Be It Resolved by the Legislature of the State of Florida:

That the following creation of Section 28 of Article I of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE I
DECLARATION OF RIGHTS

SECTION 28. Health care services.—
(a) To preserve the freedom of all residents of the state to provide for their own health care:

(1) A law or rule may not compel, directly or indirectly, any person, employer, or health care provider to participate in any health care system.

(2) A person or an employer may pay directly for lawful health care services and may not be required to pay penalties or fines for paying directly for lawful health care services. A health care provider may accept direct payment for lawful health care services and may not be required to pay penalties or fines for accepting direct payment from a person or an employer for lawful health care services.

(b) Subject to reasonable and necessary rules that do not substantially limit a person’s options, the purchase or sale of
health insurance in private health care systems may not be
prohibited by law or rule.

(c) This section does not:

(1) Affect which health care services a health care
provider is required to perform or provide.

(2) Affect which health care services are permitted by law.

(3) Prohibit care provided pursuant to general law relating
to workers' compensation.

(4) Affect laws or rules in effect as of March 1, 2010.

(5) Affect the terms or conditions of any health care
system to the extent that those terms and conditions do not have
the effect of punishing a person or an employer for paying
directly for lawful health care services or a health care
provider for accepting direct payment from a person or an
employer for lawful health care services, except that this
section may not be construed to prohibit any negotiated
provision in any insurance contract, network agreement, or other
provider agreement contractually limiting copayments,
coinsurance, deductibles, or other patient charges.

(6) Affect any general law passed by a two-thirds vote of
the membership of each house of the legislature after the
effective date of this section, if the law states with
specificity the public necessity that justifies an exception
from this section.

(d) As used in this section, the term:

(1) “Compel” includes the imposition of penalties or fines.

(2) “Direct payment” or “pay directly” means payment for
lawful health care services without a public or private third
party, not including an employer, paying for any portion of the
service.

(3) "Health care system" means any public or private entity whose function or purpose is the management of, processing of, enrollment of individuals for, or payment, in full or in part, for health care services, health care data, or health care information for its participants.

(4) "Lawful health care services" means any health-related service or treatment, to the extent that the service or treatment is permitted or not prohibited by law or regulation, which may be provided by persons or businesses otherwise permitted to offer such services.

(5) "Penalties or fines" means any civil or criminal penalty or fine, tax, salary or wage withholding or surcharge, or named fee with a similar effect established by law or rule by an agency established, created, or controlled by the government which is used to punish or discourage the exercise of rights protected under this section. For purposes of this section only, the term "rule by an agency" may not be construed to mean any negotiated provision in any insurance contract, network agreement, or other provider agreement contractually limiting copayments, coinsurance, deductibles, or other patient charges.

BE IT FURTHER RESOLVED that the following title and statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE I, SECTION 28

HEALTH CARE SERVICES.—Proposing an amendment to the State Constitution to prohibit laws or rules from compelling any person, employer, or health care provider to participate in any health care system; permit a person or an employer to purchase
lawful health care services directly from a health care
provider; permit a health care provider to accept direct payment
from a person or an employer for lawful health care services;
 exempt persons, employers, and health care providers from
penalties and fines for paying directly or accepting direct
payment for lawful health care services; and permit the purchase
or sale of health insurance in private health care systems.
Specifies that the amendment does not affect which health care
services a health care provider is required to perform or
provide; affect which health care services are permitted by law;
prohibit care provided pursuant to general law relating to
workers’ compensation; affect laws or rules in effect as of
March 1, 2010; affect the terms or conditions of any health care
system to the extent that those terms and conditions do not have
the effect of punishing a person or an employer for paying
directly for lawful health care services or a health care
provider for accepting direct payment from a person or an
employer for lawful health care services; or affect any general
law passed by two-thirds vote of the membership of each house of
the Legislature, passed after the effective date of the
amendment, provided such law states with specificity the public
necessity justifying the exceptions from the provisions of the
amendment. The amendment expressly provides that it may not be
construed to prohibit negotiated provisions in insurance
contracts, network agreements, or other provider agreements
contractually limiting copayments, coinsurance, deductibles, or
other patient charges.