

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT  
IN AND FOR CITRUS COUNTY, FLORIDA**

**Audrey Ramos and  
Carlos Ramos, her spouse,  
Plaintiffs,**

v.

**Case No. 2024-CA-000295**

**Citrus HMA, LLC d/b/a Bravera  
Health Seven Rivers; Shaun  
Saint, M.D.; Shaun F. Saint, M.D., P.A.;  
Adnan Mohammadbhoy, D.O.; and  
Adnan Mohammadbhoy, D.O., P.A.,  
Defendants.**

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**ORDER GRANTING PLAINTIFFS' MOTION FOR PARTIAL SUMMARY  
JUDGMENT ON APPLICABILITY OF FLORIDA HOUSE BILL 837**

This CAUSE came before the Court for hearing on August 18, 2025, on Plaintiffs' Motion for Partial Summary Judgment on Applicability of Florida House Bill 837. The Court, having heard arguments and reviewed the court file, finds as follows:

1. The instant claims for medical negligence and loss of consortium accrued on January 25, 2022, which was the day Audrey Ramos underwent the procedure at issue. Subsequently, Florida House Bill 837 (hereinafter referred to as "HB837") passed and became law on March 24, 2023. Pivotaly, HB837's corresponding statutes, including section 768.0427, Florida Statutes, also took effect on March 24, 2023. *See* § 768.0427, Fla. Stat. (2023).

2. After completing the statutorily mandated medical malpractice pre-suit process, Plaintiffs filed their original Complaint in April of 2024. Thereafter, Defendants, Citrus HMA, LLC d/b/a Bravera Health Seven Rivers, Shaun Saint, M.D., and Shaun F. Saint, M.D., P.A., asserted certain affirmative defenses based on HB837 and section 768.0427, Florida Statutes. Specifically, Defendants seek to use the limitations on medical damages created by section 768.0427, Florida Statutes.

3. Here, the dates of the action's accrual and filing are undisputed, so the issue is ripe for summary judgment disposition pursuant to Florida Rule of Civil Procedure 1.510. See Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986); Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247-48 (1986). The question before the Court is whether HB837's medical-expense regime, codified in section 768.0427, Florida Statutes, applies to an action that accrued before HB837's effective date, but was filed after HB837 passed and section 768.0427, Florida Statutes, took effect.

4. The Court finds that the instant claim accrued, and rights vested, when the alleged medical negligence occurred in January of 2022. See Miles v. Weingrad, 164 So. 3d 1208, 1213 (Fla. 2015) (Pariente, J., concurring) (“[A] plaintiff has a vested right to file a medical malpractice cause of action that accrues when the malpractice incident occurs.”); see also R.A.M. of S. Florida, Inc. v. WCI Communities, Inc., 869 So. 2d 1210, 1220 (Fla. 2d DCA 2004) (holding that “once a cause of action has accrued, the right to pursue that cause of action is generally considered a vested right.”).

5. Florida courts apply a two-part test to determine whether a statute may be applied retroactively to a claim that accrued before the law took effect. First, courts determine if the plain language of a statute evinces a legislative intent for the statute to apply retroactively; second, courts determine whether retroactive application is constitutional. See, e.g., Metro. Dade Cty. v. Chase Fed. Hous., 737 So. 2d 494, 499 (Fla. 1999); Am. Optical Corp. v. Spiewak, 73 So. 3d 120, 130 (Fla. 2011). To be applied retroactively, a “statute must pass both parts of this test.” Fitchner v. LifeSouth Cmty. Blood Ctrs., 88 So. 3d 269, 279 (Fla. 1st DCA 2012).

6. HB837's timing provision states 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[.]”

Fla. HB837, § 30 (2023). Based on this provision, the legislature intended for section 768.0427, Florida Statutes, to apply retroactively to lawsuits filed after March 24, 2023, even when the underlying cause of action accrued before that date.

7. Therefore, the Court turns to the second part of the retroactivity test: constitutionality. A statute can apply retroactively if it is “procedural,” but not if it is “substantive.” A substantive statute impairs vested rights, creates new obligations, or imposes new penalties on a party; while a procedural statute merely changes the *means and methods* by which substantive rights are enforced and applied. See Basel v. McFarland & Sons, Inc., 815 So. 2d 687, 694 (Fla. 5th DCA 2002) (holding that “substantive law prescribes duties and rights while procedural law concerns means and methods to apply and enforce those duties and rights.”).

8. The present dispute hinges on the distinction between substantive and procedural laws. If section 768.0427, Florida Statutes, impairs Plaintiffs’ vested rights or imposes any new obligations or penalties on Plaintiffs, then retroactive application would violate their constitutional rights because the law is substantive. Juxtaposed to a substantive law, if the statute merely imposes the *methods by which Plaintiffs* enforce their rights, then it is procedural, and may be applied presently. See Miles, 164 So. 3d at 1213; Basel, 815 So. 2d at 694.

9. HB837 is a relatively recent law; thus, the Court lacks a plethora of guiding appellate jurisprudence. A case from the Fifth District Court of Appeal referenced section 768.0427, Florida Statutes, and held that the statute could not apply retroactively; however, Wolf was factually dissimilar to the case at bar because that action both accrued and was filed prior to HB837 becoming law. See Wolf v. Williams, 397 So. 3d 799, 801-02 (Fla. 5th DCA 2024).

10. Initially, section 768.0427, Florida Statutes, subsection (4), imposes a limit on the amount of medical damages that plaintiffs may recover by dictating that their damages “may not exceed” the amounts set forth under subsections (4)(a), (4)(b), and (4)(c), as follows:

- (a) Amounts actually paid by or on behalf of the claimant to a health care provider who rendered medical treatment or services;
- (b) Amounts necessary to satisfy charges for medical treatment or services that are due and owing but at the time of trial are not yet satisfied; and
- (c) Amounts necessary to provide for any reasonable and necessary medical treatment or services the claimant will receive in the future.

§ 768.0427(4), Fla. Stat (2023).

11. By altering the *amounts* of damages, subsection (4) adversely impacted Plaintiffs’ already-vested, substantive rights to recover damages from Defendants. This makes the statute substantive, and not procedural. The Court finds Miles instructive. In Miles, a medical malpractice case, the defendant doctor negligently performed surgery on the plaintiff seven months *before* the Florida legislature enacted a statute limiting the amount of non-economic damages plaintiffs could recover in medical malpractice cases. Miles, 164 So. 3d at 1213. However, since the plaintiff’s medical malpractice claim accrued “before the legislation capping noneconomic damages in medical malpractice actions went into effect[,]” the damages cap law *could not be* applied retroactively to the plaintiff’s case. Id.; see also State Farm Mut. Auto. Ins. v. Laforet, 658 So. 2d 55, 61 (Fla. 1995); Alamo Rent-A-Car v. Mancusi, 632 So. 2d 1352, 1358 (Fla. 1994); Basel 815 So. 2d at 96. Thus, the Court finds that § 768.0427(4), Florida Statutes, is substantive because it impinges Plaintiffs’ rights to damages, which vested before the statute took effect in 2022. Thus, it cannot apply here.

12. Subsection (4) also creates new obligations and imposes new penalties on Plaintiffs. In 2022 and 2023, before section 760.0427, Florida Statutes, took effect, Mrs. Ramos made decisions about *who* would treat her, *what* procedures they would perform, and

*how* she would pay for that treatment based on then-existing law. Applying section 768.0427 retroactively to this case would punish Mrs. Ramos with a limited recovery of medical damages and an obligation to fulfill a *new* condition precedent before being entitled to damages.

13. Next, the Court analyzes subsection (2) of the statute, which drastically modifies the scope of medical damages that can be admitted into evidence. To start, because subsection (4) limits Plaintiffs' damages to an amount no greater than the evidence admissible under subsection (2), subsection (2), by application, also adversely affects Plaintiffs' already-vested, substantive rights to recover damages. Furthermore, even if the Court found section 768.0427(2), Florida Statutes, to be procedural, applying it here would be unconstitutional because a potential conflict arises from the collateral source rule, and the Florida Supreme Court has not issued a ruling relating to HB837. See In re Amendments to the Florida Evidence Code, 782 So. 2d 339, 341-42 (Fla. 2000); Joerg v. State Farm Mut. Auto. Ins., 176 So. 3d 1247, 1249 (Fla. 2015) ("As an evidentiary rule, payments from collateral source benefits are not admissible because such evidence may confuse the jury with respect to both liability and damages.").


14. Finally, regarding subsection (3), the Court finds that the statute impedes Plaintiffs' substantive vested rights by requiring them to disclose broad categories of information as "a condition precedent to asserting any claim for medical expenses for treatment rendered under a letter of protection." § 768.0427(3), Fla. Stat. Imposing new conditions precedent on Plaintiffs' ability to recover medical damages constitutes a substantive statutory amendment. Moreover, if Plaintiffs fail to comply with subsection (3)'s disclosure obligations, their right to recover medical damages is limited. Thus, section 768.0427(3), Florida Statutes, imposes new obligations to recover medical damages. Accordingly,

subsection (3) is substantive in nature and therefore does not apply retroactively to Plaintiffs' claims.

Accordingly, the Court **GRANTS** Plaintiff's Motion for Partial Summary Judgment and **ORDERS that**

- a. HB837, including section 768.0427, Florida Statutes, does not apply to Plaintiffs' claims because their causes of action accrued, and rights vested, before March 24, 2023;
- b. any affirmative defenses premised on section 768.0427, Florida Statutes, are hereby **STRICKEN**; and
- c. the admissibility of medical-expense evidence and collateral-source issues will be governed by Florida's pre-HB837 legal framework.

**IT IS SO ORDERED**, in chambers, at Citrus County, Florida, on this 16<sup>th</sup> day of September, 2025.

  
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**JUDGE CAROL FALVEY**  
**CIRCUIT JUDGE**

