

1 A bill to be entitled
 2 An act relating to damages; amending s. 768.042, F.S.;
 3 requiring that certain medical expenses in personal
 4 injury claims be based on certain usual and customary
 5 amounts received; specifying situations in which
 6 certain health coverage must be considered usual and
 7 customary amounts received; deleting an obsolete
 8 provision; providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Subsection (2) of section 768.042, Florida
 13 Statutes, is amended to read:

14 768.042 Damages.—

15 (2) In any claim for damages relating to personal injury
 16 to a claimant, evidence regarding the past, present, or future
 17 medical expenses must be based on the usual and customary
 18 amounts received by a service provider for the same or similar
 19 services in the community in which the medical expenses are, or
 20 are reasonably probable to be, incurred. Evidence of usual and
 21 customary amounts received may not include evidence of increased
 22 or additional charges based on the outcome of litigation. If the
 23 claimant is entitled to reimbursement through any public or
 24 private health insurance or governmental health coverage, the
 25 amounts paid or payable under the insurance or governmental

CS/HB 9

2020

26 | health coverage must be considered the usual and customary
27 | amounts received for purposes of this subsection ~~The provisions~~
28 | ~~of this section shall not apply to any complaint filed prior to~~
29 | ~~May 20, 1975.~~

30 | Section 2. This act shall take effect July 1, 2020.