



*2026 Palm Beach County Bar Association Bench Bar Conference*  
*March 6, 2026*

## **Personal Injury Session**

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

**1:30 PM – 2:30 PM**

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:** Scott Smith, Esq., and Ian Robinson, Esq.

**Judges:** Judge Bradley Harper, Judge Reid Scott, Judge James Sherman

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

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### **CHANGES TO THE FLORIDA RULES OF CIVIL PROCEDURE (EFFECTIVE 1/1/2025)**

#### **• Rule 1.200 (Case Management; Pretrial Procedure)**

(1) What changes will we see and feel here in the 15th Judicial Circuit with respect to Personal Injury and Wrongful Death (PI/WD) matters, if any?

(2) Can the deadlines and trial date be modified in the 15th Judicial Circuit in PI/WD matters? If so, under what circumstances and how?

#### **• Rule 1.202 (Conferral Prior to Filing Motions)**

(1) What duty is now required to confer with opposing counsel before filing a non-dispositive motion in PI/WD matters?

(2) What Certificate of Conferral is required at the end of the motion and above the signature block in PI/WD matters?

(3) What motions are exempt in PI/WD matters, if any?

- **Rule 1.280 (General Provisions Governing Discovery)**

- (1) What is the incorporated proportionality language of Federal Rule of Civil Procedure 26(b)(1)?
- (2) What initial discovery disclosures will be required within 60 days after service of the Complaint or joinder in PI/WD matters?
- (3) What is the duty to supplement discovery in PI/WD matters?

- **Rule 1.440 (Setting Action for Trial)**

- (1) Will motions for an earlier trial setting be granted in PI/WD matters (ie. Section 415.115, Florida Statutes – Civil actions involving elderly parties)?

- **Rule 1.460 (Motions to Continue Trial)**

- (1) “Motions to continue trial are disfavored and should rarely be granted and then only upon good cause shown.” How is this likely to be interpreted here in the 15th Judicial Circuit in PI/WD matters? What is likely to be deemed “good cause” in PI/WD matters?
- (2) Requirements and contents of a motion to continue trial in PI/WD matters?
- (3) What needs to be in the Order on the motion for continuance in PI/WD matters?

- **Rule 1.510 (Summary Judgment)**

- (1) When may a party move for summary judgment in PI/WD matters?
- (2) What should be contained in the supporting factual position?
- (3) When must the nonmovant serve a response to the movant’s motion for summary judgment? What happens if the nonmovant fails to serve a response timely? When must the hearing on the motion be set?

## **HOUSE BILL 837**

### **A. Creation F.S. 768.0427 - 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. (4:05 p.m. - 10 minutes)**

- Katzman and its progeny, Steinger Iscoe v. GEICO, Worley v. Central FL YMCA, Brown v. Mittleman, Giacalone v. Helen Ellis, Gulfcoast Surgery Center v. Fisher, Columbia Hospital v. Hasson - Are these still good cases after HB837?
- Expert v. Treating physician – The “hybrid witness”
- What is discoverable vs. admissible
- What objections can be filed and by whom
- Reasonable value of services under the new statute
- Letters of Protection
- Factoring companies
- Cases which have come out since HB 837
- How do we move forward? What are the bench/bar seeing in newer filed cases?
- Appellate Rulings/Perspective

#### **B. Retroactivity (4:15 p.m. - 15 minutes)**

- Status of appellate rulings on this issue

Cases filed after March 2023 but accrued before

Cases filed amended after 2023 to add a new count vs. cases filed prior to March 2023 but party defendant added after March 2023

- Professionalism and ethical considerations relative to prior rulings by judges on these issues – What if the court has already ruled on the issue in other cases?
- Judicial Perspective – When should these motions be filed? UMC vs. special set?
- Question/answer – best practices for bringing motions.

#### **C. Changes to Comparative Fault (4:30 p.m. - 5 minutes)**

- Greater than 50% - Real world scenarios – Does a jury know if Plaintiff is more than 50% at fault they get nothing?
- Judicial perspective/when/how should motions should be brought
- Appellate Rulings/Perspective
- Question/Answer

**D. Bad faith law changes (4:35 p.m. - 15 minutes)**

- Notable changes – comparative etc.
- Interpleaders
- Demand requirement – 30 vs. 90 days
- Good faith
- Attorneys fees changes
- Appellate Rulings/Perspective

**M. Administrative Order 3.202-10/2023 Motions to Compel Discovery or for Protection from Discovery (4:50 - 5 minutes)**

- Is everyone REALLY conferring? What happens if they don't? Practical and ethical considerations/challenges
- Sanctions? Frivolous motions eat up valuable hearing time.
- Review of Local Rule 4 and what can be done if the opposing party does not comply.