

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 entities from reprimanding, sanctioning, or
 5 revoking or threatening to revoke a license,
 6 certificate, or registration of a health care
 7 practitioner for specified use of his or her right of
 8 free speech without specified proof; providing for
 9 liability; requiring certain entities to provide to a
 10 health care practitioner any complaints within a
 11 specified timeframe; providing a penalty; providing an
 12 effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Section 456.61, Florida Statutes, is created to
 17 read:

18 456.61 Use of free speech by a health care practitioner;
 19 prohibition.—A board within the jurisdiction of the department,
 20 the department if there is no board, or a recognizing agency
 21 approved by the board under rule 64B15-14.001, Florida
 22 Administrative Code:

23 (1) May not reprimand, sanction, or revoke or threaten to
 24 revoke a license, certificate, or registration of a health care
 25 practitioner for exercising his or her constitutional right of

26 free speech through the use of a social media platform as
27 defined in s. 501.2041(1)(g).

28 (2) Must prove beyond a reasonable doubt that the use of
29 free speech by a health care practitioner led to the direct
30 physical harm of a person with whom the health care practitioner
31 had a practitioner-patient relationship within the 3 years
32 immediately preceding the incident of physical harm to
33 reprimand, sanction, or revoke or threaten to revoke a license,
34 certificate, or registration of a health care practitioner.

35 (3) Is liable for a sum of up to \$1.5 million per
36 occurrence for any direct or indirect damages to a health care
37 practitioner if proof beyond a reasonable doubt has not been
38 established under subsection (2) for reprimanding, sanctioning,
39 or revoking or threatening to revoke a license, certificate, or
40 registration of a health care practitioner.

41 (4) Must provide to a health care practitioner any
42 complaints received for which revocation actions may be in order
43 within 7 days after receipt of the complaint or, failing to
44 provide such complaint, shall pay to the health care
45 practitioner an administrative penalty of \$500 for each day the
46 complaint is not provided to the health care practitioner.

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