## Bill No. CS for SB 1028

Amendment No. \_\_\_\_

	CHAMBER ACTION
I	<u>Senate</u> <u>House</u> •
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11	Senator Campbell moved the following amendment to amendment
12	(540324):
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14	Senate Amendment (with title amendment)
15	On page 63, between lines 21 & 22,
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17	insert:
18	Section 41. Subsection (2) of section 766.106, Florida
19	Statutes, is amended to read:
20	766.106 Notice before filing action for medical
21	malpractice; presuit screening period; offers for admission of
22	liability and for arbitration; informal discovery; review
23	(2) After completion of presuit investigation pursuant
24	to s. 766.203 and prior to filing a claim for medical
25	malpractice, a claimant shall notify each prospective
26	defendant <del>and, if any prospective defendant is a health care</del>
27	provider licensed under chapter 458, chapter 459, chapter 460,
28	<del>chapter 461, or chapter 466, the Department of Health</del> by
29	certified mail, return receipt requested, of intent to
30	initiate litigation for medical malpractice. Following the
31	initiation of a suit alleging medical malpractice with a court
-	1 10:00 AM 05/02/00 s1028c1c-33r1j

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of competent jurisdiction, and service of the complaint upon a
   defendant, the claimant shall provide a copy of the complaint
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   to the Department of Health. Notice to the Department of
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   Health must include the full name and address of the claimant;
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   the full names and any known addresses of any health care
   providers licensed under chapter 458, chapter 459, chapter
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   460, chapter 461, or chapter 466 who are prospective
   defendants identified at the time; the date and a summary of
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   the occurrence giving rise to the claim; and a description of
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   the injury to the claimant. The requirement of providing the
   complaint for notice to the Department of Health does not
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   impair the claimant's legal rights or ability to seek relief
   for his or her claim, and the fact of providing the complaint
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   notice provided to the department is not discoverable or
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   admissible in any civil or administrative action. The
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   Department of Health shall review each incident and determine
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   whether it involved conduct by a licensee which is potentially
   subject to disciplinary action, in which case the provisions
18
   of s. 455.621 apply.
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    (Redesignate subsequent sections.)
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24
   ======= T I T L E A M E N D M E N T =========
   And the title is amended as follows:
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           On page 68, line 8, after the semicolon
27
28
   insert:
29
          amending s. 766.106, F.S.; providing that
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           following the initiation of a suit alleging
          medical malpractice the claimant must provide
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## Bill No. $\underline{\text{CS for SB } 1028}$

Amendment No. \_\_\_\_

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          notice to the Department of Health along with a
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           copy of the service of process;
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