

Amendment No.

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WITHDRAWN (Y/N)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 Representative Leek offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 768.042, Florida Statutes, is amended
7 to read:

8 768.042 Damages.—

9 (1) In any action brought in the circuit court to recover
10 damages for personal injury or wrongful death, the amount of
11 general damages shall not be stated in the complaint, but the
12 amount of special damages, if any, may be specifically pleaded
13 and the requisite jurisdictional amount established for filing
14 in any court of competent jurisdiction.

15 (2) In any claim for damages relating to personal injury
16 to a claimant, evidence regarding the past, present, or future

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17 medical expenses must be based on the usual and customary
18 amounts received by a service provider for the same or similar
19 services in the community where the medical expenses are, or are
20 reasonably probable to be, incurred. Evidence of usual and
21 customary amounts received may not include evidence of increased
22 or additional charges based on the outcome of litigation. If the
23 claimant is entitled to reimbursement through any public or
24 private health insurance or governmental health coverage, the
25 amounts paid or payable under the insurance or governmental
26 health coverage shall be considered the usual and customary
27 amounts received for purposes of this subsection ~~The provisions~~
28 ~~of this section shall not apply to any complaint filed prior to~~
29 ~~May 20, 1975.~~

30 Section 2. This act shall take effect July 1, 2020.

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33 **T I T L E A M E N D M E N T**

34 Remove everything before the enacting clause and insert:
35 An act relating to damages; amending s. 768.042, F.S.; requiring
36 that certain medical expenses in personal injury claims be based
37 on certain usual and customary amounts received; specifying what
38 constitutes a usual and customary amount received; deleting an
39 obsolete provision; providing an effective date.