



332792

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2025	.	
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The Committee on Health Policy (Grall) recommended the following:

Senate Amendment

Delete lines 59 - 250
and insert:
requested records in the manner chosen by the requester,
including, but not limited to, an electronic format, submission
through a patient's electronic personal health record, or access
through a web-based patient portal if the service provider
maintains a patient portal.

Section 2. Subsections (1), (2), and (3), paragraph (e) of



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11 subsection (4), paragraph (a) of subsection (7), and subsection
12 (8) of section 395.3025, Florida Statutes, are amended to read:

13 395.3025 Patient and personnel records; copy costs ~~copies~~;
14 examination.-

15 (1) ~~Any licensed facility shall, upon written request, and~~
16 ~~only after discharge of the patient, furnish, in a timely~~
17 ~~manner, without delays for legal review, to any person admitted~~
18 ~~therein for care and treatment or treated thereat, or to any~~
19 ~~such person's guardian, curator, or personal representative, or~~
20 ~~in the absence of one of those persons, to the next of kin of a~~
21 ~~decedent or the parent of a minor, or to anyone designated by~~
22 ~~such person in writing, a true and correct copy of all patient~~
23 ~~records, including X rays, and insurance information concerning~~
24 ~~such person, which records are in the possession of the licensed~~
25 ~~facility, provided the person requesting such records agrees to~~
26 ~~pay a charge. The exclusive charge for copies of patient records~~
27 ~~may include sales tax and actual postage, and, except for~~
28 ~~nonpaper records that are subject to a charge not to exceed \$2,~~
29 ~~may not exceed \$1 per page. A fee of up to \$1 may be charged for~~
30 ~~each year of records requested. These charges shall apply to all~~
31 ~~records furnished, whether directly from the facility or from a~~
32 ~~copy service providing these services on behalf of the facility.~~
33 ~~However, a patient whose records are copied or searched for the~~
34 ~~purpose of continuing to receive medical care is not required to~~
35 ~~pay a charge for copying or for the search. The licensed~~
36 ~~facility shall further allow any such person to examine the~~
37 ~~original records in its possession, or microforms or other~~
38 ~~suitable reproductions of the records, upon such reasonable~~
39 ~~terms as shall be imposed to assure that the records will not be~~



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40 ~~damaged, destroyed, or altered.~~

41 ~~(2) This section does not apply to records maintained at~~
42 ~~any licensed facility the primary function of which is to~~
43 ~~provide psychiatric care to its patients, or to records of~~
44 ~~treatment for any mental or emotional condition at any other~~
45 ~~licensed facility which are governed by the provisions of s.~~
46 ~~394.4615.~~

47 ~~(3) This section does not apply to records of substance~~
48 ~~abuse impaired persons, which are governed by s. 397.501.~~

49 (2)(4) Patient records are confidential and must not be
50 disclosed without the consent of the patient or his or her legal
51 representative, but appropriate disclosure may be made without
52 such consent to:

53 (e) The Department of Health ~~agency~~ upon subpoena issued
54 pursuant to s. 456.071, but the records obtained thereby must be
55 used solely for the purpose of the department ~~agency~~ and the
56 appropriate professional board in its investigation,
57 prosecution, and appeal of disciplinary proceedings. If the
58 department ~~agency~~ requests copies of the records, the facility
59 shall charge no more than its actual copying costs, including
60 reasonable staff time. The records must be sealed and must not
61 be available to the public pursuant to s. 119.07(1) or any other
62 statute providing access to records, nor may they be available
63 to the public as part of the record of investigation for and
64 prosecution in disciplinary proceedings made available to the
65 public by the department ~~agency~~ or the appropriate regulatory
66 board. However, the department ~~agency~~ must make available, upon
67 written request by a practitioner against whom probable cause
68 has been found, any such records that form the basis of the



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69 determination of probable cause.

70 (5) (a) ~~(7) (a)~~ If the content of any record of patient
71 treatment is provided under this section, the recipient, ~~if~~
72 ~~other than the patient or the patient's representative,~~ may use
73 such information only for the purpose provided and may not
74 further disclose any information to any other person or entity,
75 unless expressly permitted by the written consent of the
76 patient. A general authorization for the release of medical
77 information is not sufficient for this purpose. The content of
78 such patient treatment record is confidential and exempt from
79 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
80 Constitution.

81 (6) ~~(8)~~ Patient records at hospitals and ambulatory surgical
82 centers are exempt from disclosure under s. 119.07(1), except as
83 provided by subsections (2) and (3) ~~(1)-(5)~~.

84 Section 3. Present paragraphs (a) through (j) of subsection
85 (7) of section 397.501, Florida Statutes, are redesignated as
86 paragraphs (c) through (l), respectively, and new paragraphs (a)
87 and (b) are added to that subsection, to read:

88 397.501 Rights of individuals.—Individuals receiving
89 substance abuse services from any service provider are
90 guaranteed protection of the rights specified in this section,
91 unless otherwise expressly provided, and service providers must
92 ensure the protection of such rights.

93 (7) RIGHT TO ACCESS AND CONFIDENTIALITY OF INDIVIDUAL
94 RECORDS.—

95 (a) Within 14 working days after receiving a written
96 request from an individual or an individual's legal
97 representative, a service provider shall furnish a true and



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98 correct copy of all records in the possession of the service
99 provider. The service provider may furnish the requested records
100 in paper form or, upon request, in an electronic format. A
101 service provider that maintains an electronic health record
102 system shall furnish the requested records in the manner chosen
103 by the requester, including, but not limited to, an electronic
104 format, submission through a patient's electronic personal
105 health record, or access through a web-based patient portal if
106 the service provider maintains a patient portal. For purposes of
107 this section, the term "legal representative" has the same
108 meaning as provided in s. 408.833(1).

109 (b) Within 10 working days after receiving such a request
110 from an individual or an individual's legal representative, a
111 service provider shall provide access to examine the original
112 records in its possession, or microforms or other suitable
113 reproductions of the records. The service provider may impose
114 any reasonable terms necessary to ensure that the records will
115 not be damaged, destroyed, or altered.

116 Section 4. Subsection (1) of section 400.145, Florida
117 Statutes, is amended to read:

118 400.145 Copies of records of care and treatment of
119 resident.—

120 (1) Upon receipt of a written request that complies with
121 the federal Health Insurance Portability and Accountability Act
122 of 1996 (HIPAA) and this section, a nursing home facility shall
123 furnish to a competent resident, or to a representative of that
124 resident who is authorized to make requests for the resident's
125 records under HIPAA or subsection (2), copies of the resident's
126 paper and electronic records that are in possession of the



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127 facility. Such records must include any medical records and
128 records concerning the care and treatment of the resident
129 performed by the facility, except for progress notes and
130 consultation report sections of a psychiatric nature. The
131 facility shall provide a resident with access to the requested
132 records within 24 hours, excluding weekends and holidays, and
133 provide copies of the requested records within 2 ~~14~~ working days
134 after receipt of a request relating to a current resident or
135 within 30 working days after receipt of a request relating to a
136 former resident.

137 Section 5. Section 408.833, Florida Statutes, is created to
138 read:

139 408.833 Client access to medical records.-

140 (1) For purposes of this section, the term "legal
141 representative" means an attorney who has been designated by a
142 client to receive copies of the client's medical, care and
143 treatment, or interdisciplinary records; a legally recognized
144 guardian of the client; a court-appointed representative of the
145 client; or a person designated by the client or by a court of
146 competent jurisdiction to receive copies of the client's
147 medical, care and treatment, or interdisciplinary records.

148 (2) Within 14 working days after receiving a written
149 request from a client or client's legal representative, a
150 provider shall furnish a true and correct copy of all records,
151 including medical, care and treatment, and interdisciplinary
152 records, as applicable, in the possession of the provider. A
153 provider may furnish the requested records in paper form or,
154 upon request, in an electronic format. A provider that maintains
155 an electronic health record system shall furnish the requested



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156 records in the manner chosen by the requester, including, but
157 not limited to, an electronic format, submission through a
158 patient's electronic personal health record, or access through a
159 web-based patient portal if the provider maintains a patient
160 portal.

161 (3) Within 10 working days after receiving a request from a
162 client or a client's legal representative, a provider shall
163 provide access to examine the original records in its
164 possession, or microforms or other suitable reproductions of the
165 records. A provider may impose any reasonable terms necessary to
166 ensure that the records will not be damaged, destroyed, or
167 altered.

168 (4) This section does not apply to:

169 (a) Records maintained at a licensed facility, as defined
170 in s. 395.002, the primary function of which is to provide
171 psychiatric care to its patients, or to records of treatment for
172 any mental or emotional condition at any other licensed facility
173 which are governed by s. 394.4615;

174 (b) Records of substance abuse impaired persons which are
175 governed by s. 397.501; or

176 (c) Records of a resident of a nursing home facility.

177 Section 6. Subsection (6) of section 456.057, Florida
178 Statutes, is amended to read:

179 456.057 Ownership and control of patient records; report or
180 copies of records to be furnished; disclosure of information.-

181 (6)(a) Any health care practitioner licensed by the
182 department or a board within the department who makes a physical
183 or mental examination of, or administers treatment or dispenses
184 legend drugs to, any patient ~~person~~ shall, upon request of such



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185 patient person or the patient's person's legal representative,
186 furnish, within 14 working days after such request ~~in a timely~~
187 ~~manner, without delays for legal review,~~ copies of all reports
188 and records relating to such examination or treatment, including
189 X rays and insurance information. A health care practitioner may
190 furnish the requested reports and records in paper form or, upon
191 request, in an electronic format. A health care practitioner who
192 maintains an electronic health record system shall furnish the
193 requested reports and records in the manner chosen by the
194 requester, including, but not limited to, an electronic format,
195 submission through a patient's electronic personal health
196 record, or access through a web-based patient portal if the
197 practitioner maintains a patient portal. For purposes of this
198 section,