

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 applicability;
 8 providing an effective date.

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

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 12 **Section 1. Paragraphs (b) and (c) of subsection (2) of**
 13 **section 768.0427, Florida Statutes, are amended to read:**

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

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

23 (b) Evidence offered to prove the amount necessary to
 24 satisfy unpaid charges for incurred medical treatment or
 25 services may ~~shall~~ include any evidence allowed by the court

26 that tends to demonstrate the actual value of medical treatment
 27 or services rendered, including, but ~~is~~ not limited to, evidence
 28 as provided in this paragraph.

29 1. ~~If the claimant has health care coverage other than~~
 30 ~~Medicare or Medicaid,~~ Evidence of the amount the claimant's
 31 ~~which such health care coverage is,~~ or otherwise would be,
 32 obligated to pay the health care provider to satisfy the charges
 33 for the claimant's incurred medical treatment or services, plus
 34 the claimant's share of medical expenses under the insurance
 35 contract or regulation.

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

48 3. ~~If the claimant does not have health care coverage or~~
 49 ~~has health care coverage through Medicare or Medicaid, evidence~~
 50 ~~of 120 percent of the Medicare reimbursement rate in effect on~~

51 ~~the date of the claimant's incurred medical treatment or~~
52 ~~services, or, if there is no applicable Medicare rate for a~~
53 ~~service, 170 percent of the applicable state Medicaid rate.~~

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

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

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

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

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

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

88 **Section 2.** The amendments to s. 768.0427, Florida
89 Statutes, made by this act apply to all causes of action that
90 accrued after March 24, 2023, for which a final judgment has not
91 yet been entered by July 1, 2025.

92 **Section 3.** This act shall take effect July 1, 2025.