

By Senator Rouson

19-01528-17

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1 A bill to be entitled
2 An act relating to minor patients; amending s.
3 395.302, F.S.; requiring a hospital or medical
4 facility to maintain and store all medical films and
5 records of a minor patient until the patient reaches
6 the age of 18 years; amending s. 766.306, F.S.;
7 tolling the statute of limitations with respect to any
8 medical-related civil or criminal action brought by,
9 or on behalf of, an ill or injured minor until the
10 minor reaches the age of 18 years; providing an
11 effective date.

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

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15 Section 1. Subsection (3) is added to section 395.302,
16 Florida Statutes, to read:

17 395.302 Patient records; penalties for alteration.—

18 (3) (a) A hospital or medical facility shall maintain and
19 store all medical films and records of a minor patient,
20 including, but not limited to, films and records of medical
21 tests and procedures occurring on the facility's premises or a
22 family facility's premises, until such patient reaches the age
23 of 18 years.

24 (b) Failure of a hospital or medical facility to properly
25 maintain or store films and records under this subsection shall
26 result in the hospital or medical facility being subject to
27 sanctions pursuant to s. 395.1065.

28 Section 2. Section 766.306, Florida Statutes, is amended to
29 read:

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30 766.306 Tolling of statute of limitations.-

31 (1) The statute of limitations with respect to any civil
32 action that may be brought by, or on behalf of, an injured
33 infant allegedly arising out of, or related to, a birth-related
34 neurological injury shall be tolled by the filing of a claim in
35 accordance with ss. 766.301-766.316, and the time such claim is
36 pending or is on appeal shall not be computed as part of the
37 period within which such civil action may be brought.

38 (2) The statute of limitations with respect to any civil
39 action that may be brought by, or on behalf of, an ill or
40 injured minor allegedly arising out of, or related to, the
41 failure of a licensed medical facility or physician shall be
42 tolled until the minor child reaches the age of 18 years, and
43 the time such claim is pending or is on appeal may not be
44 computed as part of the period within which such civil action
45 may be brought.

46 Section 3. This act shall take effect July 1, 2017.