

Committee on Criminal Justice

CS/CS/HB 155 — Privacy of Firearm Owners

by Health and Human Services Committee; Criminal Justice Subcommittee; and Rep. Brodeur and others (CS/CS/CS/SB 432 by Judiciary Committee; Health Regulation Committee; Criminal Justice Committee; and Senator Evers)

This bill creates s. 790.338, F.S., entitled “Medical privacy concerning firearms.” The violation of certain provisions of the new law constitute grounds for disciplinary actions. The new law prohibits a licensed health care practitioner or licensed health care facility from intentionally entering any disclosed information concerning firearm ownership into a patient’s health record if the information is not relevant to the patient’s medical care or safety, or the safety of others. Additionally, licensed health care providers and health care facilities are:

- Prohibited from inquiring, whether oral or written, about the ownership of firearms or ammunition unless the information is relevant to the patient’s medical care or safety, or the safety of others;
- Prohibited from discriminating against a patient based upon whether a patient exercises his or her constitutional right to own and possess firearms or ammunition; and
- Mandated to respect a patient’s right to own or possess a firearm and refrain from harassing a patient about firearm ownership during an examination.

Patients are permitted to decline to answer or provide any information concerning the ownership of a firearm and a decision not to answer does not alter existing law regarding a physician’s authority to choose patients.

The bill provides an emergency medical technician (EMT) or paramedic the authority to inquire in good faith, about the possession or presence of a firearm if they believe that it is relevant to the treatment of a patient during the course and scope of a medical emergency or if the presence or possession of a firearm poses a threat of imminent danger to the patient or others.

The bill provides for certain patient’s rights concerning the ownership of firearms or ammunition under the Florida Patient’s Bill of Rights and Responsibilities. The bill provides for disciplinary action for non-compliance by licensed health care practitioners and health care facilities.

The bill provides that insurers issuing the types of policies regulated pursuant to ch. 627, F.S., are prohibited from discriminating, denying coverage, or increasing premiums on the basis that an insured or applicant possesses or owns a firearm or ammunition. However, insurers are allowed to consider the fair market value of firearms or ammunition when setting premiums for scheduled personal property coverage.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 27-10; House 88-30