

By Senator Simmons

9-01516A-20

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1                   A bill to be entitled  
2       An act relating to damages; amending s. 768.042, F.S.;  
3       requiring that certain medical expenses in personal  
4       injury claims be based on certain usual and customary  
5       charges; specifying what constitutes a usual and  
6       customary charge; deleting an obsolete provision;  
7       providing an effective date.

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

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11       Section 1. Section 768.042, Florida Statutes, is amended to  
12       read:

13       768.042 Damages.—

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

20       (2) In any claim for damages relating to personal injury to  
21 a claimant, evidence regarding the past, present, or future  
22 medical expenses must be based on the usual and customary  
23 charges in the community where the medical expenses are, or are  
24 reasonably probable to be, incurred. Evidence of usual and  
25 customary charges may not include evidence of increased or  
26 additional charges based on the outcome of the litigation. If  
27 the claimant is entitled to be reimbursed through any public or  
28 private health insurance or governmental health coverage, the  
29 amounts paid or payable under the insurance or governmental

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30 health coverage shall be the usual and customary medical charges  
31 ~~The provisions of this section shall not apply to any complaint~~  
32 ~~filed prior to May 20, 1975.~~

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