

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.

24
 25 Be It Enacted by the Legislature of the State of Florida:

- 26
 27 Section 1. Section 790.338, Florida Statutes, is repealed.
 28 Section 2. Paragraph (b) of subsection (4) of section

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29 | 381.026, Florida Statutes, is amended to read:

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

51 | 4. A patient has the right to refuse any treatment based
52 | on 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

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57 | conduct.

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

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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~~
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.