

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Skidmore offered the following:

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3 **Amendment (with title amendment)**

4 Remove lines 48-196 and insert:

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

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

13 381.00321 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 a 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 5-33 and insert:  
114 providers have the right to opt out of participation in certain  
115 health care services on the basis of conscience-based  
116 objections; providing requirements for a health care provider's  
117 notice and documentation of such objection; requiring health  
118 care providers to notify patients or potential patients seeking  
119 a specific health care service of any such objection before  
120 scheduling an appointment; providing construction; prohibiting  
121 discrimination or adverse action against health care providers  
122 who decline to participate in a health care service on the basis  
123 of conscience-based objection; providing whistle-blower  
124 protections for health care providers that take certain actions  
125 or disclose certain information relating to the reporting of  
126 certain violations; authorizing health care providers to file  
127 complaints with the Attorney General for violation of specified  
128 provisions; providing for civil penalties; authorizing the  
129 Attorney General to take specified actions for purposes of  
130 conducting an investigation of such complaints; authorizing the  
131 Department of Legal Affairs to adopt rules; providing health  
132 care providers immunity from civil liability solely for  
133 declining to participate in a health care service on the basis  
134 of

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