

By Senator Bogdanoff

25-00521A-11

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

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

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

16           90.702 Testimony by experts.—

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

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

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

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

29           (2) The courts of this state shall interpret and apply the

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30 requirements of subsection (1) and s. 90.704 in accordance with  
31 Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579  
32 (1993); General Electric Co. v. Joiner, 522 U.S. 136 (1997);  
33 Kumho Tire Co., Ltd. v. Carmichael, 526 U.S. 137 (1999); and  
34 Weisgram v. Marley Co., 528 U.S. 440 (2000). Frye v. United  
35 States, 293 F. 1013 (D.C. Cir. 1923) and subsequent Florida  
36 decisions applying or implementing Frye no longer apply to  
37 subsection (1) or s. 90.704.

38 Section 2. This act shall take effect July 1, 2011.