

By the Committee on Health Policy; and Senator Broxson

588-02352-22

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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 regulatory boards and the Department of Health
5 from reprimanding, sanctioning, or revoking or
6 threatening to revoke a license, certificate, or
7 registration of a health care practitioner for
8 specified use of his or her right of free speech
9 without specified proof; providing for liability;
10 requiring the board or department, as applicable, to
11 provide to a health care practitioner certain
12 complaints within a specified timeframe; providing a
13 penalty; providing an effective date.

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

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

19 456.61 Use of free speech by a health care practitioner;
20 prohibition.-

21 (1) A board, or the department if there is no board, may
22 not reprimand, sanction, or revoke or threaten to revoke a
23 license, certificate, or registration of a health care
24 practitioner for exercising his or her constitutional right of
25 free speech, including, but not limited to, speech through the
26 use of a social media platform as defined in s. 501.2041(1)(g).

27 (2) To reprimand, sanction, or revoke or threaten to revoke
28 a license, certificate, or registration of a health care
29 practitioner for his or her speech, the board, or the department

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30 if there is no board, must prove beyond a reasonable doubt that
31 the health care practitioner's speech led to the direct physical
32 harm of a person with whom the health care practitioner had a
33 practitioner-patient relationship within the 3 years immediately
34 preceding the incident of physical harm. If the board or the
35 department, as applicable, reprimands, sanctions, revokes, or
36 threatens to revoke a license, certificate, or registration of a
37 health care practitioner for his or her speech, and proof beyond
38 a reasonable doubt has not been established under this
39 subsection, the board or the department is liable for a sum of
40 up to \$1.5 million per occurrence for any direct or indirect
41 damages to a health care practitioner.

42 (3) The board, or the department if there is no board, must
43 provide a health care practitioner with any complaints it has
44 received which may result in the revocation of the health care
45 practitioner's license, certification, or registration, within 7
46 days after receipt of the complaint. The board, or the
47 department if there is no board, must pay the health care
48 practitioner an administrative penalty of \$500 for each day the
49 complaint is not provided to the health care practitioner after
50 the specified 7 days.

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