

IN THE CIRCUIT COURT OF THE 17TH  
JUDICIAL CIRCUIT, IN AND FOR  
BROWARD COUNTY, FLORIDA

CASE NO. CACE24001363

JIVERES LENOIR LANOIR, JR.,

Plaintiff,

v.

OMAR VLADIMIR MOTA PEGUERO  
AND PALM EXPRESS, INC.,

Defendants.

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**ORDER DENYING DEFENDANTS' MOTION IN LIMINE REGARDING  
ADMISSIBILITY OF EVIDENCE REGARDING PAST AND FUTURE MEDICAL  
CHARGES**

THIS CAUSE came before the Court on March 5, 2025, to consider Defendants' Motion in Limine Regarding Admissibility of Evidence Regarding Past and Future Medical Charges. At the subject hearing, defense counsel clarified that Defendants' motion sought to limit "Plaintiff's medical bills to the Medicare rates, because [of] his Medicaid eligibility." (03-05-2025 Hrg. T. at 6-7).

Having considered the parties' motion practice, oral argument, and the plain text of section 768.0427(2), Florida Statutes, the Court ORDERS and ADJUDGES that Defendants' Motion is **DENIED** because that is not what the statute provides. In support, the Court determines and reasons as follows:

1. Given that the filing of this case post-dates the March 24, 2023, effective date of HB 837, the Court is required to interpret and apply the plain text of section 768.0427(2), Florida Statutes (2024).
2. Under that statute, as is relevant here, admissible evidence offered to prove the reasonable amount of "unpaid charges for incurred medical treatment or services **shall include, but is not limited to,**"<sup>1</sup> the evidence stated in section 768.0427(2)(b)(3)—*i.e.*, "evidence of 120 percent of the Medicare reimbursement rate in effect on the date of the claimant's incurred medical treatment or services, or, if there is no applicable Medicare rate for a service, 170

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<sup>1</sup> All emphasis is supplied unless otherwise noted.

percent of the applicable state Medicaid rate”—**and**, under section 768.0427(2)(b)(5), “[a]ny evidence of reasonable amounts billed to the claimant for medically necessary treatment or medically necessary services provided to the claimant.”

3. Thus, section 768.0427(2) is not phrased in terms of evidence that the plaintiff must submit. Instead, it is phrased in terms of evidence that is available for any litigant (plaintiff or defendant) to “**prove**”—*i.e.*, establish the truth of by satisfactory evidence<sup>2</sup>—the plaintiff’s reasonable amount of medical expenses.
4. And, among the categories of admissible evidence available to either side regarding past medical expenses, section 768.0427(2)(b)(5) provides that such evidence “shall include, but is not limited to” “[a]ny evidence of reasonable amounts billed to the claimant for medically necessary treatment or medically necessary services provided to the claimant.”
5. As such, the proof available to the litigants regarding past medical expenses is not (as Defendants contend) limited solely to a specified percentage of an applicable Medicare or Medicaid reimbursement rate.
6. Rather, under a reading of the statute which gives meaning to all of its language, Plaintiff may introduce his medical bills as evidence of reasonable amounts billed per section 768.0427(2)(b)(5).
7. And, per section 768.0427(2)(b)(3), Defendants may introduce admissible evidence establishing “120 percent of the Medicare reimbursement rate in effect on the date of the claimant’s incurred medical treatment or services, or, if there is no applicable Medicare rate for a service, 170 percent of the applicable state Medicaid rate” for the given medical expense, but Plaintiff is not required to do so.
8. Under the circumstances involved here, section 768.0427(2)(c)(2)-(3) reflects materially similar parameters for future medical expenses by indicating that the parties may offer admissible evidence as to “120 percent of the Medicare reimbursement rate in effect at the time of trial for the medical treatment or services the claimant will receive, or, if there is no applicable Medicare rate for a service, 170 percent of the applicable state Medicaid rate,” but then concludes by providing that the admissible evidence on future medical expenses “shall include, but is not limited to ... [a]ny evidence of reasonable future amounts to be billed to the claimant for medically necessary treatment or medically necessary services.”
9. Thus, section 768.0427(2)—for both past and future medical expenses—does not limit the parties to evidence of only a specified percentage of an applicable Medicare or Medicaid reimbursement rate. Instead, the admissible evidence available to the parties also includes “[a]ny evidence of reasonable amounts billed to the claimant for [past] medically necessary treatment or medically necessary services” and “[a]ny evidence of reasonable future


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<sup>2</sup> “**prove vb.** (13c) To establish or make certain; to establish the truth of (a fact or hypothesis) by satisfactory evidence.” PROVE, BLACK’S LAW DICTIONARY (12th ed. 2024).

amounts to be billed to the claimant for medically necessary treatment or medically necessary services.”

10. This Court enforces the statute as written.

DONE AND ORDERED in Chambers, in Fort Lauderdale, Broward County, Florida on this  
13<sup>th</sup> day of May 2025.

  
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DANIEL A. CASEY  
CIRCUIT COURT JUDGE

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