

By Senator Harrell

31-00320-26

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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"; revising provisions
related to discovery and evidence in civil and
administrative actions to conform to changes made by
the act; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) and subsection
(5) 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 or
nursing home, provided the medical staff operates pursuant to
written bylaws ~~that have been~~ approved by the governing board of
the hospital or nursing home;

e. A committee of the Department of Corrections or the

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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 formed
34 under chapter 621 or a corporation organized under part I of
35 chapter 607 or chapter 617, which is formed and operated for the
36 practice of medicine as defined in s. 458.305(3), and which has
37 at least 25 health care providers who routinely provide health
38 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 ~~of~~ agents 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 education
53 prevention program licensed under chapter 397 provided the
54 quality assurance program operates pursuant to the guidelines
55 ~~that have been~~ approved by the governing board of the agency;

56 j. A peer review or utilization review committee organized
57 under chapter 440;

58 k. A committee of the Department of Health, a county health

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department, healthy start coalition, or certified rural health network, when reviewing quality of care, or employees of these entities when reviewing mortality records; or

1. A continuous quality improvement committee of a pharmacy licensed pursuant to chapter 465,

which committee is formed to evaluate and improve the quality of health care rendered by providers of health service, to determine whether ~~that~~ health services rendered were professionally indicated or were performed in compliance with the applicable standard of care, or whether ~~that~~ the cost of health care rendered was considered reasonable by the providers of professional health services in the area; or

2. A committee of an insurer, self-insurer, or joint underwriting association of medical malpractice insurance, or other persons conducting review under s. 766.106.

(5) The investigations, proceedings, and records of a committee as described in the preceding subsections are ~~shall~~ not ~~be~~ subject to discovery or introduction into evidence in any civil or administrative action against a provider of professional health services or a managing entity arising out of the matters which are the subject of evaluation and review by such committee, and any ~~no~~ person who was in attendance at a meeting of such committee is not ~~shall be~~ permitted or required to testify in any such civil action as to any evidence or other matters produced or presented during the proceedings of such committee or as to any findings, recommendations, evaluations, opinions, or other actions of such committee or any members thereof. However, information, documents, or records otherwise

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88 available from original sources are not to be construed as
89 immune from discovery or use in any such civil action merely
90 because they were presented during proceedings of such
91 committee, nor should any person who testifies before such
92 committee or who is a member of such committee be prevented from
93 testifying as to matters within his or her knowledge, but the
94 ~~said~~ witness cannot be asked about his or her testimony before
95 such a committee or opinions formed by him or her as a result of
96 such ~~said~~ committee hearings.

97 Section 2. This act shall take effect July 1, 2026.