

By Representative Gannon

1 A bill to be entitled
2 An act relating to whistle-blower's protection
3 for health care facility employees; creating s.
4 395.0194, F.S.; prohibiting retaliatory actions
5 by a licensed facility against an employee for
6 reporting certain information to specified
7 entities; authorizing remedies and relief for
8 violation; requiring posting of notice and
9 provision of information regarding protections
10 and remedies; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 395.0194, Florida Statutes, is
15 created to read:

16 395.0194 Prohibitions; employee remedies and relief.--

17 (1) A licensed facility shall not dismiss, discipline,
18 or take any other adverse personnel action against an employee
19 who reports any action by another employee or agent of the
20 licensed facility that the reporting employee reasonably
21 believes violates agency standards for patient care and
22 safety, the prevailing professional standard of care as
23 defined in s. 766.102, or any other federal, state, or local
24 law, rule, or regulation. Such information must be reported to
25 an appropriate licensed facility employee, governmental unit,
26 or Federal Government entity having the authority to
27 investigate, police, manage, or otherwise remedy the violation
28 or act.

29 (2) An employee who makes a report under subsection
30 (1) has a civil cause of action for appropriate compensatory
31 and punitive damages against the licensed facility for causing

1 detrimental changes to the employment status of the reporting
2 employee by reason of the employee's report. Any detrimental
3 change made without cause in the employment status of the
4 reporting employee such as discharge, termination, demotion,
5 transfer, reduction in pay or benefits, or negative
6 evaluations, within 120 days after the report is made,
7 establishes a rebuttable presumption that the detrimental
8 action was retaliatory.

9 (3) Each licensed facility shall prominently post
10 notice of the protections and remedies provided under this
11 section, along with the appropriate contact information for
12 making reports, and shall provide such notice to all employees
13 of the facility within 30 days after the effective date of
14 this section and to all new employees hired subsequent to that
15 date.

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

18 *****

19
20 HOUSE SUMMARY

21 Provides whistle-blower's protection for employees of a
22 hospital, ambulatory surgical center, or mobile surgical
23 facility who report a violation of standards, laws, or
24 rules to specified authorities. Prohibits retaliatory
25 actions by the facility against a reporting employee.
26 Provides a civil cause of action by the reporting
27 employee for retaliatory action by the facility. Requires
28 facilities to post notice and provide information
29 regarding the protections and remedies provided in the
30 act.
31