



667108

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2025	.	
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The Committee on Rules (Grall) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsections (3) through (12) of section
394.4615, Florida Statutes, are redesignated as subsections (4)
through (13), respectively, a new subsection (3) is added to
that section, and paragraphs (a), (b), and (c) of subsection (2)
of that section are republished, to read:

394.4615 Clinical records; confidentiality.—

(2) The clinical record shall be released when:



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12 (a) The patient or the patient's guardian or legal
13 custodian authorizes the release. The guardian, guardian
14 advocate, or legal custodian shall be provided access to the
15 appropriate clinical records of the patient. The patient or the
16 patient's guardian, guardian advocate, or legal custodian may
17 authorize the release of information and clinical records to
18 appropriate persons to ensure the continuity of the patient's
19 health care or mental health care. A receiving facility must
20 document that, within 24 hours of admission, individuals
21 admitted on a voluntary basis have been provided with the option
22 to authorize the release of information from their clinical
23 record to the individual's health care surrogate or proxy,
24 attorney, representative, or other known emergency contact.

25 (b) The patient is represented by counsel and the records
26 are needed by the patient's counsel for adequate representation.

27 (c) The court orders such release. In determining whether
28 there is good cause for disclosure, the court shall weigh the
29 need for the information to be disclosed against the possible
30 harm of disclosure to the person to whom such information
31 pertains.

32 (3) For requests made in writing and in accordance with
33 paragraphs (2)(a), (b), and (c), a service provider shall
34 furnish the requested clinical records in the provider's
35 possession within 14 business days after receiving the request.
36 A service provider may extend the time for furnishing the
37 requested records by up to 14 business days if the provider
38 notifies the requester of the delay in writing within the first
39 14 business days after receiving the request and provides the
40 expected date when the records will be made available, which



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41 must be no later than 14 business days after the original
42 deadline for providing the records. The records must be provided
43 in the form and format requested by the service provider or
44 requester if the requested records are readily producible in
45 that form and format. If the requested records are not readily
46 producible in the requested form or format, the service provider
47 must produce the records in another electronic form and format
48 agreed to by the provider and requester or in a readable hard
49 copy format. Forms of access to records may include, but are not
50 limited to: through a web-based application or patient portal,
51 by secure download, via electronic copy delivered by email, on
52 physical media such as a disc or USB drive, by United States
53 mail, or as printed paper records.

54 Section 2. Subsections (1), (2), and (3), paragraph (e) of
55 subsection (4), paragraph (a) of subsection (7), and subsection
56 (8) of section 395.3025, Florida Statutes, are amended to read:

57 395.3025 Patient and personnel records; copy costs ~~copies~~;
58 examination.-

59 ~~(1) Any licensed facility shall, upon written request, and~~
60 ~~only after discharge of the patient, furnish, in a timely~~
61 ~~manner, without delays for legal review, to any person admitted~~
62 ~~therein for care and treatment or treated thereat, or to any~~
63 ~~such person's guardian, curator, or personal representative, or~~
64 ~~in the absence of one of those persons, to the next of kin of a~~
65 ~~decedent or the parent of a minor, or to anyone designated by~~
66 ~~such person in writing, a true and correct copy of all patient~~
67 ~~records, including X rays, and insurance information concerning~~
68 ~~such person, which records are in the possession of the licensed~~
69 ~~facility, provided the person requesting such records agrees to~~



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70 ~~pay a charge.~~ The exclusive charge for copies of patient records
71 may include sales tax and actual postage, and, except for
72 nonpaper records that are subject to a charge not to exceed \$2,
73 may not exceed \$1 per page. A fee of up to \$1 may be charged for
74 each year of records requested. These charges shall apply to all
75 records furnished, whether directly from the facility or from a
76 copy service providing these services on behalf of the facility.
77 However, a patient whose records are copied or searched for the
78 purpose of continuing to receive medical care is not required to
79 pay a charge for copying or for the search. ~~The licensed~~
80 ~~facility shall further allow any such person to examine the~~
81 ~~original records in its possession, or microforms or other~~
82 ~~suitable reproductions of the records, upon such reasonable~~
83 ~~terms as shall be imposed to assure that the records will not be~~
84 ~~damaged, destroyed, or altered.~~

85 ~~(2) This section does not apply to records maintained at~~
86 ~~any licensed facility the primary function of which is to~~
87 ~~provide psychiatric care to its patients, or to records of~~
88 ~~treatment for any mental or emotional condition at any other~~
89 ~~licensed facility which are governed by the provisions of s.~~
90 ~~394.4615.~~

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

93 ~~(2)(4)~~ Patient records are confidential and must not be
94 disclosed without the consent of the patient or his or her legal
95 representative, but appropriate disclosure may be made without
96 such consent to:

97 (e) The Department of Health ~~agency~~ upon subpoena issued
98 pursuant to s. 456.071, but the records obtained thereby must be



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99 used solely for the purpose of the department ~~agency~~ and the
100 appropriate professional board in its investigation,
101 prosecution, and appeal of disciplinary proceedings. If the
102 department ~~agency~~ requests copies of the records, the facility
103 shall charge no more than its actual copying costs, including
104 reasonable staff time. The records must be sealed and must not
105 be available to the public pursuant to s. 119.07(1) or any other
106 statute providing access to records, nor may they be available
107 to the public as part of the record of investigation for and
108 prosecution in disciplinary proceedings made available to the
109 public by the department ~~agency~~ or the appropriate regulatory
110 board. However, the department ~~agency~~ must make available, upon
111 written request by a practitioner against whom probable cause
112 has been found, any such records that form the basis of the
113 determination of probable cause.

114 ~~(5)(a)-(7)(a)~~ If the content of any record of patient
115 treatment is provided under this section, the recipient, ~~if~~
116 ~~other than the patient or the patient's representative,~~ may use
117 such information only for the purpose provided and may not
118 further disclose any information to any other person or entity,
119 unless expressly permitted by the written consent of the
120 patient. A general authorization for the release of medical
121 information is not sufficient for this purpose. The content of
122 such patient treatment record is confidential and exempt from
123 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
124 Constitution.

125 ~~(6)-(8)~~ Patient records at hospitals and ambulatory surgical
126 centers are exempt from disclosure under s. 119.07(1), except as
127 provided by subsections (2) and (3) ~~(1)-(5)~~.



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128 Section 3. Present subsections (8), (9), and (10) of
129 section 397.501, Florida Statutes, are redesignated as
130 subsections (9), (10), and (11), respectively, a new subsection
131 (8) is added to that section, and paragraph (d) of subsection
132 (7) of that section is republished, to read:

133 397.501 Rights of individuals.—Individuals receiving
134 substance abuse services from any service provider are
135 guaranteed protection of the rights specified in this section,
136 unless otherwise expressly provided, and service providers must
137 ensure the protection of such rights.

138 (7) RIGHT TO CONFIDENTIALITY OF INDIVIDUAL RECORDS.—

139 (d) Any answer to a request for a disclosure of individual
140 records which is not permissible under this section or under the
141 appropriate federal regulations must be made in a way that will
142 not affirmatively reveal that an identified individual has been,
143 or is being diagnosed or treated for substance abuse. The
144 regulations do not restrict a disclosure that an identified
145 individual is not and has never received services.

146 (8) RIGHT TO ACCESS INDIVIDUAL RECORDS.—

147 (a) For requests from an individual, or from an
148 individual's legal representative as that term is defined in s.
149 456.057(6)(a), made in writing and in accordance with subsection
150 (7), a service provider shall furnish the requested individual
151 records in the provider's possession within 14 business days
152 after receiving the request. A service provider may extend the
153 time for furnishing the requested records by up to 14 business
154 days if the provider notifies the requester of the delay in
155 writing within the first 14 business days after receiving the
156 request and provides the expected date when the records will be



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157 made available, which must be no later than 14 business days
158 after the original deadline for providing the records. The
159 records must be provided in the form and format requested by the
160 service provider or requester if the requested records are
161 readily producible in that form and format. If the requested
162 records are not readily producible in the requested form or
163 format, the service provider must produce the records in another
164 electronic form and format agreed to by the provider and
165 requester or in a readable hard copy format. Forms of access to
166 records may include, but are not limited to: through a web-based
167 application or patient portal, by secure download, via
168 electronic copy delivered by email, on physical media such as a
169 disc or USB drive, by United States mail, or as printed paper
170 records.

171 (b) Within 10 business days after receiving such a written
172 request, a service provider shall provide access to examine the
173 original records in its possession, or microforms or other
174 suitable reproductions of the records in accordance with
175 subsection (7). The service provider may impose any reasonable
176 terms necessary to ensure that the records will not be damaged,
177 destroyed, or altered.

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

180 400.145 Copies of records of care and treatment of
181 resident.—

182 (1) Upon receipt of a written request that complies with
183 the federal Health Insurance Portability and Accountability Act
184 of 1996 (HIPAA) and this section, a nursing home facility shall
185 furnish to a competent resident, or to a representative of that



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186 resident who is authorized to make requests for the resident's
187 records under HIPAA or subsection (2), copies of the resident's
188 paper and electronic records that are in possession of the
189 facility. Such records must include any medical records and
190 records concerning the care and treatment of the resident
191 performed by the facility, except for progress notes and
192 consultation report sections of a psychiatric nature. The
193 facility shall provide a resident with access to the requested
194 records within 24 hours, excluding weekends and holidays, and
195 provide copies of the requested records within 2 business ~~14~~
196 ~~working~~ days after receipt of a request relating to a current
197 resident or within 30 business ~~working~~ days after receipt of a
198 request relating to a former resident.

199 Section 5. Subsection (6) of section 408.803, Florida
200 Statutes, is republished to read:

201 408.803 Definitions.—As used in this part, the term:

202 (6) "Client" means any person receiving services from a
203 provider listed in s. 408.802.

204 Section 6. Section 408.833, Florida Statutes, is created to
205 read:

206 408.833 Client access to medical records.—

207 (1) As used in this section, the term:

208 (a) "Designated record set" means a group of records
209 maintained by or for a provider which:

210 1. Includes the medical records and billing records about a
211 client maintained by or for the provider; or

212 2. Is used, in whole or in part, to make decisions
213 regarding a client's care, coverage, or benefits.

214 (b) "Legal representative" means:



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215 1. A legally recognized guardian of the client;
216 2. A court-appointed representative of the client;
217 3. A person designated by the client or by a court of
218 competent jurisdiction to receive copies of the client's medical
219 records, care and treatment records, or interdisciplinary
220 records; or

221 4. An attorney who has been designated by a client to
222 receive copies of the client's medical records, care and
223 treatment records, or interdisciplinary records.

224 (2) (a) Within 14 business days after receiving a written
225 request from a client or a client's legal representative, a
226 provider shall furnish a true and correct copy of the requested
227 records within the designated record set which are in the
228 provider's possession.

229 (b) Within 28 business days after receiving a written
230 request from a client or a client's legal representative, a
231 provider shall furnish a true and correct copy of additional
232 requested records, including medical records, care and treatment
233 records, and interdisciplinary records, as applicable, that are
234 in the provider's possession.

235 (c) Within 10 business days after receiving a request from
236 a client or a client's legal representative, a provider shall
237 provide access to examine the original records in its
238 possession, or microforms or other suitable reproductions of the
239 records. A provider may impose any reasonable terms necessary to
240 ensure that the records will not be damaged, destroyed, or
241 altered.

242 (3) A provider may extend the time for furnishing the
243 requested records by up to 14 business days if the provider:



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244 (a) Notifies the client or legal representative of the
245 delay in writing within the first 14 business days after
246 receiving the request; and

247 (b) Provides the expected date when the records will be
248 made available, which must be no later than 14 business days
249 after the original deadline for providing the records.

250 (4) The records must be provided in the form and format
251 requested by the client or legal representative if the requested
252 records are readily producible in that form and format. If the
253 requested records are not readily producible in the requested
254 form or format, the provider must produce the records in another
255 electronic form and format agreed to by the requester and the
256 provider or in a readable hard copy format. Forms of access to
257 records may include, but are not limited to: through a web-based
258 application or patient portal, by secure download, via
259 electronic copy delivered by email, on physical media such as a
260 disc or USB drive, by United States mail, or as printed paper
261 records.

262 (5) This section does not apply to:

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

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

270 (c) Records of a resident of a nursing home facility which
271 are governed by s. 400.145.

272 Section 7. Subsection (6) of section 456.057, Florida



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273 Statutes, is amended to read:

274 456.057 Ownership and control of patient records; report or
275 copies of records to be furnished; disclosure of information.—

276 (6)(a) As used in this subsection, the term:

277 1. “Designated record set” means a group of records
278 maintained by or for the health care practitioner which:

279 a. Includes the medical records and billing records about a
280 patient maintained by or for a practitioner; or

281 b. Is used, in whole or in part, to make decisions
282 regarding the patient’s care, coverage, or benefits.

283 2. “Legal representative” means:

284 a. A legally recognized guardian of the patient;

285 b. A court-appointed representative of the patient;

286 c. A person designated by the patient or by a court of
287 competent jurisdiction to receive copies of the patient’s
288 medical records, care and treatment records, or
289 interdisciplinary records; or

290 d. An attorney who has been designated by a patient to
291 receive copies of the client’s medical records, care and
292 treatment records, or interdisciplinary records.

293 (b)1. Within 14 business days after receiving a written Any
294 health care practitioner licensed by the department or a board
295 within the department who makes a physical or mental examination
296 of, or administers treatment or dispenses legend drugs to, any
297 person shall, upon request from a patient of such person or the
298 patient’s person’s legal representative, a health care
299 practitioner shall furnish a true and correct copy of the
300 requested records within the designated record set which are in
301 the provider’s possession.



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302 2. Within 28 business days after receiving a written
303 request from a client or a client's legal representative, a
304 health care practitioner shall furnish a true and correct copy
305 of additional requested records, including medical records, care
306 and treatment records, and interdisciplinary records, as
307 applicable, that are in the practitioner's possession.

308 3. Within 10 business days after receiving a request from a
309 client or a client's legal representative, a health care
310 practitioner shall provide access to examine the original
311 records in its possession, or microforms or other suitable
312 reproductions of the records. A health care practitioner may
313 impose any reasonable terms necessary to ensure that the records
314 will not be damaged, destroyed, or altered, in a timely manner,
315 without delays for legal review, copies of all reports and
316 records relating to such examination or treatment, including X
317 rays and insurance information.

318
319 However, when a patient's psychiatric, chapter 490
320 psychological, or chapter 491 psychotherapeutic records are
321 requested by the patient or the patient's legal representative,
322 the health care practitioner may provide a report of examination
323 and treatment in lieu of copies of records. Upon a patient's
324 written request, complete copies of the patient's psychiatric
325 records shall be provided directly to a subsequent treating
326 psychiatrist. The furnishing of such report or copies may shall
327 not be conditioned upon payment of a fee for services rendered.

328 (c) A health care practitioner may extend the time for
329 furnishing the requested records by up to 14 business days if
330 the health care practitioner:



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331 1. Notifies the patient or legal representative of the
332 delay in writing within the first 14 business days after
333 receiving the request; and

334 2. Provides the expected date when the records will be made
335 available, which must be no later than 14 business days after
336 the original deadline for providing the records.

337 (d) The records must be provided in the form and format
338 requested by the patient or legal representative if the
339 requested records are readily producible in that form and
340 format. If the requested records are not readily producible in
341 the requested form or format, the health care practitioner must
342 produce the records in another electronic form and format agreed
343 to by the requester and the practitioner or in a readable hard
344 copy format. Forms of access to records may include, but are not
345 limited to: through a web-based application or patient portal,
346 by secure download, via electronic copy delivered by email, on
347 physical media such as a disc or USB drive, by United States
348 mail, or as printed paper records.

349 Section 8. Paragraph (f) of subsection (1) of section
350 316.1932, Florida Statutes, is amended to read:

351 316.1932 Tests for alcohol, chemical substances, or
352 controlled substances; implied consent; refusal.-

353 (1)

354 (f)1. The tests determining the weight of alcohol in the
355 defendant's blood or breath shall be administered at the request
356 of a law enforcement officer substantially in accordance with
357 rules of the Department of Law Enforcement. Such rules must
358 specify precisely the test or tests that are approved by the
359 Department of Law Enforcement for reliability of result and ease



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360 of administration, and must provide an approved method of
361 administration which must be followed in all such tests given
362 under this section. However, the failure of a law enforcement
363 officer to request the withdrawal of blood does not affect the
364 admissibility of a test of blood withdrawn for medical purposes.

365 2.a. Only a physician, certified paramedic, registered
366 nurse, licensed practical nurse, other personnel authorized by a
367 hospital to draw blood, or duly licensed clinical laboratory
368 director, supervisor, technologist, or technician, acting at the
369 request of a law enforcement officer, may withdraw blood for the
370 purpose of determining its alcoholic content or the presence of
371 chemical substances or controlled substances therein. However,
372 the failure of a law enforcement officer to request the
373 withdrawal of blood does not affect the admissibility of a test
374 of blood withdrawn for medical purposes.

375 b. Notwithstanding any provision of law pertaining to the
376 confidentiality of hospital records or other medical records, if
377 a health care provider, who is providing medical care in a
378 health care facility to a person injured in a motor vehicle
379 crash, becomes aware, as a result of any blood test performed in
380 the course of that medical treatment, that the person's blood-
381 alcohol level meets or exceeds the blood-alcohol level specified
382 in s. 316.193(1)(b), the health care provider may notify any law
383 enforcement officer or law enforcement agency. Any such notice
384 must be given within a reasonable time after the health care
385 provider receives the test result. Any such notice shall be used
386 only for the purpose of providing the law enforcement officer
387 with reasonable cause to request the withdrawal of a blood
388 sample pursuant to this section.



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389 c. The notice shall consist only of the name of the person
390 being treated, the name of the person who drew the blood, the
391 blood-alcohol level indicated by the test, and the date and time
392 of the administration of the test.

393 d. Nothing contained in s. 395.3025(2) ~~s. 395.3025(4)~~, s.
394 456.057, or any applicable practice act affects the authority to
395 provide notice under this section, and the health care provider
396 is not considered to have breached any duty owed to the person
397 under s. 395.3025(2) ~~s. 395.3025(4)~~, s. 456.057, or any
398 applicable practice act by providing notice or failing to
399 provide notice. It shall not be a breach of any ethical, moral,
400 or legal duty for a health care provider to provide notice or
401 fail to provide notice.

402 e. A civil, criminal, or administrative action may not be
403 brought against any person or health care provider participating
404 in good faith in the provision of notice or failure to provide
405 notice as provided in this section. Any person or health care
406 provider participating in the provision of notice or failure to
407 provide notice as provided in this section shall be immune from
408 any civil or criminal liability and from any professional
409 disciplinary action with respect to the provision of notice or
410 failure to provide notice under this section. Any such
411 participant has the same immunity with respect to participating
412 in any judicial proceedings resulting from the notice or failure
413 to provide notice.

414 3. The person tested may, at his or her own expense, have a
415 physician, registered nurse, other personnel authorized by a
416 hospital to draw blood, or duly licensed clinical laboratory
417 director, supervisor, technologist, or technician, or other



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418 person of his or her own choosing administer an independent test
419 in addition to the test administered at the direction of the law
420 enforcement officer for the purpose of determining the amount of
421 alcohol in the person's blood or breath or the presence of
422 chemical substances or controlled substances at the time
423 alleged, as shown by chemical analysis of his or her blood or
424 urine, or by chemical or physical test of his or her breath. The
425 failure or inability to obtain an independent test by a person
426 does not preclude the admissibility in evidence of the test
427 taken at the direction of the law enforcement officer. The law
428 enforcement officer shall not interfere with the person's
429 opportunity to obtain the independent test and shall provide the
430 person with timely telephone access to secure the test, but the
431 burden is on the person to arrange and secure the test at the
432 person's own expense.

433 4. Upon the request of the person tested, full information
434 concerning the results of the test taken at the direction of the
435 law enforcement officer shall be made available to the person or
436 his or her attorney. Full information is limited to the
437 following:

438 a. The type of test administered and the procedures
439 followed.

440 b. The time of the collection of the blood or breath sample
441 analyzed.

442 c. The numerical results of the test indicating the alcohol
443 content of the blood and breath.

444 d. The type and status of any permit issued by the
445 Department of Law Enforcement which was held by the person who
446 performed the test.



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447 e. If the test was administered by means of a breath
448 testing instrument, the date of performance of the most recent
449 required inspection of such instrument.

450
451 Full information does not include manuals, schematics, or
452 software of the instrument used to test the person or any other
453 material that is not in the actual possession of the state.
454 Additionally, full information does not include information in
455 the possession of the manufacturer of the test instrument.

456 5. A hospital, clinical laboratory, medical clinic, or
457 similar medical institution or physician, certified paramedic,
458 registered nurse, licensed practical nurse, other personnel
459 authorized by a hospital to draw blood, or duly licensed
460 clinical laboratory director, supervisor, technologist, or
461 technician, or other person assisting a law enforcement officer
462 does not incur any civil or criminal liability as a result of
463 the withdrawal or analysis of a blood or urine specimen, or the
464 chemical or physical test of a person's breath pursuant to
465 accepted medical standards when requested by a law enforcement
466 officer, regardless of whether or not the subject resisted
467 administration of the test.

468 Section 9. Paragraph (a) of subsection (2) of section
469 316.1933, Florida Statutes, is amended to read:

470 316.1933 Blood test for impairment or intoxication in cases
471 of death or serious bodily injury; right to use reasonable
472 force.—

473 (2) (a) Only a physician, certified paramedic, registered
474 nurse, licensed practical nurse, other personnel authorized by a
475 hospital to draw blood, or duly licensed clinical laboratory



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476 director, supervisor, technologist, or technician, acting at the
477 request of a law enforcement officer, may withdraw blood for the
478 purpose of determining the alcoholic content thereof or the
479 presence of chemical substances or controlled substances
480 therein. However, the failure of a law enforcement officer to
481 request the withdrawal of blood shall not affect the
482 admissibility of a test of blood withdrawn for medical purposes.

483 1. Notwithstanding any provision of law pertaining to the
484 confidentiality of hospital records or other medical records, if
485 a health care provider, who is providing medical care in a
486 health care facility to a person injured in a motor vehicle
487 crash, becomes aware, as a result of any blood test performed in
488 the course of that medical treatment, that the person's blood-
489 alcohol level meets or exceeds the blood-alcohol level specified
490 in s. 316.193(1)(b), the health care provider may notify any law
491 enforcement officer or law enforcement agency. Any such notice
492 must be given within a reasonable time after the health care
493 provider receives the test result. Any such notice shall be used
494 only for the purpose of providing the law enforcement officer
495 with reasonable cause to request the withdrawal of a blood
496 sample pursuant to this section.

497 2. The notice shall consist only of the name of the person
498 being treated, the name of the person who drew the blood, the
499 blood-alcohol level indicated by the test, and the date and time
500 of the administration of the test.

501 3. Nothing contained in s. 395.3025(2) ~~s. 395.3025(4)~~, s.
502 456.057, or any applicable practice act affects the authority to
503 provide notice under this section, and the health care provider
504 is not considered to have breached any duty owed to the person



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505 under s. 395.3025(2) ~~s. 395.3025(4)~~, s. 456.057, or any
506 applicable practice act by providing notice or failing to
507 provide notice. It shall not be a breach of any ethical, moral,
508 or legal duty for a health care provider to provide notice or
509 fail to provide notice.

510 4. A civil, criminal, or administrative action may not be
511 brought against any person or health care provider participating
512 in good faith in the provision of notice or failure to provide
513 notice as provided in this section. Any person or health care
514 provider participating in the provision of notice or failure to
515 provide notice as provided in this section shall be immune from
516 any civil or criminal liability and from any professional
517 disciplinary action with respect to the provision of notice or
518 failure to provide notice under this section. Any such
519 participant has the same immunity with respect to participating
520 in any judicial proceedings resulting from the notice or failure
521 to provide notice.

522 Section 10. Subsection (13) of section 395.4025, Florida
523 Statutes, is amended to read:

524 395.4025 Trauma centers; selection; quality assurance;
525 records.—

526 (13) Patient care, transport, or treatment records or
527 reports, or patient care quality assurance proceedings, records,
528 or reports obtained or made pursuant to this section, s.
529 395.3025(2)(f) ~~s. 395.3025(4)(f)~~, s. 395.401, s. 395.4015, s.
530 395.402, s. 395.403, s. 395.404, s. 395.4045, s. 395.405, s.
531 395.50, or s. 395.51 must be held confidential by the department
532 or its agent and are exempt from the provisions of s. 119.07(1).
533 Patient care quality assurance proceedings, records, or reports



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534 obtained or made pursuant to these sections are not subject to
535 discovery or introduction into evidence in any civil or
536 administrative action.

537 Section 11. Paragraph (c) of subsection (2) of section
538 397.702, Florida Statutes, is amended to read:

539 397.702 Authorization of local ordinances for treatment of
540 habitual abusers in licensed secure facilities.—

541 (2) Ordinances for the treatment of habitual abusers must
542 provide:

543 (c) That the court with jurisdiction to make the
544 determination authorized by this section shall hear the petition
545 on an emergency basis as soon as practicable but not later than
546 10 days after the date the petition was filed. If the
547 allegations of the petition indicate that the respondent has
548 requested the appointment of an attorney, or otherwise indicate
549 the absence of any competent person to speak at the hearing on
550 behalf of the respondent, the court shall immediately appoint an
551 attorney to represent the respondent pursuant to s. 397.501(9)
552 ~~s. 397.501(8)~~, and shall provide notice of the hearing to the
553 attorney. When the court sets a hearing date the petitioner
554 shall provide notice of the hearing and a copy of the petition
555 to all of the persons named in the petition pursuant to
556 subparagraph (b)2., and to such other persons as may be ordered
557 by the court to receive notice.

558 Section 12. Subsection (1) of section 429.294, Florida
559 Statutes, is amended to read:

560 429.294 Availability of facility records for investigation
561 of resident's rights violations and defenses; penalty.—

562 (1) Failure to provide complete copies of a resident's



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563 records, including, but not limited to, all medical records and
564 the resident's chart, within the control or possession of the
565 facility in accordance with s. 408.833 ~~s. 400.145~~, shall
566 constitute evidence of failure of that party to comply with good
567 faith discovery requirements and shall waive the good faith
568 certificate and presuit notice requirements under this part by
569 the requesting party.

570 Section 13. Subsection (4) of section 440.185, Florida
571 Statutes, is amended to read:

572 440.185 Notice of injury or death; reports; penalties for
573 violations.—

574 (4) Additional reports with respect to such injury and of
575 the condition of such employee, including copies of medical
576 reports, funeral expenses, and wage statements, shall be filed
577 by the employer or carrier to the department at such times and
578 in such manner as the department may prescribe by rule. In
579 carrying out its responsibilities under this chapter, the
580 department or agency may by rule provide for the obtaining of
581 any medical records relating to medical treatment provided
582 pursuant to this chapter, notwithstanding the provisions of ss.
583 90.503 and 395.3025(2) ~~395.3025(4)~~.

584 Section 14. Subsection (3) of section 456.47, Florida
585 Statutes, is amended to read:

586 456.47 Use of telehealth to provide services.—

587 (3) RECORDS.—A telehealth provider shall document in the
588 patient's medical record the health care services rendered using
589 telehealth according to the same standard as used for in-person
590 services. Medical records, including video, audio, electronic,
591 or other records generated as a result of providing such



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592 services, are confidential pursuant to ss. 395.3025(2) and
593 456.057 ~~ss. 395.3025(4) and 456.057.~~

594 Section 15. This act shall take effect January 1, 2026.

595

596 ===== T I T L E A M E N D M E N T =====

597 And the title is amended as follows:

598 Delete everything before the enacting clause
599 and insert:

600

A bill to be entitled

601

An act relating to patient access to records; amending

602

s. 394.4615, F.S.; requiring a mental health service

603

provider to furnish records within a specified

604

timeframe after receiving a request for such records;

605

authorizing an extension of the timeframe under

606

certain circumstances; requiring such providers to

607

furnish records in the form and format chosen by the

608

requester, if readily producible; amending s.

609

395.3025, F.S.; deleting provisions requiring

610

hospitals and ambulatory surgical centers to furnish

611

patient records only after discharge, to conform to

612

changes made by the act; establishing that the

613

Department of Health, rather than the Agency for

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Health Care Administration, has the authority to issue

615

subpoenas for patient records from hospitals and

616

ambulatory surgical centers in certain circumstances;

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amending s. 397.501, F.S.; requiring a substance abuse

618

service provider to furnish and provide access to

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records within a specified timeframe after receiving a

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written request from an individual or the individual's



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621 legal representative; authorizing an extension of the
622 timeframe under certain circumstances; requiring such
623 service providers to furnish records in the manner
624 chosen by the requester, if readily producible;
625 amending s. 400.145, F.S.; revising the timeframe
626 within which a nursing home facility must provide
627 access to, and copies of, resident records after
628 receiving a request for such records; republishing s.
629 408.803(6), F.S., relating to the definition of the
630 term "client" used in part II of ch. 408, F.S.;
631 creating s. 408.833, F.S.; defining the terms
632 "designated record set" and "legal representative";
633 requiring a provider to furnish and provide access to
634 records within a specified timeframe after receiving a
635 written request from a client or the client's legal
636 representative; authorizing an extension of the
637 timeframe under certain circumstances; requiring
638 providers to furnish records in the form and format
639 chosen by the requester, if readily producible;
640 providing exceptions for providers governed by
641 specified provisions; amending s. 456.057, F.S.;
642 defining the terms "designated record set" and "legal
643 representative"; requiring certain health care
644 practitioners to furnish and provide access to records
645 within a specified timeframe after receiving a written
646 request from a patient or the patient's legal
647 representative; authorizing an extension of the
648 timeframe under certain circumstances; requiring
649 health care practitioners to furnish records in the



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650 form and format chosen by the requester, if readily
651 producible; amending ss. 316.1932, 316.1933, 395.4025,
652 397.702, 429.294, 440.185, and 456.47, F.S.;
653 conforming cross-references; providing an effective
654 date.