

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA**

DANA KRAMER,

Plaintiff,

v.

CASE NO: 2023-CA-015417

COMFORT AIR HEATING AND COOLING, INC.
and ARIEL PEREZ,

Defendants.

ORDER ON DEFENDANTS' OBJECTION
REGARDING THE ADMISSIBILITY OF EVIDENCE OF PLAINTIFF'S FUTURE
MEDICAL EXPENSES

THIS CAUSE came before the Court on Defendants' Objection as to the admissibility of Plaintiff's claimed future medical damages. Having reviewed the filings, considered the arguments of counsel, and being otherwise fully advised in the premises, the Court hereby finds as follows:

1. This is a personal injury action related to a motor vehicle accident that occurred on June 10, 2021, wherein Plaintiff seeks damages. At issue here is "Plaintiff's Special Damages" which lists future medical expenses of \$859,000.00 - \$1,131,400.00, for which Plaintiff seeks recovery.
2. Defendants contend that pursuant to *Fla. Stat.* §768.0427(2)(c), in order to seek future medical expenses, Plaintiff is required to present evidence of Plaintiff's health insurance or Medicare or Medicaid reimbursement rates for the same future medical services for which Plaintiff seeks to recover at trial.
3. Plaintiff argues that *Fla. Stat.* §768.0427(2)(c) is inapplicable because the statute cannot be applied retroactively. The accident giving rise to this lawsuit occurred on June 10, 2021. The statute at issue became effective on March 24, 2023. Plaintiff's Complaint was filed on September 22, 2024. Plaintiff additionally asserts that the statute is unconstitutional.

4. The Court finds that *Fla. Stat.* §768.0427(2)(c) does not provide an exhaustive list of “Admissible Evidence of Medical Treatment or Service Expenses.” Instead, §768.0427(2)(c) identifies evidence which shall be considered by the Court, if presented. These items of evidence, include, *but are not limited to*, evidence of Plaintiff’s health insurance or Medicare or Medicaid reimbursement rates for the same services for which Plaintiff seeks to recover at trial.
5. Importantly, *Fla. Stat.* §768.0427(2)(c)(3), also provides that the Court shall consider “[a]ny evidence of reasonable future amounts to be billed to the claimant for medically necessary treatment or medically necessary services.” (emphasis added).
6. As such, the Court **OVERRULES** Defendant’s objection to the extent Defendants object to Plaintiff’s claimed future medical damages because Plaintiff has not provided evidence of Plaintiff’s health insurance or Medicare or Medicaid reimbursement rates for the same services for which Plaintiff seeks recovery at trial.¹
7. The Court **RESERVES** ruling as to the admissibility of any evidence of reasonable future amounts to be billed to Plaintiff for medically necessary treatment or services.

DONE AND ORDERED in Chambers at Hillsborough County, Florida, this 13th day of June 2025.

Electronically Conformed 6/13/2025
Laura E. Ward

Honorable Judge Laura E. Ward

Cc: John Colvin, Esq.
Jeffrey R. Hill, Esq.
William Bracken
Kiersten E. Warren, Esq.

¹ This Court’s ruling is based on statutory interpretation. This Court’s interpretation of *Fla. Stat.* §768.0427 does not render the statute unconstitutional.