

BAY COUNTY (FLA.) REPUBLICAN EXECUTIVE COMMITTEE

RESOLUTION 2009-06

**Resolution And Position Statement Regarding The Reform Of
Florida's Present Tort Law**

WHEREAS the present Florida Tort Law was largely drafted years ago, as amended piece-meal over the years, and subject to interpretations over the years by the Florida Supreme Court; and the resulting body of Florida Tort Law now contains provisions that are unfair and unjust and needlessly expensive to the Court system and to the citizens of Florida; and

WHEREAS simple Fairness calls for tort lawsuits to be filed in the county in Florida where the tort and the alleged injury occurred; and

WHEREAS simple Fairness also requires that the defendant in a tort lawsuit should only be required to pay a portion of a several-party judgment, at the end of a lawsuit, to the extent that the particular defendant is found responsible for the particular injury that is the subject of the lawsuit; and

WHEREAS our Citizens, over recent years, now believe that claims for non-economic damages need a reasonable cap on the amount to be awarded to a Plaintiff-Claimant for non-economic damages; and

WHEREAS the Citizens of Missouri have, through their Legislature, installed a \$350,000 cap awards for non-economic damages¹; and

WHEREAS we Citizens have learned that there now needs to be an addition to our Florida Tort Law that would prevent baseless lawsuits from getting off the ground at the front end, to avoid the costs arising from an ongoing tort lawsuit which cannot be supported by any admissible evidence.

NOW, THEREFORE, BE IT RESOLVED THAT THE BAY COUNTY (FLA.) REPUBLICAN EXECUTIVE COMMITTEE, IN REGULAR SESSION has adopted the following Resolution And Position Statement Regarding The Reform Of Florida's Present Tort Law regarding reforms needed now concerning our current Florida Tort Law, which Reform Goals would contain the following provisions, to-wit:

¹Missouri Governor Matt Blunt essay "How Missouri Cut Junk Lawsuits," Wall Street Journal, 9/22/09

1) Lawsuits filed by Plaintiff-Claimants should be heard in the county where the alleged injury occurred, rather than allowing Plaintiff-Claimants and their lawyers to "forum shop" around the 67 counties in Florida; and

2) In lawsuits where there is more than one (1) defendant, anyone one (1) defendant should only be required to pay the amount of any final judgment, against more than one (1) defendant, in the proportional amount for which each defendant is found by the jury or the judge to be responsible for the injury that occurred; and

3) There should be a reasonable cap on the amount the jury or the judge can award to a plaintiff-claimant for non-economic damages, and, given the Legislature of Oklahoma having found that amount to be \$350,000.00, we submit that the amount of \$350,0000 is a reasonable cap for non-economic damages to be added by the Florida Legislature to our present Florida Tort Law; and

4) In recent years, baseless lawsuits have been, from time to time, filed and pursued by Florida claimants, causing significant adverse impact upon the Florida Court Systems, and upon the citizens of Florida, so that Florida's Court Rules need to be amended by our Legislature to provide that any new tort lawsuit, in order to proceed forward, be able to be supported by an Affidavit signed by a person whose economic role in life is approximately similar to the defendant who is newly sued; and²

5) When a Citizen, being newly sued, successfully pursues a tort lawsuit, or successfully defends against a tort lawsuit, that Citizen should be entitled to recover from the opposing party the amount of the Citizen's reasonable attorney's fees and costs incurred in pursuing, or in defending against, the tort lawsuit; and

6) Whenever a Citizen has successfully pursued a tort lawsuit and has been awarded a final judgment that includes not only compensatory damages (to reimburse the Citizen for the Citizen's loss as a result of the tort) but also punitive damages (to punish the Defendant, in case of gross or willful misconduct by the Defendant, in order to set an example for the Citizen's community), the amount for punitive damages shall flow to and become property of the

²Missouri Governor Matt Blunt essay "How Missouri Cut Junk Lawsuits," Wall Street Journal, 9/22/09

Florida Attorney General; shall be used by the Office for purposes that would seek to right, in general, the gross or intentional misconduct that caused the award of punitive damages. In distributing any monies awarded for punitive damages, the Attorney General shall allow a reasonable attorney's fee to be paid to the successful attorney for the injured Citizen; and the Attorney General shall not be bound by any percentage-of-recovery provision in the original contract between the Citizen and the Citizen's attorney.

ADOPTED BY THE BAY COUNTY REPUBLICAN EXECUTIVE COMMITTEE IN REGULAR SESSION THIS 26th DAY OF OCTOBER, 2009.

BAY COUNTY REPUBLICAN EXECUTIVE
COMMITTEE

ATTEST: _____ BY: _____

Eric Wall,
Secretary

John Salak,
Chairman