

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

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

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

14 90.702 Testimony by experts.--

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

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

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

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

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

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

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