

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Skidmore offered the following:

Amendment to Amendment (914905) (with title amendment)

Remove lines 6-154 of the amendment and insert:

the right of medical conscience for health care providers to ensure that they can care for patients consistent with their moral, ethical, and religious convictions. Further, it is the intent of the Legislature that licensed health care providers shall be free from threat of discrimination for providing conscience-based health care.

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

381.00321 Rights of conscience of health care providers.-

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

15 (a) "Adverse action" means the discharge, suspension,
16 transfer, demotion, discipline, suspension, exclusion,
17 revocation of privileges, withholding of bonuses, or reduction
18 in salary or benefits; any action that may negatively impact the
19 advancement or graduation of a student, including, but not
20 limited to, the withholding of scholarship funds; or any other
21 disciplinary or retaliatory action.

22 (b) "Agency" means the Agency for Health Care
23 Administration.

24 (c) "Business entity" has the same meaning as provided in
25 s. 606.03. The term also includes a charitable organization as
26 defined in s. 496.404 and a corporation not for profit as
27 defined in s. 617.01401.

28 (d) "Conscience-based objection" means an objection based
29 on a sincerely held religious, moral, or ethical belief.
30 Conscience, with respect to entities, is determined by reference
31 to the entities' governing documents; any published ethical,
32 moral, or religious guidelines or directives; mission
33 statements; constitutions; articles of incorporation; bylaws;
34 policies; or regulations.

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

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

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38 (g) "Health care provider" means a physician licensed to
39 practice medicine in this state.

40 (h) "Health care service" means services provided to
41 patient by a person engaged in the practice of medicine as
42 defined in s. 458.305.

43 (i) "Participate" or "participation" means take part in
44 any way in providing or facilitating any health care service or
45 any part of such service.

46 (2) RIGHTS OF CONSCIENCE.—A health care provider has the
47 right to opt out of participation in any health care service on
48 the basis of a conscience-based objection.

49 (a) A health care provider who is a person must:

50 1. Document in the patient's medical record that the
51 health care provider gave verbal or written notice of his or her
52 conscience-based objection to the patient at the time of such
53 objection or as soon as practicable thereafter.

54 2. At the time of objection or as soon as practicable
55 thereafter, provide written notification of his or her
56 conscience-based objection to the health care provider's
57 supervisor or employer, if the health care provider has a
58 supervisor or employer.

59 3. Provide written notice of his or her conscience-based
60 objection if such provider is a student to his or her
61 educational institution at the time of the conscience-based
62 objection or as soon as practicable thereafter.

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63 (b) The exercise of the right of medical conscience is
64 limited to conscience-based objections to a specific health care
65 service. This section does not waive or modify any duty a health
66 care provider may have to provide other health care services
67 that do not violate their rights of conscience or any duty a
68 health care provider may have to provide informed consent to a
69 patient in accordance with general law.

70 (c) A health care provider may not be discriminated
71 against or suffer adverse action because the health care
72 provider declined to participate in a health care service on the
73 basis of a conscience-based objection.

74 (3) SPEECH AND WHISTLEBLOWER PROTECTIONS.-

75 (a) A health care provider may not be discriminated
76 against or suffer any adverse action in any manner with respect
77 to:

78 1. Providing or causing to be provided or intending to
79 provide or cause to be provided to their employer, the Attorney
80 General, the Department of Health, any other state agency
81 charged with protecting health care rights of conscience, the
82 United States Department of Health and Human Services, the
83 Office of Civil Rights, or any other federal agency charged with
84 protecting health care rights of conscience information relating
85 to any violation of or any act or omission the health care
86 provider reasonably believes to be a violation of any provision
87 of this act;

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88 2. Testifying or intending to testify in a proceeding
89 concerning such violation; or

90 3. Assisting or participating or intending to assist or
91 participate in such a proceeding.

92 (b) Unless the disclosure is specifically prohibited by
93 law, a health care provider may not be discriminated against in
94 any manner for disclosing information that the health care
95 provider reasonably believes constitutes:

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

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

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

102 (4) CIVIL REMEDIES.—A health care provider may bring a
103 civil cause of action for appropriate damages, an injunction, or
104 any other appropriate relief in law or equity, including
105 reasonable attorney fees, for any violation of this act.

106 (5) IMMUNITY FROM LIABILITY.—A health care provider may
107 not be civilly liable for declining to participate in health
108 care service on

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112 **T I T L E A M E N D M E N T**

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113 Remove lines 206-234 of the amendment and insert:
114 providers have the right to opt out of participation
115 in certain health care services on the basis of
116 conscience-based objections; providing requirements
117 for a health care provider's notice and documentation
118 of such objection; requiring health care providers to
119 notify patients or potential patients seeking a
120 specific health care service of any such objection
121 before scheduling an appointment; providing
122 construction; prohibiting discrimination or adverse
123 action against health care providers who decline to
124 participate in a health care service on the basis of
125 conscience-based objection; providing whistleblower
126 protections for health care providers that take
127 certain actions or disclose certain information
128 relating to the reporting of certain violations;
129 authorizing health care providers to file complaints
130 with the Attorney General for violation of specified
131 provisions; providing for civil penalties; authorizing
132 the Attorney General to take specified actions for
133 purposes of conducting an investigation of such
134 complaints; authorizing the Department of Legal
135 Affairs to adopt rules; providing health care
136 providers immunity from civil liability solely for

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137 | declining to participate in a health care service on
138 | the basis of

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