



426216

LEGISLATIVE ACTION

Senate

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House

Senator Fasano moved the following:

Senate Amendment (with title amendment)

Delete lines 23 - 42

and insert:

(1) Subject to the limitations in subsection (2), if scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify thereto in the form of an opinion or otherwise.

(2) Scientific, technical, or other specialized knowledge may serve as the basis for expert testimony if the scientific, technical, or other principles or methods underlying the



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14 testimony meet a threshold showing that they:

15 (a) Are reliable;

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

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

18 (3) The threshold required in subsection (2) is satisfied

19 if the principles or methods on which such knowledge is based,

20 including the sufficiency of facts or data and the manner of

21 their application to the facts of the case, are generally

22 accepted by the relevant expert community. ~~If scientific,~~

23 ~~technical, or other specialized knowledge will assist the trier~~

24 ~~of fact in understanding the evidence or in determining a fact~~

25 ~~in issue, a witness qualified as an expert by knowledge, skill,~~

26 ~~experience, training, or education may testify about it in the~~

27 ~~form of an opinion; however, the opinion is admissible only if~~

28 ~~it can be applied to evidence at trial.~~

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30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

32 Delete lines 6 - 9

33 and insert:

34 in a case under certain circumstances; providing that

35 scientific, technical, or other specialized knowledge

36 may serve as the basis for expert testimony if the

37 scientific, technical, or other principles or methods

38 underlying the testimony meet certain threshold

39 requirements, which must be generally accepted by the

40 relevant expert community; amending s. 90.704, F.S.;