



TALLAHASSEE — For the first time in decades, the Florida Legislature is seriously weighing capping pain and suffering damages for personal injury and wrongful death victims.

The state House Civil Justice Subcommittee on Wednesday approved an amended bill, [FL HB17 \(19R\)](#), that would cap noneconomic damages at \$1 million. The bill, titled Tort Reform, is sponsored by state Rep. Tom Leek (R-Ormond Beach).

The last time the Legislature capped noneconomic damages was in 2003, a law found to be unconstitutional by the state Supreme Court. In a June 2017 [opinion](#), the court ruled that caps on damages "unreasonably and arbitrarily limit recovery of those most grievously injured by medical negligence."

Since then, three liberal members of the court have retired. Gov. Ron DeSantis has named three conservative justices to the high court, making it more likely that any new law capping pain and suffering damages would be upheld.

"These ideas socializing medical rates or placing a dollar amount value on human life are frankly strictly unconstitutional, nonconservative and what happens when you let insurance companies and large corporations write laws," Jeff Porter, a lobbyist for plaintiffs lawyers, told POLITICO.

The amended bill would also limit damages for medical procedures related to an accident to the amount that was paid for treatment, as opposed to the amount billed before the price is negotiated by insurance companies.

Currently, juries aren't told whether a plaintiff has insurance, a rule that tort reform advocates say greatly inflates damage awards.

"Today, for the first time in three years, a legislative committee voted to make sure juries know the real dollar amounts medical providers accept for treatment," said William Large, president of the Florida Justice Reform Institute, a group aligned with business. "The trial bar's grip on the Republican agenda is slipping, and that's good news for every Florida business and consumer."

State Rep. Amy Mercado (D-Orlando), a member of the committee, said she was concerned the change would punish injured victims. Mercado said she suffered a head injury in a car accident and her doctor didn't charge her insurance company for her care.

"I personally requested for my insurance to be charged when I had a car accident. I had medical insurance. I had very decent car insurance and I couldn't down that route even though I wanted to," Mercado said. "The patient has no say."

The measure's Senate companion is [FL SB1320 \(19R\)](#) and has yet to be heard.

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