

By Senator Yarborough

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A bill to be entitled
An act relating to the right of medical conscience of
health care providers and health care payors; amending
s. 381.00321, F.S.; authorizing a health care provider
or health care payor to commence certain civil actions
if the Attorney General does not commence a civil
action within a specified timeframe for an alleged
violation of the provider's or payor's right of
medical conscience; authorizing such a provider or
payor to assert the alleged violation as a defense in
judicial or administrative proceedings; providing an
effective date.

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

Section 1. Subsection (4) of section 381.00321, Florida
Statutes, is amended to read:

381.00321 The right of medical conscience of health care
providers and health care payors.—

(4) ENFORCEMENT.—A health care provider or health care
payor may file a complaint with the Attorney General alleging
any violation of this section.

(a) If the Attorney General determines there has been a
violation of this section, the Attorney General may commence a
civil action for damages, injunctive relief, or any other
appropriate relief, including attorney fees. For the purpose of
conducting an investigation, the Attorney General may administer
oaths; take depositions; make inspections when authorized by
law; issue subpoenas supported by affidavit; serve subpoenas and

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other process; and compel the attendance of witnesses and the production of books, papers, documents, and other evidence. The Department of Legal Affairs may adopt rules to implement this subsection.

(b) If the Attorney General does not commence a civil action within 180 days after the filing of the complaint, a health care provider or health care payor may commence a civil action for damages, injunctive relief, or any other appropriate relief, including attorney fees, or assert a violation of this section as a defense in a judicial or administrative proceeding.

Section 2. This act shall take effect July 1, 2026.