



608126

LEGISLATIVE ACTION

Senate	.	House
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The Committee on Judiciary (Bogdanoff) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 790.338, Florida Statutes, is created to read:

790.338 Medical privacy concerning firearms; prohibitions; penalties, exceptions.-

(1) A health care practitioner licensed under chapter 456 or a health care facility licensed under chapter 395 may not intentionally enter any disclosed information concerning firearm ownership into the patient's medical record if the practitioner



608126

13 knows that such information is not relevant to the patient's
14 medical care or safety, or the safety of others.

15 (2) A health care practitioner licensed under chapter 456
16 or a health care facility licensed under chapter 395 shall
17 respect a patient's right to privacy and should refrain from
18 making a written inquiry or asking questions concerning the
19 ownership of a firearm or ammunition by the patient or by a
20 family member of the patient, or the presence of a firearm in a
21 private home or other domicile of the patient or a family member
22 of the patient. Notwithstanding this provision, a health care
23 practitioner or health care facility that in good faith believes
24 that this information is relevant to the patient's medical care
25 or safety, or the safety of others, may make such a verbal or
26 written inquiry.

27 (3) Any emergency medical technician or paramedic acting
28 under the supervision of an Emergency Medical Services Director
29 under chapter 401 may make an inquiry concerning the possession
30 or presence of a firearm if he or she, in good faith, believes
31 that information regarding the possession of a firearm by the
32 patient or the presence of a firearm in the home or domicile of
33 a patient or a patient's family member is necessary to treat a
34 patient during the course and scope of a medical emergency or
35 that the presence or possession of a firearm would pose an
36 imminent danger or threat to the patient or others.

37 (4) A patient may decline to answer or provide any
38 information regarding ownership of a firearm by the patient or a
39 family member of the patient, or the presence of a firearm in
40 the domicile of the patient or a family member of the patient. A
41 patient's decision not to answer a question relating to the



608126

42 presence or ownership of a firearm does not alter existing law
43 regarding a physician's authorization to choose his or her
44 patients.

45 (5) A health care practitioner licensed under chapter 456
46 or a health care facility licensed under chapter 395 may not
47 discriminate against a patient based solely upon the patient's
48 exercise of the constitutional right to own and possess firearms
49 or ammunition.

50 (6) A health care practitioner licensed under chapter 456
51 or a health care facility licensed under chapter 395 shall
52 respect a patient's legal right to own or possess a firearm and
53 should refrain from unnecessarily harassing a patient about
54 firearm ownership during an examination.

55 (7) Violations of the provisions of subsections (1)-(4)
56 constitute grounds for disciplinary action under ss. 456.072(2)
57 and 395.1055.

58 Section 2. Paragraph (b) of subsection (4) of section
59 381.026, Florida Statutes, is amended to read:

60 381.026 Florida Patient's Bill of Rights and
61 Responsibilities.—

62 (4) RIGHTS OF PATIENTS.—Each health care facility or
63 provider shall observe the following standards:

64 (b) Information.—

65 1. A patient has the right to know the name, function, and
66 qualifications of each health care provider who is providing
67 medical services to the patient. A patient may request such
68 information from his or her responsible provider or the health
69 care facility in which he or she is receiving medical services.

70 2. A patient in a health care facility has the right to



608126

71 know what patient support services are available in the
72 facility.

73 3. A patient has the right to be given by his or her health
74 care provider information concerning diagnosis, planned course
75 of treatment, alternatives, risks, and prognosis, unless it is
76 medically inadvisable or impossible to give this information to
77 the patient, in which case the information must be given to the
78 patient's guardian or a person designated as the patient's
79 representative. A patient has the right to refuse this
80 information.

81 4. A patient has the right to refuse any treatment based on
82 information required by this paragraph, except as otherwise
83 provided by law. The responsible provider shall document any
84 such refusal.

85 5. A patient in a health care facility has the right to
86 know what facility rules and regulations apply to patient
87 conduct.

88 6. A patient has the right to express grievances to a
89 health care provider, a health care facility, or the appropriate
90 state licensing agency regarding alleged violations of patients'
91 rights. A patient has the right to know the health care
92 provider's or health care facility's procedures for expressing a
93 grievance.

94 7. A patient in a health care facility who does not speak
95 English has the right to be provided an interpreter when
96 receiving medical services if the facility has a person readily
97 available who can interpret on behalf of the patient.

98 8. A health care provider or health care facility shall
99 respect a patient's right to privacy and should refrain from



608126

100 making a written inquiry or asking questions concerning the
101 ownership of a firearm or ammunition by the patient or by a
102 family member of the patient, or the presence of a firearm in a
103 private home or other domicile of the patient or a family member
104 of the patient. Notwithstanding this provision, a health care
105 provider or health care facility that in good faith believes
106 that this information is relevant to the patient's medical care
107 or safety, or safety or others, may make such a verbal or
108 written inquiry.

109 9. A patient may decline to answer or provide any
110 information regarding ownership of a firearm by the patient or a
111 family member of the patient, or the presence of a firearm in
112 the domicile of the patient or a family member of the patient. A
113 patient's decision not to answer a question relating to the
114 presence or ownership of a firearm does not alter existing law
115 regarding a physician's authorization to choose his or her
116 patients.

117 10. A health care provider or health care facility may not
118 discriminate against a patient based solely upon the patient's
119 exercise of the constitutional right to own and possess firearms
120 or ammunition.

121 11. A health care provider or health care facility shall
122 respect a patient's legal right to own or possess a firearm and
123 should refrain from unnecessarily harassing a patient about
124 firearm ownership during an examination.

125 Section 3. Subsection (mm) is added to subsection (1) of
126 section 456.072, Florida Statutes, to read:

127 456.072 Grounds for discipline; penalties; enforcement.—

128 (1) The following acts shall constitute grounds for which



608126

129 the disciplinary actions specified in subsection (2) may be
130 taken:

131 (mm) Violating any of the provisions of s. 790.338.

132 Section 4. An insurer issuing any type of insurance policy
133 pursuant to chapter 627, Florida Statutes, may not deny coverage
134 or increase any premium, or otherwise discriminate against any
135 insured or applicant for insurance, on the basis of or upon
136 reliance upon the lawful ownership or possession of a firearm or
137 ammunition or the lawful use or storage of a firearm or
138 ammunition. Nothing herein shall prevent an insurer from
139 considering the fair market value of firearms or ammunition in
140 the setting of premiums for scheduled personal property
141 coverage.

142 Section 5. This act shall take effect upon becoming a law.

143
144 ===== T I T L E A M E N D M E N T =====

145 And the title is amended as follows:

146 Delete everything before the enacting clause
147 and insert:

148 A bill to be entitled
149 An act relating to the privacy of firearm owners;
150 creating s. 790.338, F.S.; providing that a licensed
151 medical care practitioner or health care facility may
152 not record information regarding firearm ownership in
153 a patient's medical record; providing an exception for
154 relevance of the information to the patient's medical
155 care or safety or the safety of others; providing that
156 unless the information is relevant to the patient's
157 medical care or safety or the safety of others,



608126

158 inquiries regarding firearm ownership or possession
159 should not be made by licensed health care
160 practitioners or health care facilities; providing an
161 exception for emergency medical technicians and
162 paramedics; providing that a patient may decline to
163 provide information regarding the ownership or
164 possession of firearms; clarifying that a physician's
165 authorization to choose his or her patients is not
166 altered by the act; prohibiting discrimination by
167 licensed health care practitioners or facilities based
168 solely upon a patient's firearm ownership or
169 possession; prohibiting harassment of a patient
170 regarding firearm ownership by a licensed health care
171 practitioner or facility during an examination;
172 providing for disciplinary action; amending s.
173 381.026, F.S.; providing that unless the information
174 is relevant to the patient's medical care or safety,
175 or the safety of others, inquiries regarding firearm
176 ownership or possession should not be made by licensed
177 health care providers or health care facilities;
178 providing that a patient may decline to provide
179 information regarding the ownership or possession of
180 firearms; clarifying that a physician's authorization
181 to choose his or her patients is not altered by the
182 act; prohibiting discrimination by licensed health
183 care providers or facilities based solely upon a
184 patient's firearm ownership or possession; prohibiting
185 harassment of a patient regarding firearm ownership
186 during an examination by a licensed health care



608126

187 provider or facility; amending s. 456.072, F.S.;
188 including the violation of the provisions of s.
189 790.338, F.S., as grounds for disciplinary action;
190 prohibiting denial of insurance coverage, increased
191 premiums, or any other form of discrimination by
192 insurance companies issuing policies pursuant to ch.
193 627, F.S., on the basis of an insured's or applicant's
194 ownership, possession, or storage of firearms or
195 ammunition; clarifying that an insurer is not
196 prohibited from considering the fair market value of
197 firearms or ammunition in setting personal property
198 coverage premiums; providing an effective date.