A bill to be entitled
An act relating to damages; creating s. 768.755, F.S.;
providing for the calculation of damages under
specified circumstances; specifying that certain
contracts are not subject to discovery or disclosure
in certain actions; limiting the amount of damages in
certain actions involving liens or subrogation claims
by certain payors; creating s. 768.82, F.S.; limiting
noneconomic damages in civil actions; providing that a
jury may not be informed of such limit; providing
exceptions; providing an effective date.

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

Section 1. Section 768.755, Florida Statutes, is created
to read:

768.755 Damages recoverable for cost of medical or health
care services; evidence of amount of damages; applicability.—

(1) In a personal injury or wrongful death action to which
this part applies, damages for the cost of medical or health
care services provided to a claimant shall be calculated as
follows:

(a) If a claimant received and paid a health care provider
for medical or health care services, and there is no outstanding
balance for those services, the actual amount remitted to the

CODING: Words stricken are deletions; words underlined are additions.
provider is the maximum amount recoverable. Any difference between the amount originally billed by the provider and the actual amount remitted to the provider is not recoverable or admissible in evidence.

(b) If a claimant received medical or health care services that were paid by a government program or private health insurance for which there is no outstanding balance due to the provider other than a copayment or deductible owed by the claimant, the actual amount remitted to the provider by the government program or private health insurance, plus any copayment or deductible owed by the claimant, is the maximum amount recoverable. Any difference between the amount originally billed by the provider and the sum of the actual amount remitted to the provider and the copayment or deductible owed by the claimant is not recoverable or admissible in evidence.

(c) If a health care provider provided medical or health care services to a claimant for which an outstanding balance is due to the health care provider, and for claims asserted for medical or health care services to be provided to the claimant in the future, the maximum amount recoverable is the amount accepted from Medicare in payment for such services by other health care providers in the same geographic area. This limitation also applies to any lien asserted for such services in the action, with the exception of liens identified in subsection (3).
(2) An individual contract between a health care provider and an authorized insurer offering health insurance, as defined in s. 624.603, or health maintenance organization, as defined in s. 641.19, is not subject to discovery or disclosure in an action under this part, and such information is not admissible in evidence in an action to which this part applies.

(3) Notwithstanding this section, if a Medicaid managed care plan, Medicare, or a payor regulated under the Florida Insurance Code covered or is covering the cost of a claimant's medical or health care services and has given notice of its intent to assert a lien or subrogate a claim for past medical expenses in the action, the amount of the lien or subrogation claim, in addition to the amount of a copayment or deductible paid or payable by the claimant, is the maximum amount recoverable and admissible into evidence with respect to the covered medical or health care services.

(4) This section applies only to those actions for personal injury or wrongful death to which this part applies arising on or after July 1, 2019, and has no other application or effect regarding compensation paid to providers of medical or health care services.

Section 2. Section 768.82, Florida Statutes, is created to read:

768.82 Limit on noneconomic damages.—

(1) In any civil action, damages for noneconomic losses to
compensate for pain and suffering, inconvenience, mental anguish, disfigurement, loss of capacity for enjoyment of life, loss of consortium, loss of a decedent's companionship and protection, lost parental companionship, instruction and guidance, and other nonpecuniary damages may not exceed $1 million.

(2) The jury may not be informed of this limit.

(3) This section does not apply to:

(a) Punitive damages; or

(b) Damages for an intentional tort.

Section 3. This act shall take effect July 1, 2019.