

RESOLUTION R-03-89

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA REQUESTING THAT THE LEGISLATURE OF THE STATE OF FLORIDA ENACT LEGISLATION LIMITING THE DEFINITION OF MEDICAL NEGLIGENCE IN ORDER TO ELIMINATE MERITLESS CLAIMS AND DEFENSES.

WHEREAS the Board of County Commissioners of Manatee County recognizes that there is currently a health care crisis in the State of Florida due to skyrocketing professional liability insurance rates for certain medical specialties; and

WHEREAS the Board of County Commissioners recognizes the need to protect the healthcare of the citizens of Manatee County; and

WHEREAS the Board of County Commissioners of Manatee County recognizes the need to protect the citizens of Manatee County who have been harmed by medical negligence; and

WHEREAS the current professional liability insurance rates for certain medical specialties in the State of Florida are among the highest in the nation, thereby comprising a crisis in healthcare; and

WHEREAS there are currently bills pending within the Florida Legislature limiting non-economic damages in actions for medical malpractice; and

WHEREAS non-economic damages have been defined to include damages for pain and suffering, inconvenience, physical impairment, mental anguish, disfigurement, and the loss of capacity for the enjoyment of life; and

WHEREAS the high cost of medical malpractice claims in the State can be substantially alleviated by requiring early determination of the merit of claims; and

WHEREAS many claims that are filed constitute a difference in medical opinion by medical experts; and

WHEREAS the healthcare system in the United States is among the best in the world; and

WHEREAS the average cost of defending a medical malpractice claim has escalated in the past decade even though the number of incidents of malpractice has not; and

WHEREAS some medical specialities are impacted by malpractice claims to a far greater extent than other medical speciality areas; and

WHEREAS a maximum cap on non-economic damages may not be fair to all claimants; and

WHEREAS the Legislature of the State of Florida must make some response to the healthcare crisis that will not adversely affect patients with meritorious claims.

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida that:

1. The Board of County Commissioners of Manatee County supports a reasoned response to the healthcare crisis that does not adversely impact those patients who have meritorious claims.

2. That the Board supports a remedy to be enacted by the Legislature of the State of Florida taking into consideration both the protection of the public who have been harmed by medical negligence, and the ability of physicians and healthcare practitioners to meet the healthcare needs of the public and to obtain adequate professional liability insurance.


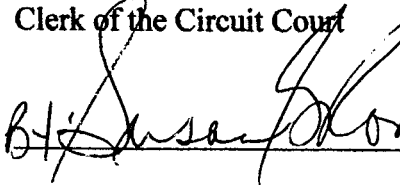
3. One approach to alleviate the crisis in healthcare would consist of redefining medical malpractice/medical negligence in such a way that meritless claims would not be filed at all, or would be removed from consideration at an early date in the proceeding.

4. The Board of County Commissioners of Manatee County believes that an arbitrary cap on non-economic damages could treat victims of medical negligence differently and deprive those with the most severe injuries of deserved compensation.

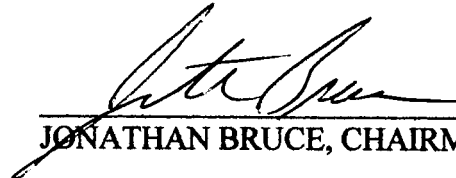
PASSED AND DULY ADOPTED by the Board of County Commissioner of Manatee County, Florida with a quorum present and voting this 1st day of April, 2003.

ATTEST:

R.B. SHORE,
Clerk of the Circuit Court



BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA



JONATHAN BRUCE, CHAIRMAN