

Supreme Court of Florida

Nos. 91,966, 92,382, & 92,451

**MUSCULOSKELETAL INSTITUTE CHARTERED, d/b/a FLORIDA
ORTHOPAEDIC INSTITUTE, CHESTER E. SUTTERLIN, III, M.D.,
CHESTER E. SUTTERLIN, III, M.D., P.A., AND GENE A. BALIS, M.D.,**
Petitioners,

vs.

JAMES S. PARHAM,
Respondent.

[August 19, 1999]

PER CURIAM.

In Musculoskeletal Institute Chartered v. Parham, 24 Fla. L. Weekly S120,
S123 (Fla. Mar. 11, 1999), we sua sponte amended Florida Rule of Civil Procedure
1.650(d)(3) as follows:

(3) To avoid being barred by the applicable statute of limitations, an action a complaint in the circuit court must be filed within 60 days or within the remainder of the time of the statute of limitations after the notice of intent to initiate litigation was received, whichever is longer, after the earliest of the following

We directed that the amendment be published in The Florida Bar News, and we invited interested persons to file comments.¹ Based on the comments received, we slightly modify the amended rule. Accordingly, the relevant part of rule 1.650(d)(3) is now amended to read as follows:

(3) To avoid being barred by the applicable statute of limitations, a complaint ~~in the circuit court~~ must be filed within 60 days or within the remainder of the time of the statute of limitations after the notice of intent to initiate litigation was received, whichever is longer, and the earliest of the following

Deleted language is shown by struck-through type. This amendment shall become effective immediately.

It is so ordered.

HARDING, C.J., SHAW, WELLS, ANSTEAD, PARIENTE and LEWIS, JJ., and OVERTON, Senior Justice, concur.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THIS AMENDMENT.

Three Cases Consolidated:

Application for Review of the Decision of the District Court of Appeal - Certified Great Public Importance

Second District - Case No. 96-03037

(Hillsborough County)

¹ We have jurisdiction. See Art. V, § 2(a), Fla. Const.

Thomas M. Hoeler and Glenn M. Burton of Shear, Newman, Hahn & Rosenkranz, P.A., Tampa, Florida, for Musculoskeletal Institute Chartered, d/b/a Florida Orthopaedic Institute; Martin B. Unger and Brian D. Stokes of Unger, Swartwood, Latham & Indest, Orlando, Florida, for Chester E. Sutterlin, III, M.D.; and Clifford L. Somers of Somers & Associates, Tampa, Florida, for Gene a. Balis, M.D.,

for Petitioners

William J. Terry, Tampa, Florida,

for Respondent

Henry P. Trawick, Jr., Sarasota, Florida; and Steven J. Kimpland, Brandon, Florida,

Responding to the amendment to Rule 1.650(d)(3)