

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

CASE NO.: 2024 CA 000498 A

MELISSA SLANKER,

Plaintiff,

v.

JONATHAN RECTA and
STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendants.

**ORDER GRANTING PLAINTIFF'S MOTION IN LIMINE
ON SECTION 768.0427(2) REGARDING ADMISSIBLE EVIDENCE
OF PAST AND FUTURE MEDICAL TREATMENT OR SERVICES**

This matter having come before the Court for consideration on Plaintiff's Motion in Limine on Section 768.0427(2) Regarding Admissible Evidence of Past and Future Medical Treatment or Services, and the Court, having reviewed the motions, hearing arguments of counsel at hearing on October 29, 2025, and being fully advised in the premises, finding as follows:

1. This action arises from a motor vehicle accident which occurred on October 19, 2023. This suit was filed on July 9, 2024.
2. On March 23, 2023, Governor DeSantis signed into law House Bill 837 ("HB 837"), which took effect on the same date. *See* Ch. 2023-15, Laws of Fla. Section 6 of HB 837 created Fla. Stat. § 768.0427, titled "Admissibility of evidence to prove medical expenses in personal injury or wrongful death actions; disclosure of letters of protection; recovery of past and future medical expenses damages."
3. Plaintiff in this action has not contested the applicability of Fla. Stat. § 768.0427.

4. Section 768.0427(2) is titled “Admissible Evidence of Medical Treatment or Service Expenses.” As the title implies, this subsection addresses what evidence is admissible to prove the amount of damages in a personal injury or wrongful death case for both past and future medical treatment.

5. Section 768.0427(2) does not limit evidence of unpaid past and future medical expenses or create a burden of production on the plaintiff.

- a. *The* only limitation in the statutory text is in subsection (2)(a) concerning “satisfied” medical expenses. Specifically, subsection (2)(a) states: “Evidence offered to prove the amount of damages for past medical treatment or services that have been satisfied *is limited* to evidence of the amount actually paid, regardless of the source of payment.” § 768.0427(2)(a), Fla. Stat. (emphasis added).
- b. Subsection (2)(b) governs unpaid medical expenses. Unlike subsection (2)(a), subsection (2)(b) does not limit the evidence that may be admitted. Instead, subsection (2)(b) states: “Evidence offered to prove the amount necessary to satisfy unpaid charges for incurred medical treatment or services shall include, but *is not limited to*, evidence as provided in this paragraph.” *Id.* § 768.0427(2)(b) (emphasis added).
- c. Subsection (2)(c) governs future medical expenses. Like (2)(b), subsection (2)(c) does not limit the evidence that may be admitted. Instead, subsection (2)(c) states: “Evidence offered to prove the amount of damages for any future medical treatment or services the claimant will receive shall include, but *is not*

limited to, evidence as provided in this paragraph." Id. § 768.0427(2)(c)
(emphasis added).

6. These subsections allow either party to introduce evidence of damages by the methods set forth therein.

7. Plaintiff is free to introduce any evidence of reasonable amounts billed to the Plaintiff for medically necessary treatment or medically necessary services and is also free to introduce any evidence of reasonable future amounts to be billed for medically necessary treatment or medically necessary services.

8. Defendants are free to introduce evidence controverting Plaintiff's claims for medical expenses with any of the evidence deemed admissible under the statute.

Based on the foregoing, it is **ORDERED AND ADJUDGED**:

A. Plaintiff's Motion in Limine on Section 768.0427(2) Regarding Admissible Evidence of Past and Future Medical Treatment or Services is **GRANTED**.

B. The parties may introduce evidence related to past and future medical bills in compliance with the interpretation of section 768.0427(2) as set forth in this Order.

DONE AND ORDERED in Chambers at Citrus County, Florida this 3rd day of November, 2025.



Carol Falvey, Circuit Judge

Copies to all parties via e-portal