

SUPREME COURT OF FLORIDA

State Farm Mutual Automobile Insurance Co. v. Shands Jacksonville Medical Center, Inc.

210 So. 3d 1224 (Fla. 2017) · No. No. SC15-1257 · Decided February 16, 2017

SUMMARY

The Florida Supreme Court held that permissible discovery under section 627.736(6)(c), Florida’s personal injury protection statute, is limited to the documents and information described in section 627.736(6)(b). The Court approved the First District’s decision in Shands and disapproved Kaminester to the extent it permitted discovery through the Florida Rules of Civil Procedure, including depositions, in the pre-litigation process.

CASE DETAILS

|                       |                                                                                                                                                                                                                          |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Florida                                                                                                                                                                                                 |
| WRITING FOR THE COURT | Labarga, C.J.; Pariente, J.; Lewis, J.; Quince, J.; Canady, J.; Polston, J.; Lawson, J.                                                                                                                                  |
| JURISDICTION          | Florida                                                                                                                                                                                                                  |
| DECIDED               | February 16, 2017                                                                                                                                                                                                        |
| DOCKET                | No. SC15-1257                                                                                                                                                                                                            |
| DISPOSITION           | approved                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | State Farm sought review of a First District Court of Appeal decision in a certified direct conflict proceeding concerning the permissible scope and methods of discovery under section 627.736(6)(c), Florida Statutes. |
| STANDARD OF REVIEW    | De novo review of statutory interpretation under the Florida Motor Vehicle No-Fault Law.                                                                                                                                 |
| PRECEDENTIAL VALUE    | published precedential opinion of the Supreme Court of Florida                                                                                                                                                           |
| PARTIES               | State Farm Mutual Automobile Insurance Company v. Shands Jacksonville Medical Center, Inc.                                                                                                                               |

TOPICS

- insurance
- statutory interpretation
- civil procedure
- appellate jurisdiction
- appellate procedure

## PRACTICE AREAS

insurance

health law

statutory interpretation

civil procedure

appellate procedure

## QUESTIONS PRESENTED

1. Whether the phrase "discovery of facts" in section 627.736(6)(c), Florida Statutes, permits an insurer to use the discovery methods provided by the Florida Rules of Civil Procedure.
2. Whether an insurer may obtain discovery beyond the documents and information specified in section 627.736(6)(b), including third-party reimbursement contracts and deposition testimony, through a pre-litigation petition under section 627.736(6)(c).

## HOLDINGS

1. The scope of permissible pre-litigation discovery under section 627.736(6)(c) is limited to the production, inspection, and copying of the documents and information described in section 627.736(6)(b), concerning the injured person's treatment and related charges.
2. Section 627.736(6)(c) does not authorize a PIP medical provider to be compelled to produce a corporate representative for deposition or to submit to discovery methods available under the Florida Rules of Civil Procedure before litigation over the reasonableness of the charges has commenced.

## KEY QUOTATIONS

*"For these reasons, we hold that the scope of permissible discovery under section 627.736(6)(c) is limited to the production of documents described in subsection (6)(b)." (at -12-)*

## FACTUAL BACKGROUND

Shands provided medical services to twenty-nine State Farm insureds injured in motor vehicle accidents. After paying Shands, State Farm requested documentation concerning the reasonableness of the charges under section 627.736(6)(b), and Shands produced medical and billing records, Medicare cost information, and comparative cost information. Shands refused to produce third-party contracts containing negotiated discount rates and declined to provide a corporate representative for deposition.

## PROCEDURAL HISTORY

State Farm petitioned the trial court to compel Shands to produce third-party contracts containing negotiated reimbursement rates and to produce a corporate representative for deposition. The trial court granted the requested discovery. The First District reversed, holding that discovery under section 627.736(6)(c) was limited to the documents described in section 627.736(6)(b), and certified conflict with Kaminester. The Supreme Court of Florida approved the First District's interpretation and disapproved Kaminester to the extent it permitted discovery under the Florida Rules of Civil Procedure.

## DISPOSITION

approved

## CASES CITED

- Shands Jacksonville Medical Center, Inc. v. State Farm Mutual Automobile Insurance Co., 40 Fla. L. Weekly D1447 (Fla. 1st DCA June 22, 2015)
- Kaminester v. State Farm Mutual Automobile Insurance Co., 775 So. 2d 981 (Fla. 4th DCA 2000)
- State Farm Mutual Automobile Insurance Co. v. Delray Medical Center, Inc., 178 So. 3d 511 (Fla. 4th DCA 2015)
- Allstate Insurance Co. v. Holy Cross Hospital, Inc., 961 So. 2d 328 (Fla. 2007)
- GEICO General Insurance Co. v. Virtual Imaging Services, Inc., 141 So. 3d 147 (Fla. 2013)
- United Automobile Insurance Co. v. Rodriguez, 808 So. 2d 82 (Fla. 2001)
- Rollins v. Pizzarelli, 761 So. 2d 294 (Fla. 2000)
- Forsythe v. Longboat Key Beach Erosion Control District, 604 So. 2d 452 (Fla. 1992)
- Florida Department of Environmental Protection v. ContractPoint Florida Parks, LLC, 986 So. 2d 1260 (Fla. 2008)
- Bautista v. State, 863 So. 2d 1180 (Fla. 2003)
- Nunez v. GEICO General Insurance Co., 117 So. 3d 388 (Fla. 2013)
- Ivey v. Allstate Insurance Co., 774 So. 2d 679 (Fla. 2000)