

By the Committees on Judiciary; Health Regulation; and Criminal Justice; and Senator Evers

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1 A bill to be entitled
2 An act relating to the privacy of firearm owners;
3 creating s. 790.338, F.S.; providing that a licensed
4 medical care practitioner or health care facility may
5 not record information regarding firearm ownership in
6 a patient's medical record; providing an exception for
7 relevance of the information to the patient's medical
8 care or safety or the safety of others; providing that
9 unless the information is relevant to the patient's
10 medical care or safety or the safety of others,
11 inquiries regarding firearm ownership or possession
12 should not be made by licensed health care
13 practitioners or health care facilities; providing an
14 exception for emergency medical technicians and
15 paramedics; providing that a patient may decline to
16 provide information regarding the ownership or
17 possession of firearms; clarifying that a physician's
18 authorization to choose his or her patients is not
19 altered by the act; prohibiting discrimination by
20 licensed health care practitioners or facilities based
21 solely upon a patient's firearm ownership or
22 possession; prohibiting harassment of a patient
23 regarding firearm ownership by a licensed health care
24 practitioner or facility during an examination;
25 prohibiting denial of insurance coverage, increased
26 premiums, or any other form of discrimination by
27 insurance companies issuing policies on the basis of
28 an insured's or applicant's ownership, possession, or
29 storage of firearms or ammunition; clarifying that an

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30 insurer is not prohibited from considering the fair
31 market value of firearms or ammunition in setting
32 personal property coverage premiums; providing for
33 disciplinary action; amending s. 381.026, F.S.;

34 providing that unless the information is relevant to
35 the patient's medical care or safety, or the safety of
36 others, inquiries regarding firearm ownership or
37 possession should not be made by licensed health care
38 providers or health care facilities; providing that a
39 patient may decline to provide information regarding
40 the ownership or possession of firearms; clarifying
41 that a physician's authorization to choose his or her
42 patients is not altered by the act; prohibiting
43 discrimination by licensed health care providers or
44 facilities based solely upon a patient's firearm
45 ownership or possession; prohibiting harassment of a
46 patient regarding firearm ownership during an
47 examination by a licensed health care provider or
48 facility; amending s. 456.072, F.S.; including the
49 violation of the provisions of s. 790.338, F.S., as
50 grounds for disciplinary action; providing an
51 effective date.

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

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

57 790.338 Medical privacy concerning firearms; prohibitions;
58 exceptions; penalties.-

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59 (1) A health care practitioner licensed under chapter 456
60 or a health care facility licensed under chapter 395 may not
61 intentionally enter any disclosed information concerning firearm
62 ownership into the patient's medical record if the practitioner
63 knows that such information is not relevant to the patient's
64 medical care or safety, or the safety of others.

65 (2) A health care practitioner licensed under chapter 456
66 or a health care facility licensed under chapter 395 shall
67 respect a patient's right to privacy and should refrain from
68 making a written inquiry or asking questions concerning the
69 ownership of a firearm or ammunition by the patient or by a
70 family member of the patient, or the presence of a firearm in a
71 private home or other domicile of the patient or a family member
72 of the patient. Notwithstanding this provision, a health care
73 practitioner or health care facility that in good faith believes
74 that this information is relevant to the patient's medical care
75 or safety, or the safety of others, may make such a verbal or
76 written inquiry.

77 (3) Any emergency medical technician or paramedic acting
78 under the supervision of an emergency medical services director
79 under chapter 401 may make an inquiry concerning the possession
80 or presence of a firearm if he or she, in good faith, believes
81 that information regarding the possession of a firearm by the
82 patient or the presence of a firearm in the home or domicile of
83 a patient or a patient's family member is necessary to treat a
84 patient during the course and scope of a medical emergency or
85 that the presence or possession of a firearm would pose an
86 imminent danger or threat to the patient or others.

87 (4) A patient may decline to answer or provide any

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88 information regarding ownership of a firearm by the patient or a
89 family member of the patient, or the presence of a firearm in
90 the domicile of the patient or a family member of the patient. A
91 patient's decision not to answer a question relating to the
92 presence or ownership of a firearm does not alter existing law
93 regarding a physician's authorization to choose his or her
94 patients.

95 (5) A health care practitioner licensed under chapter 456
96 or a health care facility licensed under chapter 395 may not
97 discriminate against a patient based solely upon the patient's
98 exercise of the constitutional right to own and possess firearms
99 or ammunition.

100 (6) A health care practitioner licensed under chapter 456
101 or a health care facility licensed under chapter 395 shall
102 respect a patient's legal right to own or possess a firearm and
103 should refrain from unnecessarily harassing a patient about
104 firearm ownership during an examination.

105 (7) An insurer issuing any type of insurance policy
106 pursuant to chapter 627 may not deny coverage or increase any
107 premium, or otherwise discriminate against any insured or
108 applicant for insurance, on the basis of or upon reliance upon
109 the lawful ownership or possession of a firearm or ammunition or
110 the lawful use or storage of a firearm or ammunition. Nothing
111 herein shall prevent an insurer from considering the fair market
112 value of firearms or ammunition in the setting of premiums for
113 scheduled personal property coverage.

114 (8) Violations of the provisions of subsections (1)-(4)
115 constitute grounds for disciplinary action under ss. 456.072(2)
116 and 395.1055.

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117 Section 2. Paragraph (b) of subsection (4) of section
118 381.026, Florida Statutes, is amended to read:

119 381.026 Florida Patient's Bill of Rights and
120 Responsibilities.—

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

123 (b) *Information*.—

124 1. A patient has the right to know the name, function, and
125 qualifications of each health care provider who is providing
126 medical services to the patient. A patient may request such
127 information from his or her responsible provider or the health
128 care facility in which he or she is receiving medical services.

129 2. A patient in a health care facility has the right to
130 know what patient support services are available in the
131 facility.

132 3. A patient has the right to be given by his or her health
133 care provider information concerning diagnosis, planned course
134 of treatment, alternatives, risks, and prognosis, unless it is
135 medically inadvisable or impossible to give this information to
136 the patient, in which case the information must be given to the
137 patient's guardian or a person designated as the patient's
138 representative. A patient has the right to refuse this
139 information.

140 4. A patient has the right to refuse any treatment based on
141 information required by this paragraph, except as otherwise
142 provided by law. The responsible provider shall document any
143 such refusal.

144 5. A patient in a health care facility has the right to
145 know what facility rules and regulations apply to patient

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146 conduct.

147 6. A patient has the right to express grievances to a
148 health care provider, a health care facility, or the appropriate
149 state licensing agency regarding alleged violations of patients'
150 rights. A patient has the right to know the health care
151 provider's or health care facility's procedures for expressing a
152 grievance.

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

157 8. A health care provider or health care facility shall
158 respect a patient's right to privacy and should refrain from
159 making a written inquiry or asking questions concerning the
160 ownership of a firearm or ammunition by the patient or by a
161 family member of the patient, or the presence of a firearm in a
162 private home or other domicile of the patient or a family member
163 of the patient. Notwithstanding this provision, a health care
164 provider or health care facility that in good faith believes
165 that this information is relevant to the patient's medical care
166 or safety, or safety or others, may make such a verbal or
167 written inquiry.

168 9. A patient may decline to answer or provide any
169 information regarding ownership of a firearm by the patient or a
170 family member of the patient, or the presence of a firearm in
171 the domicile of the patient or a family member of the patient. A
172 patient's decision not to answer a question relating to the
173 presence or ownership of a firearm does not alter existing law
174 regarding a physician's authorization to choose his or her

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175 patients.

176 10. A health care provider or health care facility may not
177 discriminate against a patient based solely upon the patient's
178 exercise of the constitutional right to own and possess firearms
179 or ammunition.

180 11. A health care provider or health care facility shall
181 respect a patient's legal right to own or possess a firearm and
182 should refrain from unnecessarily harassing a patient about
183 firearm ownership during an examination.

184 Section 3. Paragraph (mm) is added to subsection (1) of
185 section 456.072, Florida Statutes, to read:

186 456.072 Grounds for discipline; penalties; enforcement.—

187 (1) The following acts shall constitute grounds for which
188 the disciplinary actions specified in subsection (2) may be
189 taken:

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

191 Section 4. This act shall take effect upon becoming a law.