

# EVIDENCE OF DAMAGES

## VOTE NO ON HB 947

Before 2023, determining a claimant's medical damages was complicated, and damages awards often failed to reflect the true value of medical expenses that a claimant had incurred in the past and would likely incur in the future. This was because juries often heard only the "billed" amounts or "sticker prices" of a claimant's medical treatment, which typically reflected much higher dollar amounts than what an insurer would have otherwise paid for the treatment or what the claimant would have even paid their medical provider out of pocket for the treatment. Consideration of such inflated amounts often misled juries into awarding excessive amounts for unpaid bills, future damages for anticipated medical expenses, and pain and suffering.

That changed with the passage of 2023 HB 837, which restored transparency in damages by specifying the evidence admissible to prove such damages in section 768.0427, Florida Statutes. Now, the 2025 Legislature is considering HB 947, which would amend section 768.0427 to state generally that the evidence admissible to prove both past incurred-but-not-yet-paid medical damages and future damages would be evidence presented under a nebulous, imprecise standard of what represents the "reasonable and customary" rates for medical treatment or services.

Section 768.0427 as enacted through 2023 HB 837 was a significant step forward in ensuring that damages awards for medical expenses reflect reality. Now is not the time to take a step backward. The Legislature should not pass HB 947.

HB 947 proposes to delete section 768.0427's provisions which require consideration of common methods of valuing medical care, like Medicare and Medicaid, and require juries to ignore evidence that a plaintiff used an LOP instead of accessing health care coverage.

More specifically, HB 947 would amend section 768.0427's provisions regarding what evidence is admissible to prove past, unpaid medical expenses and future medical expenses to state that the evidence "may" include "[e]vidence of the reasonable and customary rates for such treatment or services rendered by a qualified provider," an amorphous standard that destroys the certainty provided by section 768.0427.

Section 768.0427 as currently enacted ensures juries base damages awards on the true cost of medical treatment, and not inflated medical bills, by defining the evidence admitted to prove medical expenses. HB 947, however, proposes to eliminate that certainty and to introduce a highly subjective standard that will destroy that transparency. For all these reasons, the Florida Justice Reform Institute asks the Legislature to reject HB 947. ***Avoid raising costs and limiting access to care. Vote NO on HB 947.***

## VOTE NO ON HB 947

Questions? Reach out to William Large at [william@fljustice.org](mailto:william@fljustice.org).

