

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Professions & Public
 2 Health Subcommittee
 3 Representative Smith, C. offered the following:

Amendment (with title amendment)

Between lines 14 and 15, insert:

7 Section 1. Paragraph (b) of subsection (4) of section
 8 381.026, Florida Statutes, is amended to read:
 9 381.026 Florida Patient's Bill of Rights and
 10 Responsibilities.—

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

13 (b) Information.—

14 1. A patient has the right to know the name, function, and
 15 qualifications of each health care provider who is providing
 16 medical services to the patient. A patient may request such

h0687-line13

Amendment No. 2

17 information from his or her responsible provider or the health
18 care facility in which he or she is receiving medical services.

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

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

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

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

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

h0687-line13

Published On: 2/14/2022 5:09:19 PM

Amendment No. 2

41 provider's or health care facility's procedures for expressing a
42 grievance.

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

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

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

h0687-line13

Published On: 2/14/2022 5:09:19 PM

Amendment No. 2

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

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

74 Section 2. Section 790.338, Florida Statutes, is amended
75 to read:

76 790.338 Medical privacy concerning firearms;
77 discrimination ~~prohibitions; penalties; exceptions.-~~

78 ~~(1) A health care practitioner licensed under chapter 456~~
79 ~~or a health care facility licensed under chapter 395 may not~~
80 ~~intentionally enter any disclosed information concerning firearm~~
81 ~~ownership into the patient's medical record if the practitioner~~
82 ~~knows that such information is not relevant to the patient's~~
83 ~~medical care or safety, or the safety of others.~~

84 ~~(2) A health care practitioner licensed under chapter 456~~
85 ~~or a health care facility licensed under chapter 395 shall~~
86 ~~respect a patient's right to privacy and should refrain from~~
87 ~~making a written inquiry or asking questions concerning the~~
88 ~~ownership of a firearm or ammunition by the patient or by a~~
89 ~~family member of the patient, or the presence of a firearm in a~~
90 ~~private home or other domicile of the patient or a family member~~

h0687-line13

Published On: 2/14/2022 5:09:19 PM

Amendment No. 2

91 ~~of the patient. Notwithstanding this provision, a health care~~
92 ~~practitioner or health care facility that in good faith believes~~
93 ~~that this information is relevant to the patient's medical care~~
94 ~~or safety, or the safety of others, may make such a verbal or~~
95 ~~written inquiry.~~

96 (1)~~(3)~~ Any emergency medical technician or paramedic
97 acting under the supervision of an emergency medical services
98 medical director under chapter 401 may make an inquiry
99 concerning the possession or presence of a firearm if he or she,
100 in good faith, believes that information regarding the
101 possession of a firearm by the patient or the presence of a
102 firearm in the home or domicile of a patient or a patient's
103 family member is necessary to treat a patient during the course
104 and scope of a medical emergency or that the presence or
105 possession of a firearm would pose an imminent danger or threat
106 to the patient or others.

107 (2)~~(4)~~ A patient may decline to answer or provide any
108 information regarding ownership of a firearm by the patient or a
109 family member of the patient, or the presence of a firearm in
110 the domicile of the patient or a family member of the patient. A
111 patient's decision not to answer a question relating to the
112 presence or ownership of a firearm does not alter existing law
113 regarding a physician's authorization to choose his or her
114 patients.

h0687-line13

Published On: 2/14/2022 5:09:19 PM

Amendment No. 2

115 ~~(3)-(5)~~ A health care practitioner licensed under chapter
116 456 or a health care facility licensed under chapter 395 may not
117 discriminate against a patient based solely upon the patient's
118 exercise of the constitutional right to own and possess firearms
119 or ammunition.

120 ~~(6)~~ A health care practitioner licensed under chapter 456
121 or a health care facility licensed under chapter 395 shall
122 respect a patient's legal right to own or possess a firearm and
123 should refrain from unnecessarily harassing a patient about
124 firearm ownership during an examination.

125 ~~(4)-(7)~~ An insurer issuing any type of insurance policy
126 pursuant to chapter 627 may not deny coverage, increase any
127 premium, or otherwise discriminate against any insured or
128 applicant for insurance on the basis of or upon reliance upon
129 the lawful ownership or possession of a firearm or ammunition or
130 the lawful use or storage of a firearm or ammunition. Nothing
131 herein shall prevent an insurer from considering the fair market
132 value of firearms or ammunition in the setting of premiums for
133 scheduled personal property coverage.

134 ~~(5)-(8)~~ Violations of ~~the provisions of~~ subsections (1) and
135 (2) ~~(1)-(4)~~ constitute grounds for disciplinary action under ss.
136 456.072 (2) and 395.1055.

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h0687-line13

Published On: 2/14/2022 5:09:19 PM

Amendment No. 2

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

Remove lines 2-3 and insert:
An act relating to medical privacy and free speech in
a health care setting; amending s. 381.026, F.S.;
conforming provisions in the Florida Patient's Bill of
Rights and Responsibilities to changes made by the
act; amending s. 790.338, F.S.; deleting provisions
relating to patient firearm ownership recordkeeping,
inquiry, and harassment by health care practitioners
and facilities; creating s. 456.61, F.S.; prohibiting

h0687-line13

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