

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR CHARLOTTE COUNTY, FLORIDA

PETER BROWN,

Plaintiff,

vs.

CASE NO. 24-CA-001189

RHONDA ORTMAYER,
DAVID ORTMAYER AND
THE STANDARD FIRE
INSURANCE COMPANY,

Defendants.

_____/

**ORDER ON DEFENDANT THE STANDARD FIRE INSURANCE COMPANY'S
MOTION IN LIMINE REGARDING ADMISSIBLE EVIDENCE OF PAST AND
FUTURE EXPENSES FOR MEDICAL TREATMENT OR SERVICES**

THIS CAUSE having come before the Court upon Defendant, The Standard Fire Insurance Company's Motion in Limine Regarding Admissible Evidence of Past and Future Expenses for Medical Treatment or Services, and the Court having reviewed the pleadings, having conducted heard argument of counsel on October 6, 2025, and being otherwise fully advised in the premises, it is hereby:

ORDERED AND ADJUDGED as follows:

1. As to Defendant's Motion in Limine Regarding Admissible Evidence of Past and Future Expenses for Medical Treatment or Services, House Bill 837 (the "Act"), commonly known as the Florida Tort Reform Bill, was ratified into law on March 24, 2023. The Act included a provision in Section 30 that "[e]xcept as otherwise expressly provided in this act, this act shall apply to causes of action filed after the effective date of this act." In Section 31, the Act provides that "[t]his act shall take effect upon becoming law." The Complaint in this instant case was filed, and the actual accident occurred, after March 24, 2023.
2. The Act created Florida Statutes Section 768.0427(2) which describes the evidence necessary to prove the amount of damages for past and future medical treatment or services in a personal injury action. The evidentiary requirements of this Section depend on whether

the plaintiff's past medical expenses have been satisfied or remain unpaid, and whether the plaintiff had health insurance or Medicare at the time of medical treatment.

3. There is no dispute that the Plaintiff had health insurance after the subject accident where he was incurring medical bills from his treatment that he claims is related to this accident, and that he did not submit the entirety of those outstanding medical bills to his health insurer.
4. To the extent the Plaintiff seeks to admit evidence of damages for past medical expenses that have not been satisfied, the Plaintiff is prohibited from presenting evidence of the unpaid bills he is claiming as damages without also presenting evidence of the amount his health insurance provider would have paid to satisfy those bills. It is Plaintiff's burden to present to the jury admissible evidence to do so.
5. To the extent the Plaintiff seeks to admit evidence of damages for future medical expenses, Plaintiff is prohibited from presenting evidence of the cost of future medical treatment that he is claiming as damages without also presenting evidence of the amount his health insurance provider would pay to satisfy those same future medical expenses. It is Plaintiff's burden to present to the jury admissible evidence to do so.
6. Accordingly, Defendant's First Motion Regarding Admissible Evidence of Past and Future Expenses for Medical Treatment or Services is GRANTED, and the Plaintiff is precluded in limine from introducing any evidence of unpaid past or future medical expenses inconsistent with this ruling.

DONE AND ORDERED in Chambers at Charlotte County, Florida

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Russell T. Kirshy, Circuit Court Judge xeES3UFg 24001189CA
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