

CS/HB 587

2026

A bill to be entitled
An act relating to medical review committees; amending
s. 766.101, F.S.; revising the definition of the term
"medical review committee"; providing an effective
date.

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

Section 1. Paragraph (a) of subsection (1), subsection (5), and paragraph (c) of subsection (7) of section 766.101, Florida Statutes, are amended to read:

766.101 Medical review committee, immunity from liability.—

(1) As used in this section:

(a) The term "medical review committee" or "committee" means:

1.a. A committee of a hospital or ambulatory surgical center licensed under chapter 395 or a health maintenance organization certificated under part I of chapter 641;

b. A committee of a physician-hospital organization, a provider-sponsored organization, or an integrated delivery system;

c. A committee of a state or local professional society of health care providers;

d. A committee of a medical staff of a licensed hospital

26 or nursing home, provided the medical staff operates pursuant to
27 written bylaws ~~that have been~~ approved by the governing board of
28 the hospital or nursing home;

29 e. A committee of the Department of Corrections or the
30 Correctional Medical Authority as created under s. 945.602, or
31 employees, agents, or consultants of either the department or
32 the authority or both;

33 f. A committee of a professional service corporation
34 formed under chapter 621 or a corporation organized under part I
35 of chapter 607 or chapter 617, which is formed and operated for
36 the practice of medicine as defined in s. 458.305(3), and which
37 has at least 25 health care providers who routinely provide
38 health care services directly to patients;

39 g. A committee of the Department of Children and Families
40 or a managing entity as defined in s. 394.9082(2), which may
41 include includes employees or, agents of, or consultants to the
42 department or managing entity and any other persons the
43 department or managing entity deems as deemed necessary to
44 provide peer review, utilization review, or and mortality review
45 of treatment services provided pursuant to chapters 394, 397,
46 and 916;

47 h. A committee of a mental health treatment facility
48 licensed under chapter 394 or a community mental health center
49 as defined in s. 394.907, provided the quality assurance program
50 operates pursuant to the guidelines ~~that have been~~ approved by

51 the governing board of the agency;

52 i. A committee of a substance abuse treatment and

53 education prevention program licensed under chapter 397 provided

54 the quality assurance program operates pursuant to the

55 guidelines ~~that have been~~ approved by the governing board of the

56 agency;

57 j. A peer review or utilization review committee organized

58 under chapter 440;

59 k. A committee of the Department of Health, a county

60 health department, healthy start coalition, or certified rural

61 health network, when reviewing quality of care, or employees of

62 these entities when reviewing mortality records; or

63 l. A continuous quality improvement committee of a

64 pharmacy licensed pursuant to chapter 465,

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66 which committee is formed to evaluate and improve the quality of

67 health care rendered by providers of health service, to

68 determine whether ~~that~~ health services rendered were

69 professionally indicated or were performed in compliance with

70 the applicable standard of care, or whether ~~that~~ the cost of

71 health care rendered was considered reasonable by the providers

72 of professional health services in the area; or

73 2. A committee of an insurer, self-insurer, or joint

74 underwriting association of medical malpractice insurance, or

75 other persons conducting review under s. 766.106.

76 (5) The investigations, proceedings, and records of a
77 committee as described in the preceding subsections are ~~shall~~
78 not ~~be~~ subject to discovery or introduction into evidence in any
79 civil or administrative action against a provider of
80 professional health services or a managing entity arising out of
81 the matters which are the subject of evaluation and review by
82 such committee, and any ~~no~~ person who was in attendance at a
83 meeting of such committee is not ~~shall~~ be permitted or required
84 to testify in any such civil action as to any evidence or other
85 matters produced or presented during the proceedings of such
86 committee or as to any findings, recommendations, evaluations,
87 opinions, or other actions of such committee or any members
88 thereof. However, information, documents, or records otherwise
89 available from original sources are not to be construed as
90 immune from discovery or use in any such civil action merely
91 because they were presented during proceedings of such
92 committee, nor should any person who testifies before such
93 committee or who is a member of such committee be prevented from
94 testifying as to matters within his or her knowledge, but the
95 ~~said~~ witness cannot be asked about his or her testimony before
96 such a committee or opinions formed by him or her as a result of
97 such ~~said~~ committee hearings.

98 (7)

99 (c) So as not to inhibit the willing and voluntary service
100 of professional society members on medical review committees,

101 the department shall use advisory reports from medical
102 committees as background information only and shall prepare its
103 own case using independently prepared evidence and supporting
104 expert opinion for submission to the probable cause panel of a
105 regulatory board formed under chapter 458 or chapter 459.
106 Proceedings of all medical review committees, as defined in s.
107 766.101(1)(a), are exempt from ~~the provisions of~~ s. 286.011 and
108 s. 24(b), Art. I of the State Constitution, and any advisory
109 reports provided to the department by such committees are
110 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and
111 s. 24(a), Art. I of the State Constitution, regardless of
112 whether probable cause is found. The medical review committee
113 advisory reports and any records created by the medical review
114 committee are not subject to discovery or introduction into
115 evidence in any disciplinary proceeding against a licensee.
116 Further, no person who voluntarily serves on a medical review
117 committee or who investigates a complaint for the committee may
118 be permitted or required to testify in any such disciplinary
119 proceeding as to any evidence or other matters produced or
120 presented during the proceedings of such committee or as to any
121 findings, recommendations, evaluations, opinions, or other
122 actions of such committee or any members thereof. However,
123 nothing in this section shall be construed to mean that
124 information, documents, or records otherwise available and
125 obtained from original sources are immune from discovery or use

CS/HB 587

2026

126 in any such disciplinary proceeding merely because they were
127 presented during proceedings of a peer review organization or
128 committee. Members of medical review committees shall assist the
129 department in identifying such original sources when possible.

130 **Section 2.** This act shall take effect October 1, 2026.