

CS/HB 1553

2026

A bill to be entitled
An act relating to admissibility of evidence in civil cases; amending s. 768.0427, F.S.; revising provisions relating to evidence that is admissible to demonstrate past and future medical expenses in personal injury and wrongful death actions; providing construction; providing an effective date.

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

Section 1. Subsection (2) of section 768.0427, Florida Statutes, is amended to read:

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

(2) ADMISSIBLE EVIDENCE OF MEDICAL TREATMENT OR SERVICE EXPENSES.—Evidence offered to prove or rebut the amount of damages for past or future medical treatment or services in a personal injury or wrongful death action shall be is admissible as follows: ~~provided in this subsection.~~

(a) Evidence offered to prove the amount of damages for past medical treatment or services that have been satisfied is limited to evidence of the amount actually paid, regardless of the source of payment.

26 (b) Evidence any party may offer offered to prove or rebut
27 the amount necessary to satisfy unpaid charges for incurred
28 medical treatment or services shall include, but is not limited
29 to, the following: evidence as provided in this paragraph.

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

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

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

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51 service, 170 percent of the applicable state Medicaid rate.

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

59 5. Any evidence of reasonable amounts billed to the
60 claimant for medically necessary treatment or medically
61 necessary services provided to the claimant.

62 (c) Evidence any party may offer offered to prove or rebut
63 the amount of damages for any future medical treatment or
64 services the claimant will receive shall include, but is not
65 limited to, the following: evidence as provided in this
66 paragraph.

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

73 2. If the claimant does not have health care coverage or
74 has health care coverage through Medicare or Medicaid, or is
75 eligible for such health care coverage, evidence of 120 percent

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76 of the Medicare reimbursement rate in effect at the time of
77 trial for the medical treatment or services the claimant will
78 receive, or, if there is no applicable Medicare rate for a
79 service, 170 percent of the applicable state Medicaid rate.

80 3. Any evidence of reasonable future amounts to be billed
81 to the claimant for medically necessary treatment or medically
82 necessary services.

83 (d) This subsection does not impose an affirmative duty
84 upon any party to seek a reduction in billed charges to which
85 the party is not contractually entitled or to offer any specific
86 evidence made admissible by this subsection.

87 (e) Individual contracts between providers and authorized
88 commercial insurers or authorized health maintenance
89 organizations are not subject to discovery or disclosure and are
90 not admissible into evidence.

91 **Section 2.** The amendments made by this act to s.
92 768.0427(2), Florida Statutes, are intended to clarify existing
93 law.

94 **Section 3.** This act shall take effect upon becoming a law.