DISTRICT COURT OF APPEAL OF FLORIDA.
SECOND DISTRICT

CHRISTOPHER M. UNSWORTH,

Appellant/Cross-Appellee,

v.

BRIAN A. BARSOUMIAN,

Appellee/Cross-Appellant.

No. 2D2024-2962

November 13, 2026

Appeal from the Circuit Court for Hillsborough County; Anne-Leigh Gaylord Moe, Judge.

John S. Mills, Jonathan A. Martin, and Kyle William Mason of The Mills Firm, P.A., Jacksonville, for Appellant/Cross-Appellee.

Ezequiel Lugo, Petra L. Justice, and Gabriella E. Lopez of Banker Lopez Gassler P.A., Tampa, and Eleanor H. Sills of Banker Lopez Gassler P.A., Tallahassee, for Appellee/Cross-Appellant.

GUARD, Judge.

This is a personal injury lawsuit arising out of a car crash on Interstate 275 in Tampa. Both Christopher Unsworth and Brian Barsoumian challenge a trial court order granting a new trial on past and future medical expenses. Barsoumian argues that we should deny a new trial completely and that section 768.0427(2), Florida Statutes (2023), applied to Unsworth's cause of action filed before that statute's effective date. Unsworth counters that the trial court erred limiting the granted

new trial to past and future medical expenses. As detailed below, we conclude that (1) section 768.0427(2) applies only to causes of action filed after its effective date, which Unsworth's cause of action was not, and that (2) the trial court erred not granting a new trial on all issues. Accordingly, we affirm in part and reverse in part the trial court's order granting a new trial.

I.

On April 18, 2020, Unsworth and Barsoumian were driving on Interstate 275 through Tampa, Florida, when Barsoumian's vehicle struck Unsworth's vehicle twice. On September 25, 2020, Unsworth sued Barsoumian for negligently causing a motor vehicle crash that resulted in Unsworth sustaining injuries. Subsequently, Barsoumian admitted that his negligent operation of his vehicle caused the crash, establishing liability.

Prior to trial, Barsoumian moved in limine to admit evidence of past and future medical expenses based on a recently enacted law, chapter 2023-15, Laws of Florida (also known as House Bill 837). House Bill 837 overhauled Florida's civil tort system, including, among other changes, altering Florida's comparative negligence system, modifying Florida's bad faith framework, amending Florida's one-way attorney fee provisions in insurance cases, and reducing the statute of limitations for negligence actions. *See* ch. 2023-15, Laws of Fla. As is relevant here, House Bill 837 created section 768.0427, which altered the evidentiary collateral source rule. Barsoumian argued that section 768.0427(2) applied to Unsworth's case. Unsworth opposed Barsoumian's motion because House Bill 837 provided that it applied to causes of action filed after its effective date, which was March 24, 2023, and Unsworth's action was filed well before that date in 2020. Despite the statute's language, the

trial court concluded that section 768.0427(2) applied to causes of action filed before its effective date because it was procedural.

The case went to trial. At the outset, the parties renewed their arguments on section 768.0427(2). The trial court not only adhered to its original ruling that section 768.0427(2) applied but further concluded that section 768.0427(2) imposed an additional burden on Unsworth to prove whether he had health insurance and how much that insurance would pay. During Unsworth's direct examination, Unsworth discussed his various injuries and the past and future medical expenses that flowed from those injuries. Unsworth testified that he received health insurance through his job, explained how much his monthly premiums cost, and described the extent to which his insurance had paid for bills involving treatment for injuries in this case. He also testified about his copayments under his then existing policy. Unsworth confirmed that he planned to continue using health insurance to pay his medical expenses.

Unsworth also offered testimony from Dr. Venezia, a medical expert who prepared a life care plan for Unsworth. Dr. Venezia testified, among other things, that he did not consider health care coverage as part of his life care planning services for Unsworth. Dr. Venezia answered that he did not do so because it would be speculative to know whether Unsworth would have health insurance in the future and what it would cover.

After Unsworth rested his case, he renewed his objection to the trial court's decision to apply section 768.0427, as well as his objection to the trial court's interpretation as to how section 768.0427 should be applied. Barsoumian moved for a directed verdict on future medical expenses based upon Unsworth's failure to offer evidence of the amount Unsworth's insurer would pay for those future medical expenses. The

trial court granted a directed verdict on the issue of future medical expenses.

At the end of the trial, the trial court instructed the jury that it was to determine the amount of damages, including past medical expenses and, if the jury concluded that Unsworth's injuries were permanent, past and future noneconomic damages. Because of the directed verdict on future medical expenses, the instructions and verdict form did not allow the jury to award anything for future medical expenses. The jury rendered a verdict finding that Barsoumian's negligence caused injury to Unsworth and awarded Unsworth all the past medical damages he requested. But the jury answered "No" to whether Unsworth suffered a permanent injury and did not award Unsworth any past or future noneconomic damages.

Following the verdict, Unsworth moved for a new trial based on the trial court's application of section 768.0427 and the entry of the directed verdict as to future medical expenses. While that motion was pending, the Fifth District decided *Wolf v. Williams*, 397 So. 3d 799, 802 (Fla. 5th DCA 2024), "holding that section 768.0427 applies only 'to causes of action filed after the effective date of' its enacting legislation." On November 30, 2024, the trial court granted Unsworth's motion for new trial, without limitation, based on *Wolf* while disagreeing and criticizing it. The trial court invited Barsoumian, if he disagreed with the order, "to upload a proposed order no later than December 4, 2024[,] that sets this one aside." Barsoumian did so. While disagreeing with the *Wolf* decision, Barsoumian conceded that the trial court was bound to grant the new trial motion under *Wolf*. Instead, Barsoumian argued that the new trial should be limited to only past and future medical expenses. After a hearing, on December 30, 2024, the trial court entered an

amended new trial order to limit the new trial to past and future medical expenses only.

Both Unsworth and Barsoumian timely appealed that amended order. On January 3, 2025, we ordered that Barsoumian's appeal would be treated as a cross-appeal.

II.

We consider whether the trial court erred in granting the new trial and limiting that new trial to past and future medical expenses only. Except for the proper scope of any new trial, our review of the trial court's order is de novo. *See Love v. State*, 286 So. 3d 177, 183 (Fla. 2019) (applying a de novo standard to the question of retroactivity); *State v. Crose*, 378 So. 3d 1217, 1224 (Fla. 2d DCA 2024) (en banc) (explaining that the standard of review for statutory interpretation is de novo); *Meyers v. Shontz*, 251 So. 3d 992, 1000 (Fla. 2d DCA 2018) (stating that if a grant of a new trial was based on an error of law, the standard of review is de novo). With respect to the scope of a new trial, we review that decision for an abuse of discretion. *See Rolon v. Burke*, 112 So. 3d 118, 119 (Fla. 2d DCA 2013); *Ludwig v. Ladner*, 637 So. 2d 308, 309-11 (Fla. 2d DCA 1994). We conclude that the trial court did not err granting a new trial, that the admission of collateral source related evidence was not harmless, and that the trial court abused its discretion limiting the new trial.

A.

At common law, collateral source evidence was inadmissible. *Joerg v. State Farm Mut. Auto. Ins.*, 176 So. 3d 1247, 1249-50 (Fla. 2015). As the Florida Supreme Court historically observed, "[t]he collateral source rule function[ed] as both a rule of damages and a rule of evidence." *Gormley v. GTE Prods. Corp.*, 587 So. 2d 455, 457 (Fla. 1991).

Previously, the Florida Legislature modified the damages portion of the rule by enacting section 768.76(1), Florida Statutes. But the legislative change did not modify the evidentiary prohibition against submitting such evidence. *See Gormley*, 587 So. 2d at 459. As the Florida Supreme Court stated in *Gormley*,

> collateral source evidence misleads the jury on the issue of liability and, thus, subverts the jury process. Because a jury's fair assessment of liability is fundamental to justice, its verdict on liability must be free from doubt, based on conviction, and not a function of compromise. Evidence of collateral source benefits may lead the jury to believe that the plaintiff is "trying to obtain a double or triple payment for one injury," or to believe that compensation already received is "sufficient recompense."

Id. at 458 (citation omitted). By its plain language, the legislature by enacting section 768.0427 reversed the evidentiary prohibition of the collateral source rule.

Barsoumian first argues that any error was unpreserved because the trial court did not unequivocally rule on the motion in limine relating to collateral source evidence, Unsworth himself presented the collateral source evidence at trial, and Unsworth's argument in the motion for new trial was about section 768.0427, not collateral source evidence. In *Sheffield v. Superior Insurance Co.*, 800 So. 2d 197 (Fla. 2001), the Florida Supreme Court encountered an analogous situation. There, a plaintiff injured in an automobile accident sought through a motion in limine to exclude collateral source evidence. *Id.* at 199. The trial court denied the motion. *Id.* At trial, the plaintiff offered collateral source evidence preemptively. *Id.* The jury returned a verdict for past and future medical expenses but did not find that the plaintiff suffered a permanent injury. *Id.* The trial court denied a motion for new trial, and the First District affirmed that denial. *Id.* The Florida Supreme Court

quashed the First District's decision. *Id.* at 203. As the court held, "[O]nce a trial court makes an unequivocal ruling admitting evidence over a movant's motion in limine, the movant's subsequent introduction of that evidence does not constitute a waiver of the error for appellate review."[1] *Id.*

By its very terms, section 768.0427 relates to collateral source payments and reverses the evidentiary prohibition portion of the collateral source rule. Before trial, the trial court ruled not only that section 768.0427 applied (meaning that such evidence was admissible), but it also inexplicably ruled that Unsworth bore the burden of proof of offering the evidence listed in that section. And when Unsworth failed to offer sufficient collateral source evidence regarding future medical expenses, the trial court granted a directed verdict on future medical expenses. Unsworth's motion for new trial invoked the court's rulings on section 768.0427. Just as the court concluded in *Sheffield*, we conclude that Unsworth preserved any purported error and that he did not invite error by introducing collateral source evidence given the trial court's ruling.

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[1] The court then conducted a harmless error analysis and concluded in quashing the First District's decision that

> given the inherently prejudicial effect of such evidence, which is the very reason the collateral source rule was first established, we cannot conclude that in this case the introduction of collateral source evidence was harmless. The jury certainly could have concluded that because Sheffield had group insurance available to cover future medical expenses, there would be no need to award substantial damages for the future.

Id.

B.

Next, we must determine whether the trial court erred when it granted the motion for new trial. Barsoumian frames the question we are to resolve as one of retroactivity. He urges us to first decide whether the statute is substantive or procedural and then interpret section 768.0427. Unsworth asserts that we need not go down that path and can resolve this appeal by simply interpreting the language of House Bill 837 as to when and how section 768.0427 is to be applied. We conclude that we need not first determine whether section 768.0427 is procedural or substantive, as such determinations are irrelevant when, as here, the legislature instructed courts when and how section 768.0427 is to be applied.

We start our analysis with Florida's Constitution. Article III, section 9 of the Florida Constitution establishes the effective date of laws in Florida. Art. III, § 9, Fla. Const. (1968). It provides "[e]ach law shall take effect on the sixtieth day after adjournment sine die of the session of the legislature in which enacted *or as otherwise provided therein*." *Id.* (emphasis added). Under a similarly worded prior version of this provision, the Florida Supreme Court interpreted the phrase "unless otherwise specially provided in such law" as empowering the legislature not only to establish when an act becomes effective but allowing the legislature to define how and under what circumstances an act becomes effective. *Gaulden v. Kirk*, 47 So. 2d 567, 574-75 (Fla. 1950) (concluding that it was proper for the effective date provision of an act to make the effectiveness of that act contingent on two other acts becoming law).

Gaulden does not stand alone. In a somewhat similar context to this case, the Florida Supreme Court focused on the language used by the legislature to determine when and how a statute temporally applied.

See In re Fla. Evidence Code, 376 So. 2d 1161, 1161-62 (Fla. 1979) (per curiam). In *In re Florida Evidence Code*, the Florida Bar asked the Florida Supreme Court to change the effective date of a legislatively passed new evidence code because there "may be uncertainty concerning the date of applicability of the new code." 376 So. 2d at 1161. The legislation creating the new evidence code contained an effective date provision that read:

> This act shall apply to civil actions accruing after the effective date of this code, to criminal proceedings related to crimes committed after the effective date of this code, and to other proceedings brought after the effective date of this code.

Id. at 1161-62 (quoting ch. 78-361, Laws of Fla. (1978)). While recognizing the difficulty that the above language could cause in certain circumstances, the court stated that it had "no authority to change the applicability provision without first finding the entire Code to be procedural." *Id.* at 1162. The court declined to do so and, instead, sought a legislative change to the applicability provision to cure any uncertainty. *Id.*

Similarly, the court has repeatedly looked first to legislative language when it considered questions of retroactivity. *See, e.g.*, *Am. Optical Corp. v. Spiewak*, 73 So. 3d 120, 130-31 (Fla. 2011) (concluding that the statutory language "any civil action asserting an asbestos claim in which trial has not commenced as of the effective date of this act" demonstrated that the legislature intended retroactive application (quoting ch. 2005-274, §10, Laws of Fla.)); *Metropolitan Dade County v. Chase Fed. Hous. Corp.*, 737 So. 2d 494, 499 (Fla. 1999) ("If the legislation clearly expresses an intent that it apply retroactively, then the second inquiry is whether retroactive application is constitutionally permissible."); *Fleeman v. Case*, 342 So. 2d 815, 817 (Fla. 1976)

(declining to "divine legislative intent for an issue as important as retroactive operation" from one reference in one failed amendment); *In re Seven Barrels of Wine*, 83 So. 627, 632 (Fla. 1920) ("A statute is not [to] be given retrospective effect, unless its terms show clearly that such an effect was intended."); *McCarthy v. Havis*, 2 So. 819, 821 (1887) ("It is a rule of construction that a statute shall not be given a retrospective effect, unless its terms show clearly that such an effect was intended."). As the court made clear in *Fleeman*, the legislature, not the judiciary, is assigned the role of determining when legislation applies, with the judiciary only having a role when the legislature's determination is inconsistent with some constitutional provision. 342 So. 2d at 817-18. The Florida Supreme Court stated that

> the forward or backward reach of proposed laws is irrevocably assigned in the forum best suited to determine that issue, and the judiciary is limited only to determining in appropriate cases whether the expressed retroactive application of the law collides with any overriding constitutional provision.

Id.

Given the primacy that the Florida Supreme Court has given to the legislature on the temporal applicability of new laws, it makes sense to us that we first examine what the legislature said regarding the temporal applicability of House Bill 837 before divining whether the act was procedural or substantive.

Before reaching the text of House Bill 837, the Florida Supreme Court has also repeatedly instructed us that we are to begin with a statute's text when we interpret it. *See Gessner v. Southern Co.*, 435 So. 3d 8, 14 (Fla. 2026). The actual words of that text "are of paramount concern." *Id.* (quoting *Ham v. Portfolio Recovery Assocs., LLC*, 308 So. 3d 942, 946 (Fla. 2020)). Those words are to "be given [their] plain and ordinary meaning." *Id.* (quoting *Somers v. United States*, 355 So. 3d 887,

891 (Fla. 2022)). While the text of a statute is supreme, "[i]ts meaning 'is determined by reference to the language itself, the specific context in which that language is used, and the broader context of the statute as a whole.' " *Id.* (quoting *Conage v. United States*, 346 So. 3d 594, 598 (Fla. 2022)).

Applying those principles to the language of House Bill 837, the legislation that created section 768.0427 contained four separate sections related to its temporal application. Ch. 2023-15, §§ 28-31, Laws of Fla. Those sections read:

> Section 28. The amendments made by this act to s. 95.11, Florida Statutes, apply to causes of action accruing after the effective date of this act.
>
> Section 29. This act shall not be construed to impair any right under an insurance contract in effect on or before the effective date of this act. To the extent that this act affects a right under an insurance contract, this act applies to an insurance contract issued or renewed after the effective date of this act.
>
> Section 30. Except as otherwise expressly provided in this act, this act shall apply to causes of action filed after the effective date of this act.
>
> Section 31. This act shall take effect upon becoming a law.

Id.

Only two of those sections, sections 30 and 31, relate to the question presented here, as section 768.0427 is neither an amendment to section 95.11, Florida Statutes (2023), nor a provision related to insurance contracts. *See id.* But the fact that there were three sections dictating the temporal applicability of the amendments and new law created by House Bill 837 demonstrates that the legislature clearly expressed how the provisions of the act were to be temporally applied. *See id.* Likewise, the section at issue here, section 30, appears to be a

catchall provision that follows the two previous sections that contain rules relating to the temporal applicability of other parts of House Bill 837. By its plain and unambiguous language, section 30 states that "[e]xcept as otherwise expressly provided in this act, this act shall apply" to causes of action filed after March 24, 2023 (the effective date under section 31). *Id.* There is no language in section 6 of House Bill 837, the section that created section 768.0427, suggesting that section 768.0427 should temporally apply in any other way. *See id.* § 6. There is no suggestion in the language of sections 6, 30, or anywhere else in the act that section 768.0427 is to apply to cases pending before March 24, 2023. *See id.* §§ 6, 30.

Turning to section 31 of House Bill 837, the language defines the effective date for all three temporal applicability provisions (sections 28, 29, and 30). *Id.* § 31. It does not purport to alter or provide an alternative to sections 28, 29, or 30. *Id.* Without section 31, we would be left with the constitutional default effective date from article III, section 9 of the Florida Constitution. Instead, section 31 provides that the effective date is the date that the Governor signed House Bill 827 (March 24, 2023).

Our interpretation is consistent with the conclusions reached by other district courts that have considered the language of section 30. *Vainberg v. Fla Ins. Guar. Ass'n*, 51 Fla. L. Weekly D1643, D1648 n.6 (Fla. 4th DCA Aug. 12, 2026) ("Section 631.70 was repealed effective March 24, 2023. *See* Ch. 2023-15, § 24, Laws of Fla. However, section 631.70 still applies to causes of action filed before the effective date of the act repealing the statute. *See* Ch. 2023-15, § 30, Laws of Fla. ('Except as otherwise expressly provided in this act, this act shall apply to causes of action filed after the effective date of this act.')."); *Wolf*, 397

So. 3d at 801-02 (concluding that section 768.0427 applied only to causes of action filed after March 24, 2023, and stating that section 30 was an "insurmountable obstacle" against any other interpretation). Our interpretation is also consistent with how the Fourth District previously interpreted a similarly worded provision. *Brown & Brown, Inc. v. Gelsomino*, 262 So. 3d 755, 758 (Fla. 4th DCA 2018) (holding that language in an act stating "[t]his act shall take effect upon becoming a law and shall apply to causes of action that accrue on or after the effective date" meant that the statute only applied to causes of action after that date (alteration in original) (quoting ch. 2006-6, § 2, Laws of Fla.)); *see also Auto. Ins. Co. of Hartford, Conn. v. Beem*, 469 So. 2d 138, 140-41 (Fla. 3d DCA 1985) (concluding that language in an act stating "[t]his act shall take effect October 1, 1984, and shall apply to new and renewal policies with an effective date on or after such date" was prospective (alteration in original) (quoting ch. 84-41, § 2, Laws of Fla.)).

Barsoumian relies heavily on *Love*, arguing that section 768.0427 is procedural and should be applied to this case. Under Barsoumian's approach, we should first discern whether the statute at issue is procedural or substantive under *Love* before looking at the language used by the legislature. Barsoumian's approach alters the deference the Florida Supreme Court has traditionally granted to the legislature in determining when and how a legislative act applies. *See, e.g.*, *Spiewak*, 73 So. 3d at 130-31; *Fleeman*, 342 So. 2d at 817-18. Importantly, *Love* did not recede from either case. And nothing in *Love* suggests a change in approach if the legislature has spoken regarding temporal applicability. Instead, *Love* reflects what happens when the legislature only includes an effective date provision. *See* 286 So. 3d at 180 (quoting ch. 2017-72, § 2, Laws of Fla.). In *Love*, because the legislature did not

specify whether the statutory change applied retroactively, the court looked to whether the new provision was procedural or substantive. *See id.* at 183-86.

We decline Barsoumian's invitation to view *Love* as changing the historical and constitutional balance. We will continue to abide by the Florida Supreme Court's instruction to defer on "the forward or backward reach of proposed laws . . . [to] the forum best suited to determine that issue," the legislature. *Fleeman*, 342 So. 2d at 817-18.

Barsoumian also attempts to use *Love* to suggest that sections 30 and 31 should be interpreted differently than we and the other two districts have interpreted those sections. Under his statutory interpretation, Barsoumian uses *Love* to require us to read into section 30 the word "substantive" and, likewise, read into section 31 the word "procedural." The Florida Supreme Court has been adamant that courts are not to "add words to a statute in the guise of interpreting it." *Coates v. R.J. Reynolds Tobacco Co.*, 365 So. 3d 353, 354 (Fla. 2023) (citing *Statler v. State*, 349 So. 3d 873, 879 (Fla. 2022)). We reject Barsoumian's suggestion that we do so here.

Accordingly, we conclude that the trial court was correct when it ruled that it had erred when it admitted collateral source evidence based on its prior incorrect interpretation of section 768.0427. We conclude that section 768.0427 only applies to causes of action filed after March 24, 2023, and Unsworth's cause of action was filed in 2020. Thus, it was error for the trial court to apply section 768.0427 to Unsworth's cause of action, indicate that it would admit collateral source evidence in the trial, and assign a burden on Unsworth to prove future medical expenses by introducing collateral source evidence.

C.

Next, we must consider whether the trial court's error was harmless. Barsoumian bears the burden of proving "beyond a reasonable doubt that the error complained of did not contribute to the verdict or, alternatively stated, that there is no reasonable possibility that the error contributed to the [verdict]." *Special v. W. Boca Med. Ctr.*, 160 So. 3d 1251, 1256 (Fla. 2014) (quoting *State v. DiGuilio*, 491 So. 2d 1129, 1135 (Fla. 1986)). In *Sheffield*, the Florida Supreme Court concluded that, while it was not setting a per se rule, "the inherently prejudicial effect of such evidence, which is the very reason the collateral source rule was first established," precluded a conclusion of harmless error in that case. 800 So. 2d at 203. We have reviewed the transcript in this case, and while Barsoumian presented evidence regarding the actual extent of Unsworth's injuries and other facts that contradicted Unsworth's damages and the permanence of his injuries, we cannot say that there is "no reasonable possibility" that the admission of collateral source evidence contributed to the verdict. *See Special*, 160 So. 3d at 1256.

D.

Finally, we must determine whether the trial court abused its discretion limiting the scope of the new trial. In *Ludwig*, we dealt with a situation somewhat like this case. 637 So. 2d at 310-11. There, a jury found no permanent injury but awarded future damages that "would be incurred over a recovery period equal to his expected life-span." *Id.* at 309, 311. We reversed the judgment for a new trial, concluding that such an award was "excessive if the jury in fact determined that [the plaintiff] sustained no permanent injury." *Id.* at 310-11. Despite that conclusion, we were "unwilling to assume that the jury understood and followed the law in deciding whether [the plaintiff's] injury [was]

permanent," so we remanded for a new trial on both permanency and future damages. *Id.* at 311. Other courts have similarly concluded that damages for future medical expenses are interrelated to the issue of permanency such that a new trial on both is appropriate if a new trial on one is awarded. *Dolan v. Negron*, 433 So. 3d 420, 431-32 (Fla. 4th DCA 2026); *see also Reina v. Klisivitch*, 419 So. 3d 246, 254 (Fla. 6th DCA 2025) (concluding that a trial on all damages was appropriate because of interrelatedness); *Garriga v. Guerra*, 753 So. 2d 146, 147-48 (Fla. 3d DCA 2000) (reversing for new trial because evidence related to damages for future medical expenses was inextricably linked to the evidence of a permanent injury).

Turning to this case, the trial court recognized that "[e]xperience suggest[ed] that a jury's verdict on the question of past medical expenses may have some impact on other aspects of the verdict form that follow" and "it seem[ed to her] entirely possible that the amount a jury awards for past and future medical expenses might have an impact on how they answer[ed] other questions further down on the verdict form." Likewise, the trial court acknowledged that, without collateral source evidence, there would be a different presentation of evidence that would occur and "the jury might be more receptive to the idea that his injury was permanent." Despite those comments, the trial court limited the grant of new trial to past and future medical expenses only. We conclude that causation and permanency are inextricably intertwined with the extent and nature of damages. Accordingly, on retrial a jury should determine causation, permanency, and all applicable categories of damages.

III.

We hold that section 768.0427 applies to causes of action filed after March 24, 2023. The trial court's decisions admitting collateral source

evidence in a case filed before March 24, 2023, were error as was its grant of a directed verdict. Those errors were not harmless. Accordingly, we conclude that Unsworth is entitled to a new trial on causation, permanency, and damages. Therefore, we affirm the grant of a new trial and reverse the limitation of scope of that new trial with directions to the trial court to proceed in accordance with this opinion.

Affirmed in part; reversed in part.

LABRIT, J., Concurs.
KHOUZAM, J., Concurs specially.

KHOUZAM, Judge, Specially concurring.

I concur with the result reached by the majority opinion. I write separately because, in my view, the statutory analysis here is straightforward. The legislature indisputably has the power to declare when laws take effect, and it expressly did so when it said that section 768.0427 applies only to causes of action filed after its effective date. *See Wolf v. Williams*, 397 So. 3d 799, 801-02 (Fla. 5th DCA 2024). Because this lawsuit was filed before that date, the trial court clearly erred in applying it here.

Opinion subject to revision prior to official publication.