



## AIF and Our Members Oppose HB 1553 by Representative Brackett

On Thursday, January 29<sup>th</sup>, you will hear HB 1553 – Evidence of Damages to Prove or Rebut Medical Expenses in Personal Injury or Wrongful Death Actions in the House Civil Justice & Claims Subcommittee. **AIF opposes this legislation.**

Before 2023, determining a claimant's true medical damages was complicated, and damages awards often failed to reflect the true value of medical expenses that a claimant had incurred in the past and would likely incur in the future. This was because juries often heard only the “billed” amounts or “sticker prices” of a claimant’s medical treatment, which typically reflected much higher dollar amounts than what was customarily accepted in the relevant geographic area.

Consideration of such inflated amounts often misled juries into awarding excessive amounts for unpaid bills, future damages medical expenses, and noneconomic damages.

That changed with the passage of HB 837 in 2023. Now juries hear objective evidence about the cost of medical care, so that juries can better assess and award verdicts that reflect the actual value of care. Post-837, it is now much easier to settle a case, speeding up the process for both injured plaintiffs and defendants, reducing the cost of litigation. Naturally, billboard attorneys do not like these results, which are working well for just about everyone else. As a result, the **Legislature should not pass HB 1553.**

In any case, a plaintiff has the burden of presenting evidence including of damages. However, the bill changes the evidentiary burden onto defendants. Plaintiffs can now return to their practice of introducing inflated amounts, untethered to reality, into evidence, without any requirement to also provide some modicum of objective evidence for the jury to also consider. Even though the plaintiffs usually have the information required by Section 768.0427, F.S., at their fingertips. Now, defendants will have to do extensive billing analyses, which only increase the cost of litigation, in an effort to try to get some measure of objective evidence in front of a jury.

Juries need data to make good decisions. When juries have more quality data, they make better quality decisions. Compromising their access to this data, will increase litigation exposure, bloat settlements, increase claims severity, and interrupt the gains Florida’s employers have seen through reduced insurance costs.

Importantly, no district court of appeal has even ruled on the trial bar’s post-2023 challenges to the statute. They should be allowed to complete this process, which will only speed up predictability in the law for all stakeholders. Making additional changes to the law will simply reset, and therefore extend, that clock.

**The ultimate effect of HB 1553 would be reverting back to inflated damages awards that increase medical costs and insurance rates for Florida’s consumers and businesses; thus, AIF and its members oppose the bill.**