

By Senator Evers

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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
7 or other domicile of a patient or the family of a
8 patient violates the privacy of the patient or the
9 patient's family members, respectively; prohibits
10 conditioning the receipt of medical treatment or care
11 on a person's willingness or refusal to disclose
12 personal and private information unrelated to medical
13 treatment in violation of an individual's privacy
14 contrary to specified provisions; prohibiting entry of
15 certain information concerning firearms into medical
16 records or disclosure of such information by specified
17 individuals; providing criminal penalties; providing
18 increased maximum fines for certain violations;
19 requiring informing the Attorney General of
20 prosecution of violations; providing for collection of
21 fines by the Attorney General in certain
22 circumstances; providing an effective date.

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

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26 Section 1. Section 790.338, Florida Statutes, is created to
27 read:

28 790.338 Medical privacy concerning firearms.—

29 (1) (a) A verbal or written inquiry by a public or private

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30 physician, nurse, or other medical staff person regarding the
31 ownership of a firearm by a patient or the family of a patient
32 or the presence of a firearm in a private home or other domicile
33 of a patient or the family of a patient violates the privacy of
34 the patient or the patient's family members, respectively.

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

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

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

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

53 (c) The state attorney with jurisdiction shall investigate
54 complaints of criminal violations of this section and, if there
55 is probable cause to indicate that a person may have committed a
56 violation, shall prosecute the violator and notify the Attorney
57 General.

58 (d) Notwithstanding s. 28.246(6), if a fine for a violation

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59 of this section remains unpaid after 90 days, the Attorney
60 General shall bring a civil action to enforce the fine.

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