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LEGISLATIVE ACTION

Senate	.	House
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The Committee on Health Regulation (Gaetz and Latvala)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (b) of subsection (4) of section
381.026, Florida Statutes, is amended to read:

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

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

(b) *Information*.—

1. A patient has the right to know the name, function, and



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13 qualifications of each health care provider who is providing
14 medical services to the patient. A patient may request such
15 information from his or her responsible provider or the health
16 care facility in which he or she is receiving medical services.

17 2. A patient in a health care facility has the right to
18 know what patient support services are available in the
19 facility.

20 3. A patient has the right to be given by his or her health
21 care provider information concerning diagnosis, planned course
22 of treatment, alternatives, risks, and prognosis, unless it is
23 medically inadvisable or impossible to give this information to
24 the patient, in which case the information must be given to the
25 patient's guardian or a person designated as the patient's
26 representative. A patient has the right to refuse this
27 information.

28 4. A patient has the right to refuse any treatment based on
29 information required by this paragraph, except as otherwise
30 provided by law. The responsible provider shall document any
31 such refusal.

32 5. A patient in a health care facility has the right to
33 know what facility rules and regulations apply to patient
34 conduct.

35 6. A patient has the right to express grievances to a
36 health care provider, a health care facility, or the appropriate
37 state licensing agency regarding alleged violations of patients'
38 rights. A patient has the right to know the health care
39 provider's or health care facility's procedures for expressing a
40 grievance.

41 7. A patient in a health care facility who does not speak



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42 English has the right to be provided an interpreter when
43 receiving medical services if the facility has a person readily
44 available who can interpret on behalf of the patient.

45 8. A patient may decline to answer or provide any
46 information regarding the ownership of a firearm by the patient
47 or by a family member of the patient or the presence of a
48 firearm in a private home or other domicile of the patient or a
49 family member of the patient. A patient's decision to decline to
50 answer does not alter existing law regarding a physician's
51 authorization to choose his or her patients.

52 9. A health care provider or health care facility shall
53 respect a patient's legal right to own or possess a firearm and
54 shall refrain from unnecessarily harassing a patient about
55 firearm ownership during an examination.

56 Section 2. Paragraph (mm) is added to subsection (1) of
57 section 456.072, Florida Statutes, to read:

58 456.072 Grounds for discipline; penalties; enforcement.—

59 (1) The following acts shall constitute grounds for which
60 the disciplinary actions specified in subsection (2) may be
61 taken:

62 (mm) Creating any type of list or database, without a
63 patient's consent, relating to the lawful:

- 64 1. Ownership or possession of a firearm or ammunition;
65 2. Use of a firearm or ammunition; or
66 3. Storage of a firearm or ammunition.

67
68 For purposes of this paragraph, a list or database does not
69 include an entry in a patient's individual medical record.

70 Section 3. Section 790.338, Florida Statutes, is created to



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71 read:

72 790.338 Medical privacy concerning firearms; prohibitions;
73 penalties; exceptions.-

74 (1) A health care provider licensed under chapter 456 or a
75 health care facility licensed under chapter 395 may not
76 intentionally enter any disclosed information concerning firearm
77 ownership in a patient's medical record when the provider knows
78 that such information is not relevant to the patient's medical
79 care.

80 (2) (a) A person who violates this section commits a
81 noncriminal violation as defined in s. 775.08, punishable as
82 provided in s. 775.082 or s. 775.083.

83 (b) If the trial court determines that the violation was
84 committed knowingly and willfully, the court shall assess a fine
85 of not more than \$5,000. The person who committed the violation
86 is liable for the payment of all fines, costs, and fees assessed
87 by the court for the noncriminal violation.

88 (c) The state attorney in the circuit where the violation
89 is alleged to have occurred may investigate complaints of
90 noncriminal violations of this section. If the state attorney
91 determines probable cause that a violation exists, the state
92 attorney may prosecute the violator in the circuit where the
93 violation is alleged to have occurred.

94 Section 4. An insurer that issues any type of insurance
95 policy or contract under chapter 627, Florida Statutes, may not
96 deny coverage or increase any premium, or otherwise discriminate
97 against any insured or applicant for insurance on the basis of,
98 or upon reliance upon, the applicant's or insured's lawful:

99 (1) Ownership or possession of a firearm or ammunition; or



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100 (2) Use or storage of a firearm or ammunition.

101 Section 5. This act shall take effect July 1, 2011.

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103 ===== T I T L E A M E N D M E N T =====

104 And the title is amended as follows:

105 Delete everything before the enacting clause
106 and insert:

107 A bill to be entitled
108 An act relating to privacy of firearm owners; amending
109 s. 381.026, F.S.; providing that a patient may decline
110 to answer or provide information to a health care
111 facility or provider regarding firearm ownership;
112 prohibiting a health care provider or facility from
113 unnecessarily harassing a patient about firearm
114 ownership; amending s. 456.072, F.S.; revising the
115 list of grounds for which a health care practitioner
116 may be disciplined to prohibit the creation of a list
117 or database concerning the ownership, possession, use,
118 or storage of a firearm by a patient; creating s.
119 790.338, F.S.; prohibiting certain health care
120 providers and health care facilities from
121 intentionally entering any disclosed information
122 concerning firearm ownership in a patient's medical
123 record under certain circumstances; providing a
124 penalty; requiring the trial court to assess a fine if
125 the health care provider or health care facility
126 knowingly and willfully violates such prohibition;
127 providing for payment of fines, costs, and fees that
128 are assessed; authorizing the state attorney to



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129 investigate complaints of any violations and to
130 prosecute any violators if there is probable cause;
131 prohibiting certain insurers from denying insurance
132 coverage or increasing their premiums based upon an
133 applicant's or insured's lawful ownership or
134 possession of a firearm or ammunition or the lawful
135 use or storage of a firearm or ammunition; providing
136 an effective date.