

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR HARDEE, HIGHLANDS AND POLK COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 3-4.0

RE : DISCLOSURE OF HOSPITAL PATIENT RECORDS

**IN CIVIL PROCEEDINGS IN AND FOR THE
TENTH JUDICIAL CIRCUIT OF FLORIDA**

Chapter 82-182, Laws of Florida, created Chapter 395.017 Florida Statutes relating to disclosure of hospital patient records. Subsection (4) thereof requires that patient records shall have privileged and confidential status and shall not be disclosed without the consent of the person to whom they pertain or upon court order upon application demonstrating good cause.

In order to promote uniform application of this new law within the Tenth Judicial Circuit of Florida, the following presumptions and procedures shall apply:

1. Suits for personal injuries or death filed by or on behalf of a hospital patient shall be deemed a waiver of F.S. 395.017 (4). consent to the disclosure of patient records pertaining to the injury shall be resumed. Such records shall be disclosed upon service of a subpoena prepared and issued for that purpose in accordance with the Rules of Civil Procedure. No independent court order shall be necessary to effect delivery of a copy of such patient records in response to a subpoena.
2. Should the patient, patient's attorney, or hospital dispute the relevancy of the subpoenaed patient records, a motion for protective order may be automatically continued until resolution of the dispute by the court after notice by the court after notice and hearing.
3. Patient records of an individual not a complaining party in a civil lawsuit shall not be disclosed without the consent of the person to whom they pertain or upon court order after application therefor showing good cause.

ORDERED this 30th day of March, 1983, at Bartow, Polk County, Florida

THOMAS M. LANGSTON

Chief Judge

