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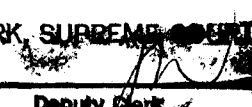
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FILED
SID J. WHITE

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CLERK, SUPREME COURT

By 
Deputy Clerk

Sid White, Clerk
Supreme Court of Florida
Tallahassee, Florida 32399-1927

Re: Case No. 71,672
Florida Medical Malpractice Pre-Suit Screening Rules

Dear Mr. White:

Rules for Pre-suit Screening - Med Malp

In order to avoid hopelessly complicating an already burdensomely complicated situation I suggest the following must be accomplished.

Section 4(c)(3), Receipt by claimant of a written rejection of the claim.

This item under "time requirement" should be deleted. The sheer physical complexity of keeping track of a separate time of filing suit and re-computing the Statute of Limitations for each defendant in a multi-defendant suit based on when the claim turned down makes this totally unworkable. For instance, if there are five defendants close to the end of the Statute of Limitations and one defendant turns down the claim within ten days of the notice and the others respond at various times during the 90 days, the time for running of the Statute of Limitations and therefore the filing of the Complaint becomes different for each. Deletion of this requirement would simply place all defendants on the same time schedule, i.e. when the 90 day period ends 60 days remain. If there was an answer during the ninety-day pre-suit screening period, plaintiffs should have sixty days from the expiration of the ninety days or the natural Statute of Limitations, whichever is longer, without regard to when the defendant responded within the 90 days with a rejection letter. This would avoid having to keep track of multiple Statutes of Limitations and the filing and amending of multiple complaints. No violence would be done to the spirit or purpose of these rules by eliminating Subsection (3). The effect would be to have 90 days tolling after mailing the notice letter.

Respectfully submitted,


Walter C. Ward

WCW/scp

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msc