



THE HONORABLE
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CLERK OF THE CIRCUIT COURT AND COMPTROLLER

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CIVIL CUSTOMER ASSISTANCE DIVISION

INFORMATION ABOUT MEDICAL NEGLIGENCE SUITS

Chapter 766 of the Florida Statutes gives medical professionals and health care providers special protections from lawsuits resulting from medical care. This means that any lawsuit against a health care provider, in both circuit and county civil/small claims cases, can be dismissed unless the case meets certain requirements. Please review the requirements below, and consult Chapter 766 of the Florida Statutes:

1. **Pre-Suit Investigation:** Before you file any papers in your case, Florida law requires you to conduct a pre-suit investigation of your case against a health care provider. This includes a review of your medical records by a medical expert and a written opinion by the medical expert stating that there appears to be evidence of medical negligence. Without the expert's opinion that meets the requirements of Florida law, your case can be dismissed. See FS 766.104(1). Please be aware that, upon petition to the clerk and payment of a filing fee, an automatic 90-day extension of the statute of limitations shall be granted to allow the reasonable investigation required by FS 766.104(1).
2. **Sending Notice of Intent to Sue to the Health Care Provider:** After your pre-suit investigation of your case, you must notify the health care provider, by certified mail, return receipt requested, that you intend to initiate litigation for medical negligence. The notice of intent should include a copy of the medical expert opinion described above. Without a Notice of Intent to Sue that meets the requirements of Florida law, your case can be dismissed. See FS 766.106(2).

There are other important requirements for filing a lawsuit against a health care provider in Florida. The best way to insure that you prepare the correct forms, and to insure that your case meets legal requirements and will not be dismissed, is to contact an attorney to represent you. You can locate an attorney who specializes in cases similar to yours by looking in the yellow pages under "ATTORNEYS", or calling the Florida Bar Lawyer Referral Service at 1-800-342-8011.

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