

By Senator Grall

29-01048A-25

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1 A bill to be entitled
2 An act relating to evidence of damages to prove
3 medical expenses in personal injury or wrongful death
4 actions; amending s. 768.0427, F.S.; providing
5 evidence that is admissible to demonstrate past and
6 future medical expenses in personal injury and
7 wrongful death actions; providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Paragraphs (b) and (c) of subsection (2) of
12 section 768.0427, Florida Statutes, are amended to read:

13 768.0427 Admissibility of evidence to prove medical
14 expenses in personal injury or wrongful death actions;
15 disclosure of letters of protection; recovery of past and future
16 medical expenses damages.—

17 (2) ADMISSIBLE EVIDENCE OF MEDICAL TREATMENT OR SERVICE
18 EXPENSES.—Evidence offered to prove the amount of damages for
19 past or future medical treatment or services in a personal
20 injury or wrongful death action is admissible as provided in
21 this subsection.

22 (b) Evidence offered to prove the amount necessary to
23 satisfy unpaid charges for incurred medical treatment or
24 services may shall include any evidence allowed by the court
25 that tends to demonstrate the actual value of medical treatment
26 or services rendered, including, but ~~is~~ not limited to, evidence
27 as provided in this paragraph.

28 1. ~~If the claimant has health care coverage other than~~
29 ~~Medicare or Medicaid,~~ Evidence of the amount the claimant's

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30 ~~which such health care coverage is, or otherwise would be,~~
31 obligated to pay the health care provider to satisfy the charges
32 for the claimant's incurred medical treatment or services, plus
33 the claimant's share of medical expenses under the insurance
34 contract or regulation.

35 2. Evidence of the reasonable and customary rates for such
36 treatment or services rendered by a qualified provider ~~If the~~
37 ~~claimant has health care coverage but obtains treatment under a~~
38 ~~letter of protection or otherwise does not submit charges for~~
39 ~~any health care provider's medical treatment or services to~~
40 ~~health care coverage, evidence of the amount the claimant's~~
41 ~~health care coverage would pay the health care provider to~~
42 ~~satisfy the past unpaid medical charges under the insurance~~
43 ~~contract or regulation, plus the claimant's share of medical~~
44 ~~expenses under the insurance contract or regulation, had the~~
45 ~~claimant obtained medical services or treatment pursuant to the~~
46 ~~health care coverage.~~

47 ~~3. If the claimant does not have health care coverage or~~
48 ~~has health care coverage through Medicare or Medicaid, evidence~~
49 ~~of 120 percent of the Medicare reimbursement rate in effect on~~
50 ~~the date of the claimant's incurred medical treatment or~~
51 ~~services, or, if there is no applicable Medicare rate for a~~
52 ~~service, 170 percent of the applicable state Medicaid rate.~~

53 3.4. If the claimant obtains medical treatment or services
54 under a letter of protection and the health care provider
55 subsequently transfers the right to receive payment under the
56 letter of protection to a third party, evidence of the amount
57 the third party paid or agreed to pay the health care provider
58 in exchange for the right to receive payment pursuant to the

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59 letter of protection.

60 ~~4.5.~~ Any evidence of reasonable amounts billed to the
61 claimant for medically necessary treatment or medically
62 necessary services provided to the claimant.

63 (c) Evidence offered to prove the amount of damages for any
64 future medical treatment or services the claimant will receive
65 may shall include any evidence allowed by the court that tends
66 to demonstrate the actual value of medical treatment or services
67 to be rendered, including, but ~~is~~ not limited to, evidence as
68 provided in this paragraph.

69 1. If the claimant has health care coverage other than
70 Medicare or Medicaid, or is eligible for any such health care
71 coverage, evidence of the amount for which the future charges of
72 health care providers could be satisfied if submitted to such
73 health care coverage, plus the claimant's share of medical
74 expenses under the insurance contract or regulation.

75 2. If the claimant does not have health care coverage or
76 has health care coverage through Medicare or Medicaid, or is
77 eligible for such health care coverage, evidence of the
78 reasonable and customary rates for such treatment or services
79 rendered by a qualified provider ~~120 percent of the Medicare~~
80 ~~reimbursement rate in effect at the time of trial for the~~
81 ~~medical treatment or services the claimant will receive, or, if~~
82 ~~there is no applicable Medicare rate for a service, 170 percent~~
83 ~~of the applicable state Medicaid rate.~~

84 3. Any evidence of reasonable future amounts to be billed
85 to the claimant for medically necessary treatment or medically
86 necessary services.

87 Section 2. This act shall take effect July 1, 2025.