

By Senator Massullo

11-01570A-26

20261558

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

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

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

29 (b) Evidence any party may offer offered to prove or rebut

11-01570A-26

20261558

30 the amount necessary to satisfy unpaid charges for incurred
31 medical treatment or services includes ~~shall include~~, but is not
32 limited to, evidence as provided in this paragraph.

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

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

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

55 4. If the claimant obtains medical treatment or services
56 under a letter of protection and the health care provider
57 subsequently transfers the right to receive payment under the
58 letter of protection to a third party, evidence of the amount

11-01570A-26

20261558

59 the third party paid or agreed to pay the health care provider
60 in exchange for the right to receive payment pursuant to the
61 letter of protection.

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

65 (c) Evidence any party may offer ~~offered~~ to prove or rebut
66 the amount of damages for any future medical treatment or
67 services the claimant will receive includes ~~shall include~~, but
68 is not limited to, evidence as 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 120 percent
78 of the Medicare reimbursement rate in effect at the time of
79 trial for the medical treatment or services the claimant will
80 receive, or, if there is no applicable Medicare rate for a
81 service, 170 percent of the applicable state Medicaid rate.

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

85 (d) This subsection does not impose an affirmative duty
86 upon any party to offer any specific evidence made admissible by
87 this subsection or to seek a reduction in billed charges to

11-01570A-26

20261558

88 which the party is not contractually entitled.

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

93 Section 2. The amendments made by this act to s.
94 768.0427(2), Florida Statutes, apply to all causes of action to
95 which that subsection applies and are intended to clarify and
96 not materially alter that subsection.

97 Section 3. This act shall take effect July 1, 2026.