

HB 401

2016

1 A bill to be entitled

2 An act relating to the protection of religious
3 freedom; amending s. 761.02, F.S.; conforming
4 provisions to changes made by the act; creating s.
5 761.06, F.S.; providing definitions; providing
6 immunity from liability for a health care facility or
7 health care provider that refuses to administer,
8 recommend, or deliver medical treatments or procedures
9 that would be contrary to religious or moral
10 convictions or policies; providing immunity from
11 liability for a person, closely held organization,
12 religious institution, or business owned or operated
13 by a religious institution that refuses to produce,
14 create, or deliver custom products or services that
15 would be contrary to religious or moral convictions or
16 policies; providing immunity from liability for a
17 private child-placing agency that refuses to perform,
18 assist in, recommend, consent to, or participate in
19 the placement of a child that would be contrary to
20 religious or moral convictions or policies; providing
21 an effective date.

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

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25 Section 1. Section 761.02, Florida Statutes, is amended to
26 read:

27 | 761.02 Definitions.—As used in ss. 761.01-761.05 ~~this act~~:

28 | (1) "Act" or "this act" means the "Religious Freedom
 29 | Restoration Act of 1998," ss. 761.01-761.05.

30 | (2) "Demonstrates" means to meet the burden of going
 31 | forward with the evidence and of persuasion.

32 | (3) "Exercise of religion" means an act or refusal to act
 33 | that is substantially motivated by a religious belief, whether
 34 | or not the religious exercise is compulsory or central to a
 35 | larger system of religious belief.

36 | (4)~~(1)~~ "Government" or "state" includes any branch,
 37 | department, agency, instrumentality, or official or other person
 38 | acting under color of law of the state, a county, special
 39 | district, municipality, or any other subdivision of the state.

40 | Section 2. Section 761.06, Florida Statutes, is created to
 41 | read:

42 | 761.06 Protection of religious or moral objection.—

43 | (1) As used in this section, the term:

44 | (a) "Closely held organization" means an organization or a
 45 | corporation owned by five or fewer individuals or members of a
 46 | single family.

47 | (b) "Custom product or service" means a product or service
 48 | created to meet the particular specifications of a specific
 49 | consumer or group of consumers.

50 | (c) "Family" means all persons related by blood or
 51 | marriage, all persons who are presently residing together as if
 52 | related or who have resided together in the past as if related,

53 and all persons who are parents of a child in common regardless
54 of their marital status.

55 (d) "Religious institution" means a church, an
56 ecclesiastical or a denominational organization, including a
57 bona fide religious group that does not maintain a specific
58 place of worship, an established physical place for worship
59 where nonprofit religious services and activities are regularly
60 conducted and carried on, or a separate group or corporation
61 that forms an integral part of a religious institution that is
62 exempt from federal income tax under s. 501(c)(3) of the
63 Internal Revenue Code and that is not primarily supported by
64 funds solicited outside its own membership or congregation.

65 (2) A health care facility or an ambulatory surgery center
66 licensed under chapter 395, a nursing home licensed under part
67 II of chapter 400, an assisted living facility or extended
68 congregate care facility licensed under part I of chapter 429, a
69 hospice licensed under part IV of chapter 400 that is owned or
70 operated by a religious institution, or a health care provider,
71 is not required to administer, recommend, or deliver a medical
72 treatment or procedure that would be contrary to the religious
73 or moral convictions or policies of the facility or health care
74 provider. The facility or health care provider is not liable for
75 such refusal, except when withholding the medical treatment or
76 procedure places the patient in imminent danger of loss of life
77 or serious bodily injury. Such refusal does not form the basis
78 for any disciplinary or other recriminatory action against the

79 facility or health care provider.

80 (3) A person, closely held organization, religious
81 institution, or business owned or operated by a religious
82 institution is not required to produce, create, or deliver a
83 product or service that would be contrary to the religious or
84 moral convictions or policies of the person, organization,
85 institution, or business. Such person, organization,
86 institution, or business is not liable for such refusal, except
87 when withholding the custom product or service places the
88 consumer in imminent danger of loss of life or serious bodily
89 injury. Such refusal does not form the basis for any
90 disciplinary or other recriminatory action against such person,
91 organization, institution, or business.

92 (4) A private child-placing agency licensed under part I
93 of chapter 409 is not required to perform, assist in, recommend,
94 consent to, or participate in the placement of a child that
95 would be contrary to the religious or moral convictions or
96 policies of the agency. Such an agency or a person connected
97 thereto is not liable for such refusal, and such refusal does
98 not form the basis for any disciplinary or other recriminatory
99 action against such an agency or a person connected thereto.

100 Section 3. This act shall take effect July 1, 2016.