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Task force members urge malpractice cap amendment

By STEVE MILLER
Associated Press

TALLAHASSEE, Fla. (AP) -- Following a Florida Supreme Court decision that struck down caps on certain awards in medical malpractice lawsuits, the members of a 2002 task force that supported those caps are calling for a constitutional amendment that would place the caps on solid footing.

The task force appointed by then-Gov. Jeb Bush recommended a cap for individuals on non-economic damages, such as pain and suffering, and the legislature passed it in 2003. The five people who served on that task force wrote to Senate President Don Gaetz and House Speaker Will Weatherford on April 9, asking for the proposed amendment. It would have to be approved by voters.

However, officials in both chambers say the request comes too late in this year's legislative session for any action.

The panel members in 2002 compiled a 345-page report that resulted in legislation in 2003 placing a \$500,000 lid for individuals on non-economic damages. The five members who signed the letter wrote that the court decision left them in a "disheartening" position. They included task force president John Hitt, president of the University of Central Florida, and Donna Shalala, the former U.S. Secretary of Health and Human Services who now serves as president of the University of Miami.

In the letter, the five asked legislative leaders to consider putting a constitutional amendment before voters that would give the malpractice caps constitutional authority and remove questions about their constitutionality.

Last month, Florida's high court ruled that the caps violate the equal protection guarantee in the state's constitution.

The lawsuit limits had been part of a law that Bush pushed in an effort to lower the cost of malpractice insurance rates and to keep doctors from moving out of state. Supporters at the time called skyrocketing insurance rates a crisis.

"Because we are eager to give the court the benefit of the doubt, we can only conclude that they made an egregious mistake," concluded the letter, signed by the panel.

The idea that the Senate would consider the issue at this point in the session, with about two weeks left, is "unlikely," a Gaetz spokeswoman said.

On the House side, subcommittees are no longer meeting, which would hinder any consideration

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at this point, a spokesman said.

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