



26 intent of the Legislature to provide medical conscience rights  
 27 for health care providers and health care payors to ensure that  
 28 they can care for patients consistent with their moral, ethical,  
 29 and religious convictions. Further, it is the intent of the  
 30 Legislature that licensed health care providers and health care  
 31 payors shall be free from threat of discrimination for providing  
 32 conscience-based health care.

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

35 381.00321 Rights of conscience of health care providers  
 36 and health care payors.-

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

38 (a) "Adverse action" means the discharge, suspension,  
 39 transfer, demotion, discipline, suspension, exclusion,  
 40 revocation of privileges, withholding of bonuses, or reduction  
 41 in salary or benefits; any action that may negatively impact the  
 42 advancement or graduation of a student, including, but not  
 43 limited to, the withholding of scholarship funds; or any other  
 44 disciplinary or retaliatory action.

45 (b) "Agency" means the Agency for Health Care  
 46 Administration.

47 (c) "Business entity" has the same meaning as provided in  
 48 s. 606.03. The term also includes a charitable organization as  
 49 defined in s. 496.404 and a corporation not for profit as  
 50 defined in s. 617.01401.

51        (d) "Conscience-based objection" means an objection based  
52 on a sincerely held religious, moral, or ethical belief.  
53 Conscience, with respect to entities, is determined by reference  
54 to the entities' governing documents; any published ethical,  
55 moral, or religious guidelines or directives; mission  
56 statements; constitutions; articles of incorporation; bylaws;  
57 policies; or regulations.

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

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

61        (g) "Health care payor" means a health insurer, an  
62 employer, a health care sharing organization, a health plan, a  
63 health maintenance organization, a management services  
64 organization, or any other entity that pays for, or arranges for  
65 the payment of any health care service, whether such payment is  
66 in whole or in part.

67        (h) "Health care provider" means:

68        1. Any person or entity licensed under chapter 394;  
69 chapter 400; chapter 401; chapter 457; chapter 458; chapter 459;  
70 chapter 460; chapter 461; chapter 462; chapter 463; chapter 464;  
71 chapter 465; chapter 466; chapter 467; part I, part II, part  
72 III, part IV, part V, part X, part XIII, or part XIV of chapter  
73 468; chapter 478; chapter 480; part I, part II, or part III of  
74 chapter 483; chapter 484; chapter 486; chapter 490; or chapter  
75 491; or

76 2. Any provider as defined in s. 408.803, a continuing care  
 77 facility licensed under chapter 651, or a pharmacy permitted  
 78 under chapter 465.

79  
 80 The term includes a student enrolled in an educational  
 81 institution who is seeking to become a health care provider.

82 (i) "Health care service" means medical procedures,  
 83 medical care, or medical services provided to a patient at any  
 84 time over the entire course of treatment, or medical research,  
 85 including, but not limited to, testing; diagnosis; referral;  
 86 dispensing or administering any drug, medication, or device;  
 87 psychological therapy or counseling; research; prognosis;  
 88 therapy; recordmaking procedures; notes related to treatment;  
 89 set up or performance of a surgery or procedure; or any other  
 90 care or services performed or provided by any health care  
 91 provider.

92 (j) "Participate" or "participation" means to pay for or  
 93 take part in any way in providing or facilitating any health  
 94 care service or any part of such service.

95 (2) RIGHTS OF CONSCIENCE.—A health care provider or health  
 96 care payor has the right to opt out of participation in or  
 97 payment for any health care service on the basis of a  
 98 conscience-based objection.

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

100 1. Document in the patient's medical record that the

101 health care provider gave verbal or written notice of his or her  
102 conscience-based objection to the patient at the time of such  
103 objection or as soon as practicable thereafter.

104 2. At the time of objection or as soon as practicable  
105 thereafter, provide written notification of his or her  
106 conscience-based objection to the health care provider's  
107 supervisor or employer, if the health care provider has a  
108 supervisor or employer.

109 3. Provide written notice of his or her conscience-based  
110 objection if such provider is a student to his or her  
111 educational institution at the time of the conscience-based  
112 objection or as soon as practicable thereafter.

113 (b) The exercise of the right of medical conscience is  
114 limited to conscience-based objections to a specific health care  
115 service. This section does not waive or modify any duty a health  
116 care provider or health care payor may have to provide or pay  
117 for other health care services that do not violate their rights  
118 of conscience or any duty a health care provider may have to  
119 provide informed consent to a patient in accordance with general  
120 law. Additionally, a health care payor may not decline to pay  
121 for a health care service it is contractually obligated to cover  
122 during the plan year.

123 (c) A health care provider may not be discriminated  
124 against or suffer adverse action because the health care  
125 provider declined to participate in or pay for a health care

126 service on the basis of a conscience-based objection.

127 (3) SPEECH AND WHISTLEBLOWER PROTECTIONS.—

128 (a) A health care provider or health care payor may not be  
 129 discriminated against or suffer any adverse action in any manner  
 130 with respect to:

131 1. Providing or causing to be provided or intending to  
 132 provide or cause to be provided to their employer, the Attorney  
 133 General, the Department of Health, any other state agency  
 134 charged with protecting health care rights of conscience, the  
 135 United States Department of Health and Human Services, the  
 136 Office of Civil Rights, or any other federal agency charged with  
 137 protecting health care rights of conscience information relating  
 138 to any violation of or any act or omission the health care  
 139 provider or health care payor reasonably believes to be a  
 140 violation of any provision of this act;

141 2. Testifying or intending to testify in a proceeding  
 142 concerning such violation; or

143 3. Assisting or participating or intending to assist or  
 144 participate in such a proceeding.

145 (b) Unless the disclosure is specifically prohibited by  
 146 law, a health care provider or health care payor may not be  
 147 discriminated against in any manner for disclosing information  
 148 that the health care provider or health care payor reasonably  
 149 believes constitutes:

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

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

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

156        (4) CIVIL REMEDIES.—A health care provider or health care  
 157 payor may bring a civil cause of action for appropriate damages,  
 158 an injunction, or any other appropriate relief in law or equity,  
 159 including reasonable attorney fees, for any violation of this  
 160 act.

161        (5) IMMUNITY FROM LIABILITY.—A health care provider or  
 162 health care payor may not be civilly liable for declining to  
 163 participate in a health care service on the basis of a  
 164 conscience-based objection. However, this section does not limit  
 165 the applicability of chapter 766 to any health care service  
 166 performed by a health care provider.

167        (6) EMERGENCY MEDICAL TREATMENT AND ACTIVE LABOR ACT.—This  
 168 section does not override the requirement to provide emergency  
 169 medical treatment to all patients as set forth in the Emergency  
 170 Medical Treatment and Active Labor Act, 42 U.S.C. s. 1395dd.

171        Section 3. Section 456.61, Florida Statutes, is created to  
 172 read:

173        456.61 Use of free speech by a health care practitioner;  
 174 prohibition.—

175        (1) A board within the jurisdiction of the department, or

176 the department if there is no board, may not take disciplinary  
177 action against, or deny a license to, an individual because the  
178 individual has spoken or written publicly about a health care  
179 service or public policy, including, but not limited to, speech  
180 through the use of a social media platform, as defined in s.  
181 501.2041, provided such individual is not providing medical  
182 advice or treatment to a specific patient and provided such  
183 speech does not violate any other applicable law.

184 (2) If a specialty board or other recognizing agency  
185 approved by any board within the jurisdiction of the department  
186 revokes the certification of an individual because the  
187 individual has spoken or written publicly about a health care  
188 service or public policy including, but not limited to, speech  
189 through the use of a social media platform, as defined in s.  
190 501.2041, and provided such individual is not providing medical  
191 advice or treatment to a specific patient and provided such  
192 speech does not separately violate any other applicable law, the  
193 board within the jurisdiction of the department may revoke the  
194 approval of such specialty board or other recognizing agency.

195 Section 4. If any provision of this act or the application  
196 thereof to any person or circumstance is held invalid, the  
197 invalidity does not affect other provisions or applications of  
198 this act which can be given effect without the invalid provision  
199 or application, and to this end the provisions of this act are  
200 severable.



CS/CS/HB 1403

2023

201        Section 5.    This act shall take effect July 1, 2023.