

**IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA**

FRANCISCA O. HINZ, individually, and
FRANCISCA O. HINZ, as Parent and
Natural Guardian of SH, a minor,
Plaintiff,

CASE NO.: 01-2023-CA-4379

v.

DIVISION: K

CITY OF GAINESVILLE,
Defendant.

_____ /

**ORDER GRANTING DEFENDANT'S MOTION IN LIMINE
REGARDING LIMITATION OF MEDICAL DAMAGES**

This case came before the Court on December 18, 2024, upon Defendant's Motion in Limine Regarding Limitation of Medical Damages. The Court having reviewed the pleadings and Motion, having heard from Defendant and Plaintiff, through counsel, and being otherwise fully advised in the premises, the Court finds, as follows:

1. This case was filed after March 24, 2023, and therefore compliance with Florida Statutes section 768.0427(2)(b) is applicable and will be required;
2. The Court finds that the Plaintiff had health insurance on the date of the surgery in question in this case, and that the medical providers for Plaintiff's surgery did not submit their bills to Plaintiff's health insurance carrier, with at least one of such Plaintiff's medical providers holding its bill under a Letter of Protection;
3. The Court further finds that, in a circumstance like this, Florida Statutes section 768.0427(2)(b)2 mandates that admissible evidence of such medical bills at trial shall include evidence of the amount that Plaintiff's health care coverage would have paid the health care provider(s) to satisfy the past unpaid medical charges under the

- insurance contract between Plaintiff and her health insurance company along with any co-pays and deductible that Plaintiff would have been responsible for payment;;
4. Consequently, the Court does hereby order that, as a condition precedent to the admissibility of evidence on medical damages in this case, the Plaintiff shall be required to discover the amounts of such billings as they would exist had Plaintiff submitted such billings to her health insurance company, as contemplated by Florida Statutes section 768.0427(2)(b)2;
 5. The Court further finds that Florida Statutes section 768.0427(2)(b)5 also allows for the introduction of any evidence “of reasonable amounts billed to the claimant for medically necessary treatment or medically necessary services provided to the claimant;”
 6. The Court also hereby finds that the Plaintiff may also offer any evidence of reasonable amounts billed to the claimant for medically necessary treatment or medically necessary services provided to the claimant, subject to objections and admissibility, as contemplated by Florida Statutes section 768.0427(2)(b)5;
 7. Compliance with Florida Statutes section 768.0427(2)(b) in this regard and in this case is a condition precedent to the admissibility of such evidence, and the burden of production is on the Plaintiff to comply and to produce such evidence and materials no later than ten (10) days prior to the mediation in this case.


It is hereby **ORDERED AND ADJUDGED** that:

- a. Defendant’s Motion in Limine Regarding Limiting Medical Damages is hereby **GRANTED**;
- b. Compliance with Florida Statutes section 768.0427(2)(b) in this regard and in this case is a condition precedent to the admissibility of such evidence, and the

burden of production is on the Plaintiff to comply and to produce such evidence and materials no later than ten (10) days prior to the mediation in this case.

DONE AND ORDERED on Saturday, February 1, 2025, *nunc pro tunc*, December 18, 2024.

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Gloria R. Walker, Circuit Judge
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies have been furnished by U.S. Mail or via filing with the Florida Courts E-Filing Portal on Monday, February 3, 2025.

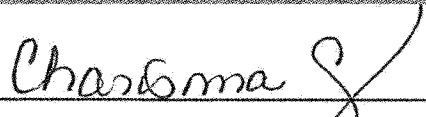
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