

Bill No. CS/CS/HB 591, 2nd Eng.

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Geller moved the following amendment to amendment (850612):

Senate Amendment (with title amendment)

On page 140, between lines 14 & 15,

insert:

Section 82. 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 of providing the
11 complaint for notice to the Department of Health does not
12 impair the claimant's legal rights or ability to seek relief
13 for his or her claim, and the fact of providing the complaint
14 notice provided to the department is not discoverable or
15 admissible in any civil or administrative action. The
16 Department of Health shall review each incident and determine
17 whether it involved conduct by a licensee which is potentially
18 subject to disciplinary action, in which case the provisions
19 of s. 455.621 apply.

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21 (Redesignate subsequent sections.)
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23

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

25 And the title is amended as follows:

26 On page 150, line 31, after the semicolon

27
28 insert:

29 amending s. 766.106, F.S.; providing that
30 following the initiation of a suit alleging
31 medical malpractice the claimant must provide

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