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LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Thurston) recommended the following:

Senate Amendment (with title amendment)

Between lines 61 and 62

insert:

Section 2. Section 90.702, Florida Statutes, is amended to read:

90.702 Testimony by experts.—If scientific, technical, or other specialized knowledge will assist the trier of fact in understanding the evidence or in determining a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify about it in the form of an



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12 opinion; however, the opinion is admissible only if it can be
13 applied to evidence at trial and the method by which that
14 evidence was obtained has been generally accepted by experts in
15 the particular field in which it belongs ~~or otherwise, if:~~

- 16 ~~(1) The testimony is based upon sufficient facts or data;~~
17 ~~(2) The testimony is the product of reliable principles and~~
18 ~~methods; and~~
19 ~~(3) The witness has applied the principles and methods~~
20 ~~reliably to the facts of the case.~~

21 Section 3. Section 90.704, Florida Statutes, is amended to
22 read:

23 90.704 Basis of opinion testimony by experts.—The facts or
24 data upon which an expert bases an opinion or inference may be
25 those perceived by, or made known to, the expert at or before
26 the trial. If the facts or data are of a type reasonably relied
27 upon by experts in the subject to support the opinion expressed,
28 the facts or data need not be admissible in evidence. ~~Facts or~~
29 ~~data that are otherwise inadmissible may not be disclosed to the~~
30 ~~jury by the proponent of the opinion or inference unless the~~
31 ~~court determines that their probative value in assisting the~~
32 ~~jury to evaluate the expert's opinion substantially outweighs~~
33 ~~their prejudicial effect.~~

34
35 ===== T I T L E A M E N D M E N T =====

36 And the title is amended as follows:

37 Delete lines 2 - 9

38 and insert:

39 An act relating to court proceedings; creating s.
40 768.0427, F.S.; defining the term "health care



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41 coverage"; specifying that certain evidence offered to
42 prove damages for the cost of past medical expenses is
43 admissible in a personal injury or wrongful death
44 action under certain circumstances; specifying damages
45 that may be recovered by a claimant for the reasonable
46 and necessary cost or value of medical care rendered;
47 amending s. 90.702, F.S.; revising requirements for
48 opinion testimony by expert witnesses; amending s.
49 90.704, F.S.; revising the circumstances under which
50 opinion testimony by expert witnesses is admissible or
51 may be disclosed to the jury;