A bill to be entitled
An act relating to protections of medical conscience; creating s. 381.00321, F.S.; providing a short title; providing legislative findings and intent; providing definitions; providing that health care providers and health care payers have the right to not participate in or pay for any health care services that violate their consciences; providing that such providers and payers have a right to make certain decisions consistent with their religious beliefs under certain circumstances; prohibiting a person from taking or threatening to take adverse action against such providers and payers for specified actions; providing for civil remedies and damages; providing immunity from civil, criminal, and administrative liability for such providers and payers under certain circumstances; providing an effective date.

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

Section 1. Section 381.00321, Florida Statutes, is created to read:

381.00321 Rights of conscience of health care providers and health care payers.—

(1) SHORT TITLE.—This section may be cited as the
"Healthcare Ethics and Liberty Protection Act."

(2) LEGISLATIVE FINDINGS AND INTENT.—
   (a) The Legislature finds that the right of conscience is a fundamental and inalienable right. Threats to the right of conscience of health care providers and health care payers have become increasingly common and severe in recent years. The swift pace of scientific advancement, the expansion of medical capabilities, and with the mistaken notion that health care providers and health care payers are mere public utilities, promise to make the crisis worse unless action is taken to restore conscience to its rightful place. As patient autonomy to decline a health care service must be respected, health care providers and health care payers must have the right to decline participating in or paying for specific, nonemergency services that violate their consciences.
   (b) A health care provider or health care payer should not be compelled to participate in or pay for any health care service that the provider or payer objects to on the basis of conscience.

(3) DEFINITIONS.—As used in this section, the term:
   (a) "Conscience" means the religious, moral, or ethical beliefs or principles held by a health care provider or health care payer.
   (b) "Health care payer" means a health insurer that pays for, or arranges for, the payment of a health care service.
provided to a patient, whether such payment is made in whole or in part.

(c) "Health care provider" means a health care provider as defined in s. 768.381(1)(f) or a student of a health care education program.

(d) "Health care service" means inpatient or outpatient tests or treatments of a human disease, condition, or dysfunction or medical or other health care-related research.

(e) "Health insurer" means an authorized insurer offering health insurance as defined in s. 624.603 for individual or group coverage, a health maintenance organization as defined in s. 641.19(12) issuing coverage through an individual or group contract, or a self-insurance plan as defined in 624.031.

(f) "Participate" means to take part in any way in providing a health care service or any part of such service.

(4) RIGHTS OF CONSCIENCE.—

(a) A health care provider or health care payer has the right not to participate in or pay for any specific health care service that violates the provider's or payer's conscience.

(b) A health care provider that is a business entity, or a health care payer that holds itself out to the public as religious, and states in its governing documents that it has a religious purpose or mission and has internal operating policies or procedures that implement such purpose or mission, has the right to make employment, staffing, contracting, and
credentialing decisions consistent with the provider's or payer's religious beliefs.

(5) VIOLATIONS AND CIVIL REMEDIES.—

(a) A person may not take or threaten to take adverse action against a health care provider or health care payer for:

1. Declining to participate in a health care service on the basis of conscience.

2. Disclosing information to an appropriate governmental agency that the health care provider or health care payer reasonably believes is evidence of an employer's:
   a. Violation of this section;
   b. Violation of any law, rule, or regulation;
   c. Violation of any standard of care or other ethical guidelines for the provision of any health care service; or
   d. Gross mismanagement, gross waste of funds, abuse of authority, or any action that is a substantial and specific danger to public health or safety.

(b) A health care provider or health care payer that establishes a violation of this section has a civil cause of action for treble damages, an injunction, or any other appropriate relief in law or equity. Injunctive relief includes, but is not limited to, reinstatement of a health care provider or health care payer to a previous position, reinstatement of board certification, and relicensure. Such damages are cumulative and may not be limited by any other remedies that may
be available under any other law. A prevailing plaintiff is entitled to recover reasonable attorney fees and court costs. Any additional burden or expense incurred by another health care provider or health care payer arising from the exercise of the right of conscience is not a defense to a violation of this section. 

(6) IMMUNITY FROM LIABILITY.—Health care providers and health care payers are immune from civil, criminal, or administrative liability for exercising the right of conscience with respect to a health care service. A health care provider or health care payer that is a business entity is immune from civil, criminal, or administrative liability for any claims related to or arising out of the exercise of the right of conscience by a person employed, contracted, or credentialed by such provider or payer. 

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