

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Farkas offered the following:

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Amendment (with title amendment)

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On page 5, line 31,

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insert:

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Section 1. Subsection (2) of section 766.106, Florida Statutes, is amended to read:

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766.106 Notice before filing action for medical malpractice; presuit screening period; offers for admission of liability and for arbitration; informal discovery; review.--

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(2) After completion of presuit investigation pursuant to s. 766.203 and prior to filing a claim for medical malpractice, a claimant shall notify each prospective defendant ~~and, if any prospective defendant is a health care provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466, the Department of Health by certified mail, return receipt requested, of intent to initiate litigation for medical malpractice. Notice to the Department of Health must include the full name and address of the claimant; the full names and any known addresses of any~~

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1 health care providers licensed under chapter 458, chapter 459,
 2 chapter 460, chapter 461, or chapter 466 who are ~~prospective~~
 3 ~~defendants identified at the time~~; the date and a summary of
 4 the occurrence giving rise to the claim; and a description of
 5 the injury to the claimant. The requirement for notice to the
 6 Department of Health does not impair the claimant's legal
 7 rights or ability to seek relief for his or her claim, and the
 8 notice provided to the department is not discoverable or
 9 admissible in any civil or administrative action. The
 10 Department of Health shall review each incident and determine
 11 whether it involved conduct by a licensee which is potentially
 12 subject to disciplinary action, in which case the provisions
 13 of s. 455.621 apply.

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16 ===== T I T L E A M E N D M E N T =====

17 And the title is amended as follows:

18 On page 1, line 2,

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20 after the semicolon insert:

21 amending s. 766.106, F.S.; providing that
 22 following the initiation of a suit alleging
 23 medical malpractice the claimant must provide
 24 notice to the Department of Health along with a
 25 copy of the service of process;

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