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LEGISLATIVE ACTION

Senate

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House

The Committee on Health Policy (Broxson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 456.61, Florida Statutes, is created to
read:

456.61 Use of free speech by a health care practitioner;
prohibition.-

(1) A board, or the department if there is no board, may
not reprimand, sanction, or revoke or threaten to revoke a



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11 license, certificate, or registration of a health care
12 practitioner for exercising his or her constitutional right of
13 free speech, including, but not limited to, speech through the
14 use of a social media platform as defined in s. 501.2041(1)(g).

15 (2) To reprimand, sanction, or revoke or threaten to revoke
16 a license, certificate, or registration of a health care
17 practitioner for his or her speech, the board, or the department
18 if there is no board, must prove beyond a reasonable doubt that
19 the health care practitioner's speech led to the direct physical
20 harm of a person with whom the health care practitioner had a
21 practitioner-patient relationship within the 3 years immediately
22 preceding the incident of physical harm. If the board or the
23 department, as applicable, reprimands, sanctions, revokes, or
24 threatens to revoke a license, certificate, or registration of a
25 health care practitioner for his or her speech, and proof beyond
26 a reasonable doubt has not been established under this
27 subsection, the board or the department is liable for a sum of
28 up to \$1.5 million per occurrence for any direct or indirect
29 damages to a health care practitioner.

30 (3) The board, or the department if there is no board, must
31 provide a health care practitioner with any complaints it has
32 received which may result in the revocation of the health care
33 practitioner's license, certification, or registration, within 7
34 days after receipt of the complaint. The board, or the
35 department if there is no board, must pay the health care
36 practitioner an administrative penalty of \$500 for each day the
37 complaint is not provided to the health care practitioner after
38 the specified 7 days.

39 Section 2. This act shall take effect July 1, 2022.



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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to free speech of health care
practitioners; creating s. 456.61, F.S.; prohibiting
certain regulatory boards and the Department of Health
from reprimanding, sanctioning, or revoking or
threatening to revoke a license, certificate, or
registration of a health care practitioner for
specified use of his or her right of free speech
without specified proof; providing for liability;
requiring the board or department, as applicable, to
provide to a health care practitioner certain
complaints within a specified timeframe; providing a
penalty; providing an effective date.