



The Florida Justice Reform Institute Opposes HB 6003; Any Expansion of Medical Negligence Liability Must Be Paired with Reasonable Damages Limitations

The Florida Justice Reform Institute opposes HB 6003, which would increase the classes of individuals eligible to recover noneconomic damages in wrongful death cases premised on claims of medical negligence. Specifically, HB 6003 would repeal subsection (8) of section 768.21, Florida Statutes, which presently states that certain noneconomic damages recoverable by adult children and parents in other negligence actions may not be recovered in medical negligence actions. Once subsection (8) is repealed, where a wrongful death is caused by medical negligence, a decedent's adult children may recover noneconomic damages if there is no surviving spouse, and the parents of an adult decedent may recover noneconomic damages if there is no surviving spouse or surviving children.

Escalating healthcare costs are a significant challenge in Florida. Exorbitant medical negligence claim payouts contribute substantially to this problem. Not only do high medical negligence claim payouts financially burden the state's healthcare system, but they also adversely affect the affordability and accessibility of healthcare for all Floridians, as more physicians retire and fewer physicians come to Florida, particularly in high-risk specialties, given the existing conditions of the state's medical negligence regime.

To address rising healthcare costs and improve access in Florida, medical negligence reform must take a comprehensive approach. In previous legislative sessions, lawmakers have attempted to reach a compromise by both limiting noneconomic damages in medical negligence cases and expanding the group of survivors eligible to recover such damages. This strategy was designed to balance the need to control healthcare expenses with the goal of ensuring fair compensation for those harmed by medical negligence, promoting a more sustainable and equitable healthcare system. However, these compromise efforts have faced significant opposition. Earlier this year, Governor DeSantis vetoed 2024 HB 6017, which would have expanded survivor eligibility for noneconomic damages without including corresponding limits on recovery.

Now, 2026 HB 6003 has been filed, proposing the same significant expansion of survivor eligibility in medical negligence cases that Governor DeSantis vetoed earlier this year. Thus, HB 6003 would allow more individuals to pursue medical negligence claims and potentially increase the size of damages awards, without introducing any measures to offset these effects.

Florida remains in a medical negligence crisis, with little relief on the horizon. Given the hurdles the state already faces, now is not the time to vastly expand the class of survivors that may recover in medical negligence actions, as HB 6003 proposes to do. For these reasons, the Florida Justice Reform Institute opposes HB 6003 as it stands and will only support the bill if it is amended to include limitations on damages.