

FATE

FOUNDATION AIDING THE ELDERLY

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Florida Law Update

The third attempt to repeal the punitive damage award in Florida passed the first hurdle yesterday when the Florida Civil Justice Sub-committee voted to remove the provision in current Florida law. The Law requires portions of punitive damages award in civil cases against nursing homes to be given to the State to be placed in a fund which the nursing home industry could submit a grant to receive the monies to improve conditions in their facilities.

Debbie Dahmer, the FATE client in Florida, worked for several years to get this law changed after her family was awarded a punitive damage award resulting from a civil trial her mother filed after the untimely death of her father, well-known professional wrestler, George Dahmer, AKA "Chief White Owl". Mr. Dahmer died from poor care and neglect in a Florida nursing home and the family spent seven years in the court system to get justice.

The Dahmer family did not know of the little-known law in Florida that was initiated back in 2001. The Dahmer case was the first known case of punitive damages awarded in which Florida received 50% of the \$1 Million award. Florida Representative Amber Mariano sponsored all three attempts to get this law repealed. During this process with Ms. Dahmer, FATE learned that there are 11 states that have a similar law. Because FATE has clients in every state, in the future we will attempt to repeal this law in the other 10 states.

Florida Punitive Damage Law Update

On 2/11/2020, the second hurdle was won in the Florida Health Care Appropriation Subcommittee when members voted to repeal the current regulation that allows the State of Florida to receive 50% of punitive damage awards in a civil law suits against nursing homes. The Subcommittee members voted to repeal this statute, which was introduced by Member Amber Mariano at the request of Debra Dahmer whose mother won punitive damages in a civil suit she filed against the nursing home where her husband was abused and subsequently died. The next hurdle will be when the bill is presented to the Florida Judiciary Subcommittee for a vote.

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