

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Health & Human Services
 2 Committee

3 Representative Rommel offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7

8 Section 1. Subsections (3) through (11) of section
 9 394.4615, Florida Statutes, are renumbered as subsections (5)
 10 through (13), respectively, and new subsections (3) and (4) are
 11 added to that section, to read:

12 394.4615 Clinical records; confidentiality.—

13 (3) Within 14 working days after receiving a request made
 14 in accordance with paragraphs (2) (a)-(c), a service provider
 15 must furnish clinical records in its possession. A service
 16 provider may furnish the requested records in paper form or,

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17 upon request, in an electronic format. A service provider who
18 maintains an electronic health record system shall furnish the
19 requested records in the manner chosen by the requester which
20 must include electronic format, access through a web-based
21 patient portal, or submission through a patient's electronic
22 personal health record.

23 (4) A service provider may charge a requester no more than
24 the reasonable costs of reproducing the clinical records,
25 including reasonable staff time.

26 (a) The reasonable costs of reproducing paper copies of
27 written or typed documents or reports may not exceed \$1 per page
28 for the first 25 pages and 25 cents per page for all pages
29 thereafter.

30 (b) The reasonable costs of reproducing X-rays and other
31 forms of images shall be the actual costs. Actual costs shall be
32 the cost of the material and supplies used to duplicate the
33 record and the labor and overhead costs associated with the
34 duplication.

35 (c) The reasonable costs of producing electronic copies of
36 records or electronic access to records may not exceed \$2.

37
38 The charges shall apply to all records furnished, whether
39 directly from a service provider or from a copy service
40 providing such services on behalf of a service provider.

41 However, a patient whose records are copied or searched for the

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42 purpose of continuing to receive care is not required to pay a
43 charge for copying or for the search.

44 Section 2. Subsections (4) through (11) of section
45 395.3025, Florida Statutes, are renumbered as subsections (1)
46 through (8), respectively, and subsections (1), (2), and (3),
47 paragraph (e) of present subsection (4), present subsection (5),
48 paragraph (a) of present subsection (7), and present subsection
49 (8) of that section, are amended to read:

50 395.3025 Patient and personnel records; copies;
51 examination.-

52 ~~(1) Any licensed facility shall, upon written request, and~~
53 ~~only after discharge of the patient, furnish, in a timely~~
54 ~~manner, without delays for legal review, to any person admitted~~
55 ~~therein for care and treatment or treated thereat, or to any~~
56 ~~such person's guardian, curator, or personal representative, or~~
57 ~~in the absence of one of those persons, to the next of kin of a~~
58 ~~decedent or the parent of a minor, or to anyone designated by~~
59 ~~such person in writing, a true and correct copy of all patient~~
60 ~~records, including X rays, and insurance information concerning~~
61 ~~such person, which records are in the possession of the licensed~~
62 ~~facility, provided the person requesting such records agrees to~~
63 ~~pay a charge. The exclusive charge for copies of patient records~~
64 ~~may include sales tax and actual postage, and, except for~~
65 ~~nonpaper records that are subject to a charge not to exceed \$2,~~
66 ~~may not exceed \$1 per page. A fee of up to \$1 may be charged for~~

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~~each year of records requested. These charges shall apply to all records furnished, whether directly from the facility or from a copy service providing these services on behalf of the facility. However, a patient whose records are copied or searched for the purpose of continuing to receive medical care is not required to pay a charge for copying or for the search. The licensed facility shall further allow any such person to examine the original records in its possession, or microforms or other suitable reproductions of the records, upon such reasonable terms as shall be imposed to assure that the records will not be damaged, destroyed, or altered.~~

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

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

~~(1)(4)~~ Patient records are confidential and must not be disclosed without the consent of the patient or his or her legal representative, but appropriate disclosure may be made without such consent to:

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

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

107 ~~(2)(5)~~ The Department of Health may examine patient
108 records of a licensed facility, whether held by the facility or
109 the Agency for Health Care Administration, for the purpose of
110 epidemiological investigations. The unauthorized release of
111 information by agents of the department which would identify an
112 individual patient is a misdemeanor of the first degree,
113 punishable as provided in s. 775.082 or s. 775.083.

114 ~~(4)(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

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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 ~~(5)-(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 (1) and (2) ~~(1)-(5)~~.

128 Section 3. Paragraphs (a) through (j) of subsection (7) of
129 section 397.501, Florida Statutes, are redesignated as
130 paragraphs (d) through (m), respectively, and new paragraphs
131 (a), (b), and (c) are added to that subsection, to read:

132 397.501 Rights of individuals.—Individuals receiving
133 substance abuse services from any service provider are
134 guaranteed protection of the rights specified in this section,
135 unless otherwise expressly provided, and service providers must
136 ensure the protection of such rights.

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

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

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142 correct copy of all records in the possession of the service
143 provider. A service provider may furnish the requested records
144 in paper form or, upon request, in an electronic format. A
145 service provider who maintains an electronic health record
146 system shall furnish the requested records in the manner chosen
147 by the requester which must include electronic format, access
148 through a web-based patient portal, or submission through a
149 patient's electronic personal health record. For the purpose of
150 this section, the term "legal representative" has the same
151 meaning as provided in s. 408.833.

152 (b) Within 10 working days after receiving such a request
153 from an individual or an individual's legal representative, a
154 service provider shall provide access to examine the original
155 records in its possession, or microforms or other suitable
156 reproductions of the records. A service provider may impose any
157 reasonable terms necessary to ensure that the records will not
158 be damaged, destroyed, or altered.

159 (c) A service provider may charge the individual or the
160 individual's no more than the reasonable costs of reproducing
161 the records, including reasonable staff time.

162 1. The reasonable costs of reproducing paper copies of
163 written or typed documents or reports may not exceed \$1 per page
164 for the first 25 pages and 25 cents per page for all pages
165 thereafter.

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166 2. The reasonable costs of reproducing X-rays and such
167 other kinds of records shall be the actual costs. Actual costs
168 shall be the cost of the material and supplies used to duplicate
169 the records and the labor and overhead costs associated with the
170 duplication.

171 3. The reasonable costs of producing electronic copies of
172 records or electronic access to records may not exceed \$2.

173
174 The charges shall apply to all records furnished, whether
175 directly from a service provider or from a copy service
176 providing such services on behalf of the service provider.
177 However, an individual whose records are copied or searched for
178 the purpose of continuing to receive care is not required to pay
179 a charge for copying or for the search.

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

182 400.145 Copies of records of care and treatment of
183 resident.—

184 (1) Upon receipt of a written request that complies with
185 the federal Health Insurance Portability and Accountability Act
186 of 1996 (HIPAA) and this section, a nursing home facility shall
187 furnish to a competent resident, or to a representative of that
188 resident who is authorized to make requests for the resident's
189 records under HIPAA or subsection (2), copies of the resident's
190 paper and electronic records that are in possession of the

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191 facility. Such records must include any medical records and
192 records concerning the care and treatment of the resident
193 performed by the facility, except for progress notes and
194 consultation report sections of a psychiatric nature. The
195 facility shall provide a resident with access to the requested
196 records within 24 hours, excluding weekends and holidays, and
197 ~~The facility shall provide~~ copies of the requested records
198 within 2 14 working days after receipt of a request relating to
199 ~~a current resident or within 30 working days after receipt of a~~
200 ~~request relating to a former resident.~~

201 Section 5. Section 408.833, Florida Statutes, is created
202 to read:

203 408.833 Client access to medical records.-

204 (1) For the purpose of this section, the term "legal
205 representative" means a client's attorney who has been
206 designated by the client to receive copies of the client's
207 medical, care and treatment, or interdisciplinary records; a
208 legally recognized guardian of the client; a court-appointed
209 representative of the client; or a person designated by the
210 client or by a court of competent jurisdiction to receive copies
211 of the client's medical, care and treatment, or
212 interdisciplinary records.

213 (2) Within 14 working days after receiving a written
214 request from a client or client's legal representative, a
215 provider shall furnish a true and correct copy of all records,

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216 including medical, care and treatment, and interdisciplinary
217 records, as applicable, in the possession of the provider. A
218 provider may furnish the requested records in paper form or,
219 upon request, in an electronic format. A provider who maintains
220 an electronic health record system shall furnish the requested
221 records in the manner chosen by the requester which must include
222 electronic format, access through a web-based patient portal, or
223 submission through a patient's electronic personal health
224 record.

225 (3) Within 10 working days after receiving such a request
226 by a client or client's legal representative, a provider shall
227 provide access to examine the original records in its
228 possession, or microforms or other suitable reproductions of the
229 records. A provider may impose any reasonable terms necessary to
230 ensure that the records will not be damaged, destroyed, or
231 altered.

232 (4) A provider may charge the requester no more than the
233 reasonable costs of reproducing the records, including
234 reasonable staff time.

235 (a) The reasonable costs of reproducing paper copies of
236 written or typed documents or reports may not exceed \$1 per page
237 for the first 25 pages and 25 cents per page for all pages
238 thereafter.

239 (b) The reasonable costs of reproducing X-rays and other
240 forms of images shall be the actual costs. Actual costs shall be

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241 the cost of the material and supplies used to duplicate the
242 records and the labor and overhead costs associated with the
243 duplication.

244 (c) The reasonable costs of producing electronic copies of
245 records or electronic access to records may not exceed \$2.

246
247 The charges shall apply to all records furnished, whether
248 directly from a provider or from a copy service providing such
249 services on behalf of the provider. However, a patient or
250 resident whose records are copied or searched for the purpose of
251 continuing to receive medical care is not required to pay a
252 charge for copying or for the search.

253 (7) This section does not apply to:

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

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

261 (c) Requests for records of a resident of a nursing home
262 facility.

263 Section 6. Subsections (6) and (17) of section 456.057,
264 Florida Statutes, are amended to read:

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265 456.057 Ownership and control of patient records; report
266 or copies of records to be furnished; disclosure of
267 information.-

268 (6)(a) Any health care practitioner licensed by the
269 department or a board within the department who makes a physical
270 or mental examination of, or administers treatment or dispenses
271 legend drugs to, any person shall, upon request of such person
272 or the person's legal representative, furnish, within 14 working
273 days after such request in a timely manner, without delays for
274 legal review, copies of all reports and records relating to such
275 examination or treatment, including X-rays ~~X-rays~~ and insurance
276 information. A health care practitioner may furnish the
277 requested reports and records in paper form or, upon request, in
278 an electronic format. A health care practitioner who maintains
279 an electronic health record system shall furnish the requested
280 records in the manner chosen by the requester which must include
281 electronic format, access through a web-based patient portal, or
282 submission through a patient's electronic personal health
283 record. For the purpose of this section, the term "legal
284 representative" means a patient's attorney who has been
285 designated by the patient to receive copies of the patient's
286 medical records; any legally recognized guardian of the patient;
287 any court appointed representative of the patient; or any other
288 person either designated by the patient or by a court of

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289 competent jurisdiction to receive copies of the patient's
290 medical records.

291 (b) Within 10 working days after receiving a written
292 request by a patient or a patient's legal representative, a
293 healthcare practitioner must provide access to examine the
294 original reports and records, or microforms or other suitable
295 reproductions of the reports and records in the healthcare
296 practitioner's possession. The healthcare practitioner may
297 impose any reasonable terms necessary to ensure that the reports
298 and records will not be damaged, destroyed, or altered.

299 (c) ~~However,~~ When a patient's psychiatric, chapter 490
300 psychological, or chapter 491 psychotherapeutic records are
301 requested by the patient or the patient's legal representative,
302 the health care practitioner may provide a report of examination
303 and treatment in lieu of copies of records. Upon a patient's
304 written request, complete copies of the patient's psychiatric
305 records shall be provided directly to a subsequent treating
306 psychiatrist. The furnishing of such report or copies ~~may shall~~
307 not be conditioned upon payment of a fee for services rendered.

308 (17) A licensed healthcare practitioner may charge the
309 requester no more than the reasonable costs of reproducing the
310 reports and records, including reasonable staff time.

311 (a) The reasonable costs of reproducing paper copies of
312 written or typed documents or reports may not exceed \$1 per page

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313 for the first 25 pages and 25 cents per page for all pages
314 thereafter.

315 (b) The reasonable costs of reproducing X-rays and such
316 other kinds of records shall be the actual costs. Actual costs
317 shall be the cost of the material and supplies used to duplicate
318 the record and the labor and overhead costs associated with the
319 duplication.

320 (c) The reasonable costs of producing electronic copies of
321 reports and records or electronic access to reports and records
322 may not exceed \$2.

323
324 The charges shall apply to all reports and records furnished,
325 whether directly from a healthcare practitioner or from a copy
326 service providing such services on behalf of the healthcare
327 practitioner. However, a patient whose reports and records are
328 copied or searched for the purpose of continuing to receive
329 medical care is not required to pay a charge for copying or for
330 the search. A health care practitioner or records owner
331 ~~furnishing copies of reports or records or making the reports or~~
332 ~~records available for digital scanning pursuant to this section~~
333 ~~shall charge no more than the actual cost of copying, including~~
334 ~~reasonable staff time, or the amount specified in administrative~~
335 ~~rule by the appropriate board, or the department when there is~~
336 ~~no board.~~

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337 Section 7. Paragraph (f) of subsection (1) of section
338 316.1932, Florida Statutes, is amended to read:

339 316.1932 Tests for alcohol, chemical substances, or
340 controlled substances; implied consent; refusal.—

341 (1)

342 (f)1. The tests determining the weight of alcohol in the
343 defendant's blood or breath shall be administered at the request
344 of a law enforcement officer substantially in accordance with
345 rules of the Department of Law Enforcement. Such rules must
346 specify precisely the test or tests that are approved by the
347 Department of Law Enforcement for reliability of result and ease
348 of administration, and must provide an approved method of
349 administration which must be followed in all such tests given
350 under this section. However, the failure of a law enforcement
351 officer to request the withdrawal of blood does not affect the
352 admissibility of a test of blood withdrawn for medical purposes.

353 2.a. Only a physician, certified paramedic, registered
354 nurse, licensed practical nurse, other personnel authorized by a
355 hospital to draw blood, or duly licensed clinical laboratory
356 director, supervisor, technologist, or technician, acting at the
357 request of a law enforcement officer, may withdraw blood for the
358 purpose of determining its alcoholic content or the presence of
359 chemical substances or controlled substances therein. However,
360 the failure of a law enforcement officer to request the

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361 withdrawal of blood does not affect the admissibility of a test
362 of blood withdrawn for medical purposes.

363 b. Notwithstanding any provision of law pertaining to the
364 confidentiality of hospital records or other medical records, if
365 a health care provider, who is providing medical care in a
366 health care facility to a person injured in a motor vehicle
367 crash, becomes aware, as a result of any blood test performed in
368 the course of that medical treatment, that the person's blood-
369 alcohol level meets or exceeds the blood-alcohol level specified
370 in s. 316.193(1)(b), the health care provider may notify any law
371 enforcement officer or law enforcement agency. Any such notice
372 must be given within a reasonable time after the health care
373 provider receives the test result. Any such notice shall be used
374 only for the purpose of providing the law enforcement officer
375 with reasonable cause to request the withdrawal of a blood
376 sample pursuant to this section.

377 c. The notice shall consist only of the name of the person
378 being treated, the name of the person who drew the blood, the
379 blood-alcohol level indicated by the test, and the date and time
380 of the administration of the test.

381 d. Nothing contained in s. 395.3025(1) ~~s. 395.3025(4)~~, s.
382 456.057, or any applicable practice act affects the authority to
383 provide notice under this section, and the health care provider
384 is not considered to have breached any duty owed to the person
385 under s. 395.3025(1) ~~s. 395.3025(4)~~, s. 456.057, or any

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386 applicable practice act by providing notice or failing to
387 provide notice. It shall not be a breach of any ethical, moral,
388 or legal duty for a health care provider to provide notice or
389 fail to provide notice.

390 e. A civil, criminal, or administrative action may not be
391 brought against any person or health care provider participating
392 in good faith in the provision of notice or failure to provide
393 notice as provided in this section. Any person or health care
394 provider participating in the provision of notice or failure to
395 provide notice as provided in this section shall be immune from
396 any civil or criminal liability and from any professional
397 disciplinary action with respect to the provision of notice or
398 failure to provide notice under this section. Any such
399 participant has the same immunity with respect to participating
400 in any judicial proceedings resulting from the notice or failure
401 to provide notice.

402 3. The person tested may, at his or her own expense, have
403 a physician, registered nurse, other personnel authorized by a
404 hospital to draw blood, or duly licensed clinical laboratory
405 director, supervisor, technologist, or technician, or other
406 person of his or her own choosing administer an independent test
407 in addition to the test administered at the direction of the law
408 enforcement officer for the purpose of determining the amount of
409 alcohol in the person's blood or breath or the presence of
410 chemical substances or controlled substances at the time

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411 | alleged, as shown by chemical analysis of his or her blood or
412 | urine, or by chemical or physical test of his or her breath. The
413 | failure or inability to obtain an independent test by a person
414 | does not preclude the admissibility in evidence of the test
415 | taken at the direction of the law enforcement officer. The law
416 | enforcement officer shall not interfere with the person's
417 | opportunity to obtain the independent test and shall provide the
418 | person with timely telephone access to secure the test, but the
419 | burden is on the person to arrange and secure the test at the
420 | person's own expense.

421 | 4. Upon the request of the person tested, full information
422 | concerning the results of the test taken at the direction of the
423 | law enforcement officer shall be made available to the person or
424 | his or her attorney. Full information is limited to the
425 | following:

426 | a. The type of test administered and the procedures
427 | followed.

428 | b. The time of the collection of the blood or breath
429 | sample analyzed.

430 | c. The numerical results of the test indicating the
431 | alcohol content of the blood and breath.

432 | d. The type and status of any permit issued by the
433 | Department of Law Enforcement which was held by the person who
434 | performed the test.

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435 e. If the test was administered by means of a breath
436 testing instrument, the date of performance of the most recent
437 required inspection of such instrument.

438
439 Full information does not include manuals, schematics, or
440 software of the instrument used to test the person or any other
441 material that is not in the actual possession of the state.
442 Additionally, full information does not include information in
443 the possession of the manufacturer of the test instrument.

444 5. A hospital, clinical laboratory, medical clinic, or
445 similar medical institution or physician, certified paramedic,
446 registered nurse, licensed practical nurse, other personnel
447 authorized by a hospital to draw blood, or duly licensed
448 clinical laboratory director, supervisor, technologist, or
449 technician, or other person assisting a law enforcement officer
450 does not incur any civil or criminal liability as a result of
451 the withdrawal or analysis of a blood or urine specimen, or the
452 chemical or physical test of a person's breath pursuant to
453 accepted medical standards when requested by a law enforcement
454 officer, regardless of whether or not the subject resisted
455 administration of the test.

456 Section 8. Paragraph (a) of subsection (2) of section
457 316.1933, Florida Statutes, is amended to read:

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458 316.1933 Blood test for impairment or intoxication in
459 cases of death or serious bodily injury; right to use reasonable
460 force.-

461 (2) (a) Only a physician, certified paramedic, registered
462 nurse, licensed practical nurse, other personnel authorized by a
463 hospital to draw blood, or duly licensed clinical laboratory
464 director, supervisor, technologist, or technician, acting at the
465 request of a law enforcement officer, may withdraw blood for the
466 purpose of determining the alcoholic content thereof or the
467 presence of chemical substances or controlled substances
468 therein. However, the failure of a law enforcement officer to
469 request the withdrawal of blood shall not affect the
470 admissibility of a test of blood withdrawn for medical purposes.

471 1. Notwithstanding any provision of law pertaining to the
472 confidentiality of hospital records or other medical records, if
473 a health care provider, who is providing medical care in a
474 health care facility to a person injured in a motor vehicle
475 crash, becomes aware, as a result of any blood test performed in
476 the course of that medical treatment, that the person's blood-
477 alcohol level meets or exceeds the blood-alcohol level specified
478 in s. 316.193(1) (b), the health care provider may notify any law
479 enforcement officer or law enforcement agency. Any such notice
480 must be given within a reasonable time after the health care
481 provider receives the test result. Any such notice shall be used
482 only for the purpose of providing the law enforcement officer

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483 with reasonable cause to request the withdrawal of a blood
484 sample pursuant to this section.

485 2. The notice shall consist only of the name of the person
486 being treated, the name of the person who drew the blood, the
487 blood-alcohol level indicated by the test, and the date and time
488 of the administration of the test.

489 3. Nothing contained in s. 395.3025(1) ~~s. 395.3025(4)~~, s.
490 456.057, or any applicable practice act affects the authority to
491 provide notice under this section, and the health care provider
492 is not considered to have breached any duty owed to the person
493 under s. 395.3025(1) ~~s. 395.3025(4)~~, s. 456.057, or any
494 applicable practice act by providing notice or failing to
495 provide notice. It shall not be a breach of any ethical, moral,
496 or legal duty for a health care provider to provide notice or
497 fail to provide notice.

498 4. A civil, criminal, or administrative action may not be
499 brought against any person or health care provider participating
500 in good faith in the provision of notice or failure to provide
501 notice as provided in this section. Any person or health care
502 provider participating in the provision of notice or failure to
503 provide notice as provided in this section shall be immune from
504 any civil or criminal liability and from any professional
505 disciplinary action with respect to the provision of notice or
506 failure to provide notice under this section. Any such
507 participant has the same immunity with respect to participating

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508 in any judicial proceedings resulting from the notice or failure
509 to provide notice.

510 Section 9. Subsection (13) of section 395.4025, Florida
511 Statutes, is amended to read:

512 395.4025 Trauma centers; selection; quality assurance;
513 records.—

514 (13) Patient care, transport, or treatment records or
515 reports, or patient care quality assurance proceedings, records,
516 or reports obtained or made pursuant to this section, s.
517 395.3025(1)(f) ~~s. 395.3025(4)(f)~~, s. 395.401, s. 395.4015, s.
518 395.402, s. 395.403, s. 395.404, s. 395.4045, s. 395.405, s.
519 395.50, or s. 395.51 must be held confidential by the department
520 or its agent and are exempt from the provisions of s. 119.07(1).
521 Patient care quality assurance proceedings, records, or reports
522 obtained or made pursuant to these sections are not subject to
523 discovery or introduction into evidence in any civil or
524 administrative action.

525 Section 10. Subsection (4) of section 440.185, Florida
526 Statutes, is amended to read:

527 440.185 Notice of injury or death; reports; penalties for
528 violations.—

529 (4) Additional reports with respect to such injury and of
530 the condition of such employee, including copies of medical
531 reports, funeral expenses, and wage statements, shall be filed
532 by the employer or carrier to the department at such times and

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533 in such manner as the department may prescribe by rule. In
534 carrying out its responsibilities under this chapter, the
535 department or agency may by rule provide for the obtaining of
536 any medical records relating to medical treatment provided
537 pursuant to this chapter, notwithstanding the provisions of ss.
538 90.503 and 395.3025(1) ~~395.3025(4)~~.

539 Section 11. This act shall take effect July 1, 2019.

540

541

542

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

543

Remove lines 23-29 and insert:

544

records; amending s. 400.145, F.S.; requiring that a nursing

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home facility furnish records within a specified timeframe after

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receiving a request; creating s. 408.833, F.S.;