

HB 401

2016

1                   A bill to be entitled  
2           An act relating to the protection of religious  
3           freedom; amending s. 761.02, F.S.; conforming  
4           provisions to changes made by the act; creating s.  
5           761.06, F.S.; providing definitions; providing  
6           immunity from liability for a health care facility or  
7           health care provider that refuses to administer,  
8           recommend, or deliver medical treatments or procedures  
9           that would be contrary to religious or moral  
10          convictions or policies; providing immunity from  
11          liability for a person, closely held organization,  
12          religious institution, or business owned or operated  
13          by a religious institution that refuses to produce,  
14          create, or deliver custom products or services that  
15          would be contrary to religious or moral convictions or  
16          policies; providing immunity from liability for a  
17          private child-placing agency that refuses to perform,  
18          assist in, recommend, consent to, or participate in  
19          the placement of a child that would be contrary to  
20          religious or moral convictions or policies; providing  
21          an effective date.

22  
23   Be It Enacted by the Legislature of the State of Florida:

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25           Section 1.   Section 761.02, Florida Statutes, is amended to  
26   read:

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27 | 761.02 Definitions.—As used in ss. 761.01-761.05 ~~this act~~:

28 | (1) "Act" or "this act" means the "Religious Freedom  
29 | Restoration Act of 1998," ss. 761.01-761.05.

30 | (2) "Demonstrates" means to meet the burden of going  
31 | forward with the evidence and of persuasion.

32 | (3) "Exercise of religion" means an act or refusal to act  
33 | that is substantially motivated by a religious belief, whether  
34 | or not the religious exercise is compulsory or central to a  
35 | larger system of religious belief.

36 | (4)~~(1)~~ "Government" or "state" includes any branch,  
37 | department, agency, instrumentality, or official or other person  
38 | acting under color of law of the state, a county, special  
39 | district, municipality, or any other subdivision of the state.

40 | Section 2. Section 761.06, Florida Statutes, is created to  
41 | read:

42 | 761.06 Protection of religious or moral objection.—

43 | (1) As used in this section, the term:

44 | (a) "Closely held organization" means an organization or a  
45 | corporation owned by five or fewer individuals or members of a  
46 | single family.

47 | (b) "Custom product or service" means a product or service  
48 | created to meet the particular specifications of a specific  
49 | consumer or group of consumers.

50 | (c) "Family" means all persons related by blood or  
51 | marriage, all persons who are presently residing together as if  
52 | related or who have resided together in the past as if related,

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53 and all persons who are parents of a child in common regardless  
54 of their marital status.

55 (d) "Religious institution" means a church, an  
56 ecclesiastical or a denominational organization, including a  
57 bona fide religious group that does not maintain a specific  
58 place of worship, an established physical place for worship  
59 where nonprofit religious services and activities are regularly  
60 conducted and carried on, or a separate group or corporation  
61 that forms an integral part of a religious institution that is  
62 exempt from federal income tax under s. 501(c)(3) of the  
63 Internal Revenue Code and that is not primarily supported by  
64 funds solicited outside its own membership or congregation.

65 (2) A health care facility or an ambulatory surgery center  
66 licensed under chapter 395, a nursing home licensed under part  
67 II of chapter 400, an assisted living facility or extended  
68 congregate care facility licensed under part I of chapter 429, a  
69 hospice licensed under part IV of chapter 400 that is owned or  
70 operated by a religious institution, or a health care provider,  
71 is not required to administer, recommend, or deliver a medical  
72 treatment or procedure that would be contrary to the religious  
73 or moral convictions or policies of the facility or health care  
74 provider. The facility or health care provider is not liable for  
75 such refusal, except when withholding the medical treatment or  
76 procedure places the patient in imminent danger of loss of life  
77 or serious bodily injury. Such refusal does not form the basis  
78 for any disciplinary or other recriminatory action against the

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79 facility or health care provider.

80 (3) A person, closely held organization, religious  
81 institution, or business owned or operated by a religious  
82 institution is not required to produce, create, or deliver a  
83 product or service that would be contrary to the religious or  
84 moral convictions or policies of the person, organization,  
85 institution, or business. Such person, organization,  
86 institution, or business is not liable for such refusal, except  
87 when withholding the custom product or service places the  
88 consumer in imminent danger of loss of life or serious bodily  
89 injury. Such refusal does not form the basis for any  
90 disciplinary or other recriminatory action against such person,  
91 organization, institution, or business.

92 (4) A private child-placing agency licensed under part I  
93 of chapter 409 is not required to perform, assist in, recommend,  
94 consent to, or participate in the placement of a child that  
95 would be contrary to the religious or moral convictions or  
96 policies of the agency. Such an agency or a person connected  
97 thereto is not liable for such refusal, and such refusal does  
98 not form the basis for any disciplinary or other recriminatory  
99 action against such an agency or a person connected thereto.

100 Section 3. This act shall take effect July 1, 2016.