

By the Committee on Budget; and Senator Richter

576-04371-12

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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; providing that the elements necessary
8 to permit a witness to testify as an expert witness
9 are satisfied if the principles or methods on which
10 such knowledge is based are generally accepted by the
11 relevant expert community; providing for
12 applicability; amending s. 90.704, F.S.; providing
13 that facts or data that are otherwise inadmissible in
14 evidence may not be disclosed to the jury by the
15 proponent of the opinion or inference unless the court
16 determines that the probative value of the facts or
17 data in assisting the jury to evaluate the expert's
18 opinion substantially outweighs the prejudicial effect
19 of the facts or data; providing an effective date.

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

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23 Section 1. Section 90.702, Florida Statutes, is amended to
24 read:

25 90.702 Testimony by experts.—

26 (1) If scientific, technical, or other specialized
27 knowledge will assist the trier of fact in understanding the
28 evidence or in determining a fact in issue, a witness qualified
29 as an expert by knowledge, skill, experience, training, or

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30 education may testify about it in the form of an opinion, or
31 otherwise, if:

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

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

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

38 (2) The threshold required by subsection (1) to permit a
39 witness to testify as an expert witness is satisfied if the
40 principles or methods on which such knowledge is based are
41 generally accepted by the relevant expert community.

42 (3) The stated testimonial requirements apply in any case
43 in which the expert opinion testimony is based on scientific,
44 technical, or other specialized knowledge.

45 Section 2. Section 90.704, Florida Statutes, is amended to
46 read:

47 90.704 Basis of opinion testimony by experts.—The facts or
48 data upon which an expert bases an opinion or inference may be
49 those perceived by, or made known to, the expert at or before
50 the trial. If the facts or data are of a type reasonably relied
51 upon by experts in the subject to support the opinion expressed,
52 the facts or data need not be admissible in evidence. Facts or
53 data that are otherwise inadmissible shall not be disclosed to
54 the jury by the proponent of the opinion or inference unless the
55 court determines that their probative value in assisting the
56 jury to evaluate the expert's opinion substantially outweighs
57 their prejudicial effect.

58 Section 3. This act shall take effect July 1, 2012.