

By Senator Lee

24-00796B-13

20131312

1 A bill to be entitled

2 An act relating to medical negligence claims; creating
3 s. 766.1091, F.S.; authorizing a health care provider
4 or health care clinic and a patient or prospective
5 patient to agree to submit a claim of medical
6 negligence to arbitration; requiring that the
7 arbitration agreement be governed by ch. 682, F.S.;
8 authorizing the arbitration agreement to contain a
9 provision that limits an award of damages; providing
10 an effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Section 766.1091, Florida Statutes, is created
15 to read:

16 766.1091 Voluntary binding arbitration; damages.—A health
17 care provider licensed pursuant to chapter 458, chapter 459, or
18 chapter 466; an entity owned in whole or in part by a health
19 care provider licensed pursuant to chapter 458, chapter 459, or
20 chapter 466; or a health care clinic licensed pursuant to part X
21 of chapter 400 and a patient or prospective patient may agree in
22 writing to submit to arbitration any claim for medical
23 negligence that may currently exist or accrue in the future
24 which would otherwise be brought pursuant to the provisions of
25 this chapter. An arbitration agreement entered into pursuant to
26 this section shall be governed by the provisions of chapter 682
27 and may contain a provision that limits the available damages in
28 an arbitration award.

29 Section 2. This act shall take effect July 1, 2013.