

26 intent of the Legislature to provide medical conscience rights
27 for health care providers and health care payors to ensure that
28 they can care for patients consistent with their moral, ethical,
29 and religious convictions. Further, it is the intent of the
30 Legislature that licensed health care providers and health care
31 payors shall be free from threat of discrimination for providing
32 conscience-based health care.

33 Section 2. Section 381.00321, Florida Statutes, is created
34 to read:

35 381.00321 Rights of conscience of health care providers
36 and health care payors.—

37 (1) DEFINITIONS.—As used in this section, the term:

38 (a) "Adverse action" means the discharge, suspension,
39 transfer, demotion, discipline, suspension, exclusion,
40 revocation of privileges, withholding of bonuses, or reduction
41 in salary or benefits; any action that may negatively impact the
42 advancement or graduation of a student, including, but not
43 limited to, the withholding of scholarship funds; or any other
44 disciplinary or retaliatory action.

45 (b) "Agency" means the Agency for Health Care
46 Administration.

47 (c) "Business entity" has the same meaning as provided in
48 s. 606.03. The term also includes a charitable organization as
49 defined in s. 496.404 and a corporation not for profit as
50 defined in s. 617.01401.

51 (d) "Conscience-based objection" means an objection based
52 on a sincerely held religious, moral, or ethical belief.
53 Conscience, with respect to entities, is determined by reference
54 to the entities' governing documents; any published ethical,
55 moral, or religious guidelines or directives; mission
56 statements; constitutions; articles of incorporation; bylaws;
57 policies; or regulations.

58 (e) "Department" means the Department of Health.

59 (f) "Educational institution" means a public or private
60 school, college, or university.

61 (g) "Health care payor" means a health insurer, an
62 employer, a health care sharing organization, a health plan, a
63 health maintenance organization, a management services
64 organization, or any other entity that pays for, or arranges for
65 the payment of any health care service, whether such payment is
66 in whole or in part.

67 (h) "Health care provider" means:

68 1. Any person or entity licensed under chapter 394;
69 chapter 400; chapter 401; chapter 457; chapter 458; chapter 459;
70 chapter 460; chapter 461; chapter 462; chapter 463; chapter 464;
71 chapter 465; chapter 466; chapter 467; part I, part II, part
72 III, part IV, part V, part X, part XIII, or part XIV of chapter
73 468; chapter 478; chapter 480; part I, part II, or part III of
74 chapter 483; chapter 484; chapter 486; chapter 490; or chapter
75 491; or

76 2. Any provider as defined in s. 408.803, a continuing care
 77 facility licensed under chapter 651, or a pharmacy permitted
 78 under chapter 465.

79
 80 The term includes a student enrolled in an educational
 81 institution who is seeking to become a health care provider.

82 (i) "Health care service" means medical procedures,
 83 medical care, or medical services provided to a patient at any
 84 time over the entire course of treatment, or medical research,
 85 including, but not limited to, testing; diagnosis; referral;
 86 dispensing or administering any drug, medication, or device;
 87 psychological therapy or counseling; research; prognosis;
 88 therapy; recordmaking procedures; notes related to treatment;
 89 set up or performance of a surgery or procedure; or any other
 90 care or services performed or provided by any health care
 91 provider.

92 (j) "Participate" or "participation" means to pay for or
 93 take part in any way in providing or facilitating any health
 94 care service or any part of such service.

95 (2) RIGHTS OF CONSCIENCE.-

96 (a)1. A health care provider or health care payor has the
 97 right to opt out of participation in or payment for any health
 98 care service on the basis of a conscience-based objection. A
 99 health care provider must, at the time of the conscience-based
 100 objection or timely thereafter:

101 a. Provide written notification of the conscience-based
 102 objection to the health care practitioner's supervisor or
 103 employer, if applicable; or

104 b. Document the conscience-based objection to a particular
 105 health care service in the patient's medical file.

106 2. A health care provider who is a student must provide
 107 written notice of his or her conscience-based objection to his
 108 or her educational institution at the time of the conscience-
 109 based objection or timely thereafter.

110 (b) The exercise of the right of medical conscience is
 111 limited to conscience-based objections to a specific health care
 112 service. This section does not waive or modify any duty a health
 113 care provider or health care payor may have to provide or pay
 114 for other health care services that do not violate their rights
 115 of conscience or any duty a health care provider may have to
 116 provide informed consent to a patient in accordance with general
 117 law. Additionally, a health care payor may not decline to pay
 118 for a health care service it is contractually obligated to cover
 119 during the plan year.

120 (c) A health care provider or health care payor may not be
 121 discriminated against or suffer adverse action because the
 122 health care provider or health care payor declined to
 123 participate in or pay for a health care service on the basis of
 124 a conscience-based objection.

125 (3) SPEECH AND WHISTLEBLOWER PROTECTIONS.—

126 (a) A health care provider or health care payor may not be
 127 discriminated against or suffer any adverse action in any manner
 128 with respect to:

129 1. Providing or causing to be provided or intending to
 130 provide or cause to be provided to their employer, the Attorney
 131 General, the Department of Health, any other state agency
 132 charged with protecting health care rights of conscience, the
 133 United States Department of Health and Human Services, the
 134 Office of Civil Rights, or any other federal agency charged with
 135 protecting health care rights of conscience information relating
 136 to any violation of or any act or omission the health care
 137 provider or health care payor reasonably believes to be a
 138 violation of any provision of this act;

139 2. Testifying or intending to testify in a proceeding
 140 concerning such violation; or

141 3. Assisting or participating or intending to assist or
 142 participate in such a proceeding.

143 (b) Unless the disclosure is specifically prohibited by
 144 law, a health care provider or health care payor may not be
 145 discriminated against in any manner for disclosing information
 146 that the health care provider or health care payor reasonably
 147 believes constitutes:

148 1. A violation of any law, rule, or regulation;

149 2. A violation of any ethical guidelines for the provision
 150 of any medical procedure or service; or

151 3. A practice or method of treatment that may put patient
 152 health at risk or present a substantial and specific danger to
 153 public health or safety.

154 (4) CIVIL REMEDIES.—A health care provider or health care
 155 payor may bring a civil cause of action for appropriate damages,
 156 an injunction, or any other appropriate relief in law or equity,
 157 including reasonable attorney fees, for any violation of this
 158 act.

159 (5) IMMUNITY FROM LIABILITY.—A health care provider or
 160 health care payor may not be civilly liable for declining to
 161 participate in a health care service on the basis of a
 162 conscience-based objection.

163 (6) EMERGENCY MEDICAL TREATMENT AND ACTIVE LABOR ACT.—This
 164 section does not override the requirement to provide emergency
 165 medical treatment to all patients as set forth in the Emergency
 166 Medical Treatment and Active Labor Act, 42 U.S.C. s. 1395dd.

167 Section 3. Section 456.61, Florida Statutes, is created to
 168 read:

169 456.61 Use of free speech by a health care practitioner;
 170 prohibition.—

171 (1) A board within the jurisdiction of the department, or
 172 the department if there is no board, may not take disciplinary
 173 action against, or deny a license to, an individual because the
 174 individual has spoken or written publicly about a health care
 175 service or public policy, including, but not limited to, speech

176 through the use of a social media platform, as defined in s.
177 501.2041, provided such individual is not providing medical
178 advice or treatment to a specific patient and provided such
179 speech does not violate any other applicable law.

180 (2) If a specialty board or other recognizing agency
181 approved by any board within the jurisdiction of the department
182 revokes the certification of an individual because the
183 individual has spoken or written publicly about a health care
184 service or public policy including, but not limited to, speech
185 through the use of a social media platform, as defined in s.
186 501.2041, and provided such individual is not providing medical
187 advice or treatment to a specific patient and provided such
188 speech does not separately violate any other applicable law, the
189 board within the jurisdiction of the department may revoke the
190 approval of such specialty board or other recognizing agency.

191 Section 4. If any provision of this act or the application
192 thereof to any person or circumstance is held invalid, the
193 invalidity does not affect other provisions or applications of
194 this act which can be given effect without the invalid provision
195 or application, and to this end the provisions of this act are
196 severable.

197 Section 5. This act shall take effect July 1, 2023.