



Fla. Adopts 'Daubert' Standard: What Does That Mean and How Do We Apply It? *Daily Business Review*

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On May 23, the Florida Supreme Court, bucking decades of jurisprudence, announced that Florida courts would utilize the Daubert standard when evaluating the admissibility of expert testimony. With this ruling, Florida joins the majority of states and the federal judiciary in utilizing the Daubert standard. The Daubert standard allows the court to function as a “gate keeper,” determining whether the proffered expert is qualified to provide expert testimony.

*This likely brings to rest nearly six years of confusion as to what expert evidentiary standard would apply in Florida. In deciding *In re Amendments to Florida Evidence Code*, Case No. SC19-107 (Fla 2019), the Florida Supreme Court abandoned its decisions in *DeLisle v. Crane*, 258 So. 3d 1221 (Fla. 2018) and *In re Amendments to Florida Evidence Code*, 210 So. 3d 1231 (Fla. 2017), upholding the *Frye* standard.*

How Did We Get Here?

Prior to 1993, the *Frye* standard was the prevailing standard for admitting expert testimony, see *Frye v. United States*, 293 F. 1013 (D.C. Cir. 1923). In 1993, following a revision of the Federal Evidence Code, the U.S. Supreme Court decided *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993), which set forth a new standard for admitting expert testimony. This new standard was to be more flexible, focusing on scientific principals and methodology, as opposed to the expert’s conclusions. Florida continued to adhere to the *Frye* standard.