

HB 155

2011

1 A bill to be entitled
2 An act relating to the privacy of firearms owners;
3 creating s. 790.338, F.S.; providing that inquiries by
4 physicians or other medical personnel concerning the
5 ownership of a firearm by a patient or the family of a
6 patient or the presence of a firearm in a private home or
7 other domicile of a patient or the family of a patient
8 violates the privacy of the patient or the patient's
9 family members, respectively; prohibits conditioning the
10 receipt of medical treatment or care on a person's
11 willingness or refusal to disclose personal and private
12 information unrelated to medical treatment in violation of
13 an individual's privacy contrary to specified provisions;
14 prohibiting entry of certain information concerning
15 firearms into medical records or disclosure of such
16 information by specified individuals; providing criminal
17 penalties; providing increased maximum fines for certain
18 violations; requiring informing the Attorney General of
19 prosecution of violations; providing for collection of
20 fines by the Attorney General in certain circumstances;
21 providing an effective date.

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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 created
26 to read:

27 790.338 Medical privacy concerning firearms.—

28 (1) (a) A verbal or written inquiry by a public or private
29 physician, nurse, or other medical staff person regarding the
30 ownership of a firearm by a patient or the family of a patient
31 or the presence of a firearm in a private home or other domicile
32 of a patient or the family of a patient violates the privacy of
33 the patient or the patient's family members, respectively.

34 (b) A public or private physician, nurse, or other medical
35 staff person may not condition receipt of medical treatment or
36 medical care on a person's willingness or refusal to disclose
37 personal and private information unrelated to medical treatment
38 in violation of an individual's privacy as specified in this
39 section.

40 (c) A public or private physician, nurse, or other medical
41 staff person may not enter any intentionally, accidentally, or
42 inadvertently disclosed information concerning firearms into any
43 record, whether written or electronic, or disclose such
44 information to any other source.

45 (2) (a) A person who violates this section commits a felony
46 of the third degree, punishable, except as provided in paragraph
47 (b), as provided in s. 775.082, s. 775.083, or s. 775.084.

48 (b) A person who violates this section may be assessed a
49 fine of not more than \$5 million if the court determines that
50 the person knew or reasonably should have known that the conduct
51 was unlawful.

52 (c) The state attorney with jurisdiction shall investigate
53 complaints of criminal violations of this section and, if there
54 is probable cause to indicate that a person may have committed a

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55 | violation, shall prosecute the violator and notify the Attorney
56 | General.

57 | (d) Notwithstanding s. 28.246(6), if a fine for a
58 | violation of this section remains unpaid after 90 days, the
59 | Attorney General shall bring a civil action to enforce the fine.

60 | Section 2. This act shall take effect upon becoming a law.