

By Senator Braynon

33-00278-12

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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 provisions 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, providing that a patient may decline  
11      to provide information regarding the ownership or  
12      possession of firearms, clarifying that a physician's  
13      authority to choose his or her patients is not altered  
14      by the act, prohibiting discrimination by licensed  
15      health care providers or health care facilities based  
16      solely upon a patient's firearm ownership or  
17      possession, and prohibiting harassment of a patient  
18      regarding firearm ownership during an examination by a  
19      licensed health care provider or health care facility;  
20      amending s. 456.072, F.S.; conforming provisions to  
21      changes made by the act; providing an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

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 Section 790.338, Florida Statutes, is repealed.

26       Section 2. Paragraph (b) of subsection (4) of section  
27 381.026, Florida Statutes, is amended to read:

28       381.026 Florida Patient's Bill of Rights and  
29 Responsibilities.-

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

32 (b) *Information.*—

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

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

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

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

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

56 6. A patient has the right to express grievances to a  
57 health care provider, a health care facility, or the appropriate  
58 state licensing agency regarding alleged violations of patients'

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59 rights. A patient has the right to know the health care  
60 provider's or health care facility's procedures for expressing a  
61 grievance.

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

66 ~~8. A health care provider or health care facility 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 ~~provider 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 safety of others, may make such a verbal or~~  
76 ~~written inquiry.~~

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

85 ~~10. A health care provider or health care facility may not~~  
86 ~~discriminate against a patient based solely upon the patient's~~  
87 ~~exercise of the constitutional right to own and possess firearms~~

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88 ~~or ammunition.~~

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

93 Section 3. Paragraph (nn) of subsection (1) of section  
94 456.072, Florida Statutes, is amended to read:

95 456.072 Grounds for discipline; penalties; enforcement.—

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

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

100 Section 4. This act shall take effect July 1, 2012.