

Amendment No.

CHAMBER ACTION

Senate

House

.

---

1 Representative Skidmore offered the following:

2  
3 **Amendment (with title amendment)**

4 Between lines 194 and 195, insert:

5 Section 4. Paragraph (b) of subsection (4) of section  
6 381.026, Florida Statutes, is amended to read:

7 381.026 Florida Patient's Bill of Rights and  
8 Responsibilities.—

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

11 (b) Information.—

12 1. A patient has the right to know the name, function, and  
13 qualifications of each health care provider who is providing

104535

Approved For Filing: 4/21/2023 3:36:40 PM

Amendment No.

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

28 |       4. A patient has the right to refuse any treatment based  
29 | on 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

104535

Approved For Filing: 4/21/2023 3:36:40 PM

Amendment No.

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  
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 health care provider or health care facility shall~~  
46 ~~respect a patient's right to privacy and should refrain from~~  
47 ~~making a written inquiry or asking questions concerning the~~  
48 ~~ownership of a firearm or ammunition by the patient or by a~~  
49 ~~family member of the patient, or the presence of a firearm in a~~  
50 ~~private home or other domicile of the patient or a family member~~  
51 ~~of the patient. Notwithstanding this provision, a health care~~  
52 ~~provider or health care facility that in good faith believes~~  
53 ~~that this information is relevant to the patient's medical care~~  
54 ~~or safety, or safety of others, may make such a verbal or~~  
55 ~~written inquiry.~~

56 8.9. A patient may decline to answer or provide any  
57 information regarding ownership of a firearm by the patient or a  
58 family member of the patient, or the presence of a firearm in  
59 the domicile of the patient or a family member of the patient. A  
60 patient's decision not to answer a question relating to the  
61 presence or ownership of a firearm does not alter existing law  
62 regarding a physician's authorization to choose his or her  
63 patients.

104535

Approved For Filing: 4/21/2023 3:36:40 PM

Amendment No.

64 ~~9.10.~~ A health care provider or health care facility may  
65 not discriminate against a patient based solely upon the  
66 patient's exercise of the constitutional right to own and  
67 possess firearms or ammunition.

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

72 Section 5. Subsections (3), (4), (5), and (7), of section  
73 790.338, Florida Statutes, are renumbered as subsections (2),  
74 (3), (4), and (5), respectively, and subsection (2) and present  
75 subsections (6) and (8) of that section are amended, to read:

76 790.338 Medical privacy concerning firearms; prohibitions;  
77 penalties; exceptions.—

78 ~~(2) A health care practitioner licensed under chapter 456~~  
79 ~~or a health care facility licensed under chapter 395 shall~~  
80 ~~respect a patient's right to privacy and should refrain from~~  
81 ~~making a written inquiry or asking questions concerning the~~  
82 ~~ownership of a firearm or ammunition by the patient or by a~~  
83 ~~family member of the patient, or the presence of a firearm in a~~  
84 ~~private home or other domicile of the patient or a family member~~  
85 ~~of the patient. Notwithstanding this provision, a health care~~  
86 ~~practitioner or health care facility that in good faith believes~~  
87 ~~that this information is relevant to the patient's medical care~~

104535

Approved For Filing: 4/21/2023 3:36:40 PM

Amendment No.

88 | ~~or safety, or the safety of others, may make such a verbal or~~  
89 | ~~written inquiry.~~

90 | ~~(6) A health care practitioner licensed under chapter 456~~  
91 | ~~or a health care facility licensed under chapter 395 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 | ~~(6)-(8)~~ Violations of the provisions of subsections (1)-(3)  
96 | ~~(1)-(4)~~ constitute grounds for disciplinary action under ss.  
97 | 456.072 (2) and 395.1055.

98 |  
99 |  
100 | -----

**T I T L E   A M E N D M E N T**

101 | Remove line 19 and insert:  
102 |  
103 | based objection; amending ss. 381.026 and 790.338,  
104 | F.S.; removing provisions related to a patient's right  
105 | to privacy; providing for severability; providing

104535

Approved For Filing: 4/21/2023 3:36:40 PM