

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

.  
.  
.

---

Representative Ambler offered the following:

**Amendment (with title amendment)**

Remove line(s) 1168-1188, and insert:

Section 30. Subsections (2) and (3) of section 766.203, Florida Statutes, are amended to read:

766.203 Presuit investigation of medical negligence claims and defenses by prospective parties.--

(2) Prior to issuing notification of intent to initiate medical malpractice litigation pursuant to s. 766.106, the claimant shall conduct an investigation to ascertain that there are reasonable grounds to believe that:

(a) Any named defendant in the litigation was negligent in the care or treatment of the claimant; and

(b) Such negligence resulted in injury to the claimant.

Amendment No. (for drafter's use only)

27 Corroboration of reasonable grounds to initiate medical  
28 negligence litigation shall be provided by the claimant's  
29 submission of a verified written medical expert opinion from a  
30 medical expert as defined in s. 766.202(5), at the time the  
31 notice of intent to initiate litigation is mailed, which  
32 statement shall corroborate reasonable grounds to support the  
33 claim of medical negligence. This opinion and statement are  
34 subject to discovery.

35 (3) Prior to issuing its response to the claimant's notice  
36 of intent to initiate litigation, during the time period for  
37 response authorized pursuant to s. 766.106, the defendant or the  
38 defendant's insurer or self-insurer shall conduct an  
39 investigation to ascertain whether there are reasonable grounds  
40 to believe that:

41 (a) The defendant was negligent in the care or treatment  
42 of the claimant; and

43 (b) Such negligence resulted in injury to the claimant.  
44

45 Corroboration of lack of reasonable grounds for medical  
46 negligence litigation shall be provided with any response  
47 rejecting the claim by the defendant's submission of a verified  
48 written medical expert opinion from a medical expert as defined  
49 in s. 766.202(5), at the time the response rejecting the claim  
50 is mailed, which statement shall corroborate reasonable grounds  
51 for lack of negligent injury sufficient to support the response  
52 denying negligent injury. This opinion and statement are subject  
53 to discovery.  
54  
55

Amendment No. (for drafter's use only)

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

57 Remove line(s) 80, and insert:

58 F.S.; providing for discovery of