



POLICY BRIEF | HB 9 DAMAGES

Health insurance prices are skyrocketing. A broken court system that awards inflated amounts of medical expenses in personal injury and wrongful death cases could be one reason why. **HB 9** offers a policy solution:

HB 9 (Leek) DAMAGES: ensures that the amount of medical expenses awarded in personal injury or wrongful death cases reflects the amount a plaintiff would actually pay and not the amount the medical provider billed, which can be higher – especially if the plaintiff never paid the bill.

- Tort law provides a way to award compensation to individuals, groups, or businesses for unjust harm caused by others. In personal injury and wrongful death cases, this compensation can include the cost of medical expenses.
- Juries often hear evidence referring to the cost of medical care as billed by the provider – not the actual cost to the patient or insurance company. This can lead to the jury awarding an inflated amount of damages.
- The price billed by a medical provider is rarely the price actually paid, though. A third party, such as insurance company (rather than the patient) often negotiates the price of the procedure down from the amount billed.
- Inflated payouts for medical expenses have impacted the insurance market for the worst – health insurance is becoming prohibitively expensive for Floridians and businesses.
- **HB 9** addresses rising insurance costs by establishing logical guidelines for medical damages payouts in personal injury or wrongful death cases.

PROPOSED AMENDMENT:

- The amendment aims to limit any confusion a jury may have about what amount of damages should be awarded. It says any medical bills that do not accurately reflect the typical amount paid for that medical service should not be considered by a jury.
- Instead, the amendment calls for medical expense damages to be awarded based only on the usual and customary amounts of what is typically paid to a service provider for similar services in the community where the medical expenses were incurred.

Please refer to the [bill text and staff analysis](#) for further information.