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LEGISLATIVE ACTION

Senate

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House

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The Committee on Judiciary (Thurston) recommended the following:

1           **Senate Substitute for Amendment (377066) (with title**  
2 **amendment)**

3  
4           Between lines 61 and 62

5 insert:

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

8           90.702 Testimony by experts.—

9           (1) Subject to the limitations in subsection (2), if  
10 scientific, technical, or other specialized knowledge will  
11 assist the trier of fact to understand the evidence or to



973596

12 determine a fact in issue, a witness qualified as an expert by  
13 knowledge, skill, experience, training, or education may testify  
14 thereto in the form of an opinion or otherwise.

15 (2) Scientific, technical, or other specialized knowledge  
16 may serve as the basis for expert testimony if the scientific,  
17 technical, or other principles or methods underlying the  
18 testimony meet a threshold showing that they:

19 (a) Are reliable;

20 (b) Are based upon sufficient facts or data; and

21 (c) Have been reliably applied to the facts of the case.

22 (3) The threshold showing required by subsection (2) is  
23 satisfied if the principles or methods on which such knowledge  
24 is based, including the sufficiency of facts or data and the  
25 manner of their application to the facts of the case, are  
26 generally accepted by the relevant expert community ~~if~~  
27 ~~scientific, technical, or other specialized knowledge will~~  
28 ~~assist the trier of fact in understanding the evidence or in~~  
29 ~~determining a fact in issue, a witness qualified as an expert by~~  
30 ~~knowledge, skill, experience, training, or education may testify~~  
31 ~~about it in the form of an opinion or otherwise, if:~~

32 ~~(1) The testimony is based upon sufficient facts or data;~~

33 ~~(2) The testimony is the product of reliable principles and~~  
34 ~~methods; and~~

35 ~~(3) The witness has applied the principles and methods~~  
36 ~~reliably to the facts of the case.~~

37  
38 ===== T I T L E A M E N D M E N T =====

39 And the title is amended as follows:

40 Delete lines 2 - 9



973596

41 and insert:

42 An act relating to court proceedings; creating s.  
43 768.0427, F.S.; defining the term "health care  
44 coverage"; specifying that certain evidence offered to  
45 prove damages for the cost of past medical expenses is  
46 admissible in a personal injury or wrongful death  
47 action under certain circumstances; specifying damages  
48 that may be recovered by a claimant for the reasonable  
49 and necessary cost or value of medical care rendered;  
50 amending s. 90.702, F.S.; revising requirements for  
51 testimony by expert witnesses;