

IN THE CIRCUIT COURT OF THE 19TH
JUDICIAL CIRCUIT, IN AND FOR INDIAN
RIVER COUNTY, FL

BRITNEY WIMES-CAMPBELL,

Plaintiff,

v.

CASE NO: 31 2024-CA-000008AXXXVB

THOMAS DELCONTE,

Defendant.

**ORDER GRANTING DEFENDANTS' MOTION IN LIMINE REGARDING ADMISSIBLE
EVIDENCE OF PAST AND FUTURE EXPENSES
FOR MEDICAL TREATMENT OR SERVICES**

THIS CAUSE came before the Court for hearing on July 9, 2025 via Zoom on DEFENDANTS' MOTION IN LIMINE REGARDING ADMISSIBLE EVIDENCE OF PAST AND FUTURE EXPENSES FOR MEDICAL TREATMENT OR SERVICES filed June 20, 2025 (DE 79) and after hearing argument of counsel and being otherwise advised in the premises, finds that this action was filed on January 8, 2024 (after the effective date of HB 837 on March 24, 2023);¹ that Plaintiff had both private health (Aetna) and Medicaid coverage; that for her past medical expenses that have been satisfied, Section 768.0427(2)(a) limits the evidence to the "amount actually paid, regardless of the source of payment" and for her unpaid medical expenses and future medical expenses, Plaintiff is required to introduce evidence as described in Florida Statute Section 768.0427(2)(b)1.-4. and (c)1.-2. and it is thus

ORDERED AND ADJUDGED that said Motion is hereby GRANTED. Past medical expenses that have been satisfied shall be limited to the "amount actually paid" and for unpaid and future medical expenses, Plaintiff must offer evidence that includes the amount the health care coverage is obligated to pay or would have paid, plus the claimant's share under the insurance contract or regulation, if the charges were submitted (as set forth in Section 768.0427(2)(b)1.-4. and (c)1.-2.).

DONE AND ORDERED in Indian River County, Florida this 9th day of July, 2025.

eSigned by Judge Cynthia L. Cox 07/09/2025 10:28 pm
CYNTHIA L. COX, Circuit Judge

Copies furnished via e-portal to:

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¹Based on the language of the Statute as a whole, the phrase "shall include, but is not limited to" is mandatory in nature and imposes a burden on a Plaintiff to introduce the specified evidence where applicable. Plaintiff cannot simply avoid the presentation of evidence regarding her coverages and out-of-pocket expenses by not filing claims with her healthcare provider. Such an interpretation subverts the purpose of the Statute and would require the Court to ignore the clear terms of the text. See also *Allstate v. Orthopedic*, 212 So. 3d 978 (Fla. 2017); *Lab'y Corp. v. Davis*, 339 So. 3d 324 (Fla. 2022) and *Citizens v. Fay*, 396 So. 3d 555 (Fla. 2024).