



2026 Palm Beach County Bar Association Bench Bar Conference

March 6, 2026

Time: 1:30 PM – 2:30 PM

Personal Injury Session

"From Statute to Strategy: Decoding Florida's Civil Litigation Overhaul"

This 60-minute session will focus on the numerous significant amendments that have taken effect on January 1, 2025, with respect to the Florida Rules of Civil Procedure, as well as HB 837's continued impact on personal injury cases.

Panelists: Judge Bradley Harper, Judge Reid Scott, Judge James Sherman, Scott Smith, Esq., and Ian Robinson, Esq.

Moderators: Steven Kranz, Esq. and Jeff Martz, Esq.

I. Trial Settings

Rule 1.200 (Case Management; Pretrial Procedure)

- How are case tracks assigned?
 - What circumstances warrant extensions of time to comply deadlines?
 - How does the Court deal with different opinions of the Case Management Deadlines?
 - How are Case Management Conferences being utilized by the court?

Rule 1.460 (Motions to Continue Trial)

- What is likely to be deemed "good cause" in in the 15th Judicial Circuit in PI/WD matters?
- Requirements of a motion to continue trial in PI/WD matters?
- What needs to be in the Order on the motion for continuance in PI/WD matters?

II. Discovery

Rule 1.280 (General Provisions Governing Discovery)

- What issues are you observing from the Initial Disclosures requirement?
- Under what circumstances are you using the proportionality language to resolve discovery disputes?
- Are you seeing any issues with failure to supplement discovery? How are you resolving those issues?

Rule 1.380 (Failure to Make Discovery; Sanctions)

- Under what circumstances are you typically awarding Fees and Costs when dealing with discovery issues?

III. How the Courts are Handling HB 837 at Trial

F.S. 768.0427 - Admissibility of Evidence regarding Damages

- Who has the burden of showing health insurance rates when the Plaintiff has not treated under health insurance?
- How is the Court handling evidence related to future medical damages at trial when the Plaintiff has insurance?
- How are practitioners introducing this evidence in trial?
- What issues are you seeing regarding Letters of Protection and the prerequisite of disclosing such LOP's prior to filing a lawsuit?

F.S. 768.81- Changes to Comparative Fault

- Are jurors allowed to know that if they find the Plaintiff greater than 50% at fault, the Plaintiff receives nothing?

IV. Bad faith law changes

- What are you seeing regarding interpleaders and how are they being resolved?
- Is a formal demand now required to establish bad faith?
- Are there any exceptions to the 90 day grace period before bad faith may be established?