

hbd-38

Bill No. CS/HB 1659, 1st Eng.

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

Representative(s) Farkas offered the following:

Substitute Amendment for Amendment (250323) (with title amendment)

On page 86, between lines 2 and 3,

insert:

Section 48. Subsection (2) of section 766.106, Florida Statutes, is amended to read:

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

(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. Following the initiation of a suit alleging medical malpractice with a court~~

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

19
20

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

22 And the title is amended as follows:

23 On page 6, line 18,

24

25 after the semicolon insert:

26 amending s. 766.106, F.S.; providing that
27 following the initiation of a suit alleging
28 medical malpractice the claimant must provide
29 notice to the Department of Health along with a
30 copy of the service of process;

31