

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Skidmore offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 27-162 and insert:

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

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

12 381.00321 Rights of conscience of health care providers.-

13 (1) DEFINITIONS.-As used in this section, the term:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

62 (b) The exercise of the right of medical conscience is
63 limited to conscience-based objections to a specific health care

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64 service. This section does not waive or modify any duty a health
65 care provider may have to provide other health care services
66 that do not violate their rights of conscience or any duty a
67 health care provider may have to provide informed consent to a
68 patient in accordance with general law.

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

73 (3) SPEECH AND WHISTLEBLOWER PROTECTIONS.-

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

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

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

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

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

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

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

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

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

105 (5) IMMUNITY FROM LIABILITY.—A health care provider may
106 not be civilly liable for declining to

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

110 Remove lines 5-6 and insert:

111 health care providers to opt out of participation in certain
112 health

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