

By Senator Braynon

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1 A bill to be entitled
2 An act relating to the privacy of firearm owners;
3 repealing s. 790.338, F.S., relating to medical
4 privacy concerning firearms; amending s. 381.026,
5 F.S.; deleting a provision providing that unless the
6 information is relevant to the patient's medical care
7 or safety, or the safety of others, inquiries
8 regarding firearm ownership or possession should not
9 be made by licensed health care providers or health
10 care facilities; deleting a provision providing that a
11 patient may decline to provide information regarding
12 the ownership or possession of firearms; deleting a
13 provision clarifying that a physician's authority to
14 choose his or her patients is not altered by the act;
15 deleting a provision prohibiting discrimination by
16 licensed health care providers or health care
17 facilities based solely upon a patient's firearm
18 ownership or possession; deleting a provision
19 prohibiting harassment of a patient regarding firearm
20 ownership during an examination by a licensed health
21 care provider or health care facility; amending s.
22 456.072, F.S.; conforming a provision to changes made
23 by the act; providing an effective date.

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

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27 Section 1. Section 790.338, Florida Statutes, is repealed.

28 Section 2. Paragraph (b) of subsection (4) of section
29 381.026, Florida Statutes, is amended to read:

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30 381.026 Florida Patient's Bill of Rights and
31 Responsibilities.—

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

34 (b) *Information*.—

35 1. A patient has the right to know the name, function, and
36 qualifications of each health care provider who is providing
37 medical services to the patient. A patient may request such
38 information from his or her responsible provider or the health
39 care facility in which he or she is receiving medical services.

40 2. A patient in a health care facility has the right to
41 know what patient support services are available in the
42 facility.

43 3. A patient has the right to be given by his or her health
44 care provider information concerning diagnosis, planned course
45 of treatment, alternatives, risks, and prognosis, unless it is
46 medically inadvisable or impossible to give this information to
47 the patient, in which case the information must be given to the
48 patient's guardian or a person designated as the patient's
49 representative. A patient has the right to refuse this
50 information.

51 4. A patient has the right to refuse any treatment based on
52 information required by this paragraph, except as otherwise
53 provided by law. The responsible provider shall document any
54 such refusal.

55 5. A patient in a health care facility has the right to
56 know what facility rules and regulations apply to patient
57 conduct.

58 6. A patient has the right to express grievances to a

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59 health care provider, a health care facility, or the appropriate
60 state licensing agency regarding alleged violations of patients'
61 rights. A patient has the right to know the health care
62 provider's or health care facility's procedures for expressing a
63 grievance.

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

68 ~~8. A health care provider or health care facility shall~~
69 ~~respect a patient's right to privacy and should refrain from~~
70 ~~making a written inquiry or asking questions concerning the~~
71 ~~ownership of a firearm or ammunition by the patient or by a~~
72 ~~family member of the patient, or the presence of a firearm in a~~
73 ~~private home or other domicile of the patient or a family member~~
74 ~~of the patient. Notwithstanding this provision, a health care~~
75 ~~provider or health care facility that in good faith believes~~
76 ~~that this information is relevant to the patient's medical care~~
77 ~~or safety, or safety of others, may make such a verbal or~~
78 ~~written inquiry.~~

79 ~~9. A patient may decline to answer or provide any~~
80 ~~information regarding ownership of a firearm by the patient or a~~
81 ~~family member of the patient, or the presence of a firearm in~~
82 ~~the domicile of the patient or a family member of the patient. A~~
83 ~~patient's decision not to answer a question relating to the~~
84 ~~presence or ownership of a firearm does not alter existing law~~
85 ~~regarding a physician's authorization to choose his or her~~
86 ~~patients.~~

87 ~~10. A health care provider or health care facility may not~~

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88 ~~discriminate against a patient based solely upon the patient's~~
89 ~~exercise of the constitutional right to own and possess firearms~~
90 ~~or ammunition.~~

91 ~~11. A health care provider or health care facility shall~~
92 ~~respect a patient's legal right to own or possess a firearm and~~
93 ~~should refrain from unnecessarily harassing a patient about~~
94 ~~firearm ownership during an examination.~~

95 Section 3. Paragraph (nn) of subsection (1) of section
96 456.072, Florida Statutes, is amended to read:

97 456.072 Grounds for discipline; penalties; enforcement.—

98 (1) The following acts shall constitute grounds for which
99 the disciplinary actions specified in subsection (2) may be
100 taken:

101 ~~(nn) Violating any of the provisions of s. 790.338.~~

102 Section 4. This act shall take effect July 1, 2013.