

By Senator Wasserman Schultz

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1 A bill to be entitled
 2 An act relating to whistle-blower's protection
 3 for licensed facility employees; creating s.
 4 395.0194, F.S.; prohibiting retaliatory actions
 5 by a licensed facility against an employee for
 6 reporting certain information to specified
 7 entities; providing a remedy to provide relief
 8 for a violation; requiring licensed facilities
 9 to post notice of remedies; providing an
 10 effective date.
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 12 Be It Enacted by the Legislature of the State of Florida:
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 14 Section 1. Section 395.0194, Florida Statutes, is
 15 created to read:
 16 395.0194 Prohibitions; employee remedy and relief.--
 17 (1) A licensed facility may not dismiss, discipline,
 18 or take any other adverse personnel action against an employee
 19 who reports any action by another employee or agent of the
 20 licensed facility which the reporting employee reasonably
 21 believes constitutes improper quality of patient care or is in
 22 violation of any federal, state, or local law, rule, or
 23 regulation. Such information must be reported to an
 24 appropriate person, governmental unit, or federal government
 25 entity having the authority to investigate, police, manage, or
 26 otherwise remedy the violation or act.
 27 (2) An employee who makes a report under subsection
 28 (1) has a civil cause of action for appropriate compensatory
 29 and punitive damages against the licensed facility for causing
 30 detrimental changes to the employment status of the reporting
 31 employee by reason of the employee's report. Any detrimental

1 change made in the employment status of the reporting
2 employee, such as discharge, termination, demotion, transfer,
3 reduction in pay or benefits, or negative evaluations,
4 occurring within 120 days after the report is made,
5 establishes a rebuttable presumption that the detrimental
6 action was retaliatory.

7 (3) Each licensed facility shall prominently post
8 notice of the protections and remedies provided under this
9 section, along with the appropriate contact information for
10 making reports, and shall provide the notice to all employees
11 of the facility within 30 days after the effective date of
12 this section and to all new employees hired on or after that
13 date.

14 Section 2. This act shall take effect upon becoming a
15 law.

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18 SENATE SUMMARY

19 Provides whistle-blower protection for employees of
20 licensed health-care facilities. Provides a civil remedy.
21 Requires licensed facilities to post notice of remedies.