999), and
33 Weisgram v. Marley Co., 528 U.S. 440 (2000).

34 Section 2. This act shall take effect July 1, 2009.