

Formulating Non-Economic Damages After HB 837: Evidentiary Sufficiency Under Florida's Daubert Standard

TOTAL CLE TIME: 60 MINUTES

(Can be expanded to 75 or 90 minutes if needed for Bar approval or enhanced credit)



Course Description:

This CLE course moves beyond traditional narrative descriptions, focusing on how to structure "forensic-level" demands using reliable principles and methods. The program examines the evidentiary and valuation hurdles introduced by Florida's HB 837 and provides a roadmap for navigating the heightened scrutiny of non-economic damages. Participants will analyze methods for transforming subjective injury complaints into objective, forensic formulations that align with Florida's Daubert standard (§90.702). Attendees will learn to distinguish between simple treatment documentation and method-based analysis, enabling them to construct demand packages that establish evidentiary sufficiency, withstand tort reform restrictions and insurer valuation tactics, and support stronger advocacy in negotiation and litigation.

This program is accredited as follows:

1.0 HR
GENERAL
CREDITS

LEARNING OBJECTIVES:

We will discuss the following:

- Understand the scope and legal impact of Florida HB 837 on non-economic damages.
- Align damage formulations with Florida's Daubert standard (§90.702).
- Transform subjective injury complaints into objective evidentiary components.
- Construct forensic-level demands to withstand sufficiency challenges.
- Identify risk flags to prevent valuation erosion in negotiations.
- Reduce reliance on external experts by evaluating sufficiency internally.

AGENDA & TIME ALLOCATION:



<p>12:00 - 12:05 <i>(5 minutes)</i></p>	<p>Opening & Scope of Instruction</p> <ul style="list-style-type: none">• Purpose of the CLE: educational walkthrough, not advocacy• Overview of post-HB 837 challenges to non-economic damages• Distinction between treatment documentation, expert testimony, and forensic formulation• CLE disclaimer regarding admissibility and case-specific application <p>Objective: Set judicially conservative framing and CLE compliance tone.</p>
<p>12:05 - 12:15 <i>(10 minutes)</i></p>	<p>HB 837 and the New Non-Economic Damage Landscape</p> <ul style="list-style-type: none">• Statutory changes affecting non-economic damages• Heightened scrutiny of subjective complaints• Insurer valuation tactics post-HB 837• Why traditional narratives and generalized pain descriptions fail <p>Objective: Ground attendees in why formulation standards have changed.</p>
<p>12:15 - 12:25 <i>(10 minutes)</i></p>	<p>Florida Evidence Code §90.701-§90.706 & Daubert Alignment</p> <ul style="list-style-type: none">• Overview of Florida’s Daubert statute (§90.702)• “Reliable principles and methods” explained in valuation context• Difference between opinion testimony and method-based analysis• Sufficiency vs admissibility: understanding the line <p>Objective: Clarify evidentiary expectations without promising admissibility.</p>
<p>12:25 - 12:35 <i>(10 minutes)</i></p>	<p>From Injury to Impact: Structuring Non-Economic Damage Inputs</p> <ul style="list-style-type: none">• Documenting functional impact beyond pain complaints• Translating injury effects on daily life into evidentiary components• Avoiding speculative language under HB 837• Common gaps that invite non-economic damage reductions <p>Objective: Show how non-economic damages must be constructed, not asserted.</p>

AGENDA & TIME ALLOCATION:



12:35 - 12:50 <i>(15 minutes)</i>	Forensic Injury Demand Walkthrough (Florida-Specific)
	<ul style="list-style-type: none">• Step-by-step walkthrough of a forensic-level demand• How methodology is applied to documented facts• Where valuation logic is demonstrated• How sufficiency challenges are anticipated and addressed• Maintaining independence from retained expert testimony <p>Objective: Demonstrate process, not persuasion.</p>
12:50 - 12:58 <i>(8 minutes)</i>	Practical Application & Risk Avoidance
	<ul style="list-style-type: none">• How attorneys can evaluate sufficiency internally• Reducing reliance on delayed or costly outside experts• Preventing valuation erosion during negotiation and mediation• Florida-specific risk flags under HB 837 <p>Objective: Give attorneys operational clarity without tactical advocacy.</p>
12:58 - 1:00 <i>(2 minutes)</i>	Closing Summary & Key Takeaways
	<ul style="list-style-type: none">• <i>Key principles for HB 837-compliant non-economic damage formulation</i>• <i>Importance of methodology, documentation, and evidentiary alignment</i>• <i>Final reminder: educational framework, case-specific judgment required</i>

TARGET AUDIENCE:



Plaintiff Attorneys, Legal Staff, Personal Injury Practitioners

DELIVERY FORMAT:



Live Webinar / On-Demand CLE

PRESENTER BIO:



Dr. Frank Liberti, CEO of INTELIDAS, is a nationally recognized injury valuation expert, author, keynote speaker at 18 state trial lawyer associations, former medical witness for the NJ State Supreme Court during the Verbal Threshold Tort Reform, and developer of the patented INTELIDAS AI tech injury claim audit system. His career spans over four decades of multidisciplinary expertise in medical-legal intersections, claim valuation, and forensic documentation. His works have been featured on CNN, NBC, Attorney At Law Magazine and Entrepreneur Magazine.