

By Senator Broxson

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1 A bill to be entitled
2 An act relating to free speech of health care
3 practitioners; creating s. 456.61, F.S.; prohibiting
4 certain entities from reprimanding, sanctioning, or
5 revoking or threatening to revoke a license,
6 certificate, or registration of a health care
7 practitioner for specified use of his or her right of
8 free speech without specified proof; providing for
9 liability; requiring certain entities to provide to a
10 health care practitioner any complaints within a
11 specified timeframe; providing a penalty; providing an
12 effective date.

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

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

18 456.61 Use of free speech by a health care practitioner;
19 prohibition.—A board within the jurisdiction of the department,
20 the department if there is no board, or a recognizing agency
21 approved by the Board of Osteopathic Medicine under rule 64B15-
22 14.001, Florida Administrative Code:

23 (1) May not reprimand, sanction, or revoke or threaten to
24 revoke a license, certificate, or registration of a health care
25 practitioner for exercising his or her constitutional right of
26 free speech through the use of a social media platform as
27 defined in s. 501.2041(1)(g).

28 (2) Must prove beyond a reasonable doubt that the use of
29 free speech by a health care practitioner led to the direct

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30 physical harm of a person with whom the health care practitioner
31 had a practitioner-patient relationship within the 3 years
32 immediately preceding the incident of physical harm to
33 reprimand, sanction, or revoke or threaten to revoke a license,
34 certificate, or registration of a health care practitioner.

35 (3) Is liable for a sum of up to \$1.5 million per
36 occurrence for any direct or indirect damages to a health care
37 practitioner if proof beyond a reasonable doubt has not been
38 established under subsection (2) for reprimanding, sanctioning,
39 or revoking or threatening to revoke a license, certificate, or
40 registration of the health care practitioner.

41 (4) Must provide to a health care practitioner any
42 complaints received for which revocation actions may be in order
43 within 7 days after receipt of the complaint or, if it fails to
44 provide such complaint, must pay to the health care practitioner
45 an administrative penalty of \$500 for each day the complaint is
46 not provided to the health care practitioner.

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