

By Senator Rouson

19-00052-18

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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; providing that a hospital or  
7       medical facility that fails to maintain or store  
8       certain medical films and records is subject to  
9       sanctions under s. 395.1065, F.S.; amending s.  
10      766.306, F.S.; tolling the statute of limitations with  
11      respect to any medical-related civil action brought  
12      by, or on behalf of, an ill or injured minor until the  
13      minor reaches the age of 18 years; providing an  
14      effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

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

20       395.302 Patient records; penalties for alteration.—

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

28       (b) Failure of a hospital or medical facility to maintain  
29 or store medical films and records under this subsection shall

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30 result in the hospital or medical facility being subject to  
31 sanctions pursuant to s. 395.1065.

32 Section 2. Section 766.306, Florida Statutes, is amended to  
33 read:

34 766.306 Tolling of statute of limitations.—

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

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

49 Section 3. This act shall take effect July 1, 2018.