

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
 2 Representatives Passidomo and Hood offered the following:

Amendment

5 Remove lines 40-61 and insert:

6 in the same geographic area, excluding government entitlement
 7 programs that are not arms' length transactions such as Medicaid
 8 and Medicare. This limitation also applies to any lien or claim
 9 of subrogation asserted for such services in the action, except
 10 for a lien or claim of subrogation described in subsection (4).

11 (3) Damages for medical or health care services provided
 12 or to be provided to a claimant are recoverable only for those
 13 services determined, by a preponderance of the evidence, to be
 14 medically necessary. If it is determined that any of the
 15 claimant's medical or health care services provided were not
 16 medically necessary, the claimant may not recover damages for
 17 such services or recover from the nonprovider defendant for any
 18 damages arising out of or related to such services. A patient is
 19 not liable to a provider for past medical or health care

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20 services rendered if such services were not medically necessary,
21 and nonpayment based on lack of medical necessity may be
22 asserted as an affirmative defense in any action to recover such
23 damages.

24 (4) Notwithstanding any other provision in this section to
25 the contrary, if Medicaid, Medicare, or a payor regulated under
26 the Florida Insurance Code has covered or is an insurer covering
27 the claimant's medical or health care services and has given
28 notice of assertion of a lien or a claim of subrogation for past
29 medical expenses in the action, the amount of the lien or claim
30 of subrogation, plus the amount of any co-payments or
31 deductibles paid or payable by the claimant, shall be the
32 maximum amount recoverable and admissible into
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