



Oppose Impediments to the Civil Justice System Protect Patients, Providers, and the Public

Vote NO on CS/HB 17 (Rep. Leek)

This bill represents a wholesale upending of established law to the detriment of Floridians. The proposals in this bill will only block and delay the ability of the injured and their families to move forward with their lives after tragic accidents. Meanwhile, those responsible for causing these accidents will escape accountability.

Limitations in Medical Payments (Section 1)

This bill not only dictates how a jury will evaluate and award past medical expense, it dictates what doctors and healthcare providers will be paid for future care given to victims. Instead of simplifying cases and making them less expensive, this proposal will force victims to hire more expert witnesses, slowing down the courts and costing more money for all parties, including our Court system.

The legislation presents a huge access to care issue for injured victims, unfairly eliminating their ability to receive the best care after being injured by a negligent party. In their most vulnerable moments, victims shouldn't have to face the uncertainty of whether they'll be able to continue treatment or, worse, get stuck with the bill that the negligent party should have been held responsible for. It could also force health care practitioners to spend more time in the courtroom than treating patients because they will be forced to sue their patients, the victims, for unpaid medical bills, considerably adding to the backlog in the court system while allowing the negligent party to be free and clear. Doctors may be forced to focus on whether a jury will allow them to be paid for their services, rather than on what is in the best interest of the patient.

A number of measures already exist to confine awards to actual and realistic costs. Juries are only allowed to base awards on evidence presented to them in order to fairly and adequately compensate victims. Furthermore, current law provides a method for the judge, through post-trial hearings, to reduce all awards so that there will be no runaway verdict for past and future medical expenses.

Caps on Non-economic Damages (Section 2)

Non-economic damages are losses which don't come with receipts, tax returns, or billing statements which can be blown up and shown to a jury. These damages are for loss of a life, loss of a way of life, and the pain and suffering which comes as a result. The harm could be death, permanent disability, disfigurement, blindness, loss of a limb, paralysis, or other trauma. Non-economic damages allow a jury to compensate someone for conditions which are permanent and devastating, with undeniable ripple effects over the course of a person's life. Every situation is different, but this bill would allow the Legislature to arbitrarily place a one-size-fits-all limit of \$1 million on the value of a life, as if picking a number out of a hat. The decision of an appropriate amount of damages for these types of injuries must be made on a one to one basis by juries who are charged with listening to the evidence and making decisions based solely on that evidence.

This legislation benefits ONLY the wrongdoer who caused the injury or death. That benefit to the wrongdoer comes at the expense of the injured person.

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