



Peggy R. Bell
Mayor

MEMORANDUM

To: Honorable Members of the Town Council
From: Mayor Peggy R. Bell
Date: January 20, 2016
Re: Opposing House Bill 401

REQUEST

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, URGING THE FLORIDA LEGISLATURE TO OPPOSE HOUSE BILL 401 WHICH PROVIDES IMMUNITY FROM LIABILITY FOR A HEALTH CARE FACILITY, HEALTH CARE PROVIDER, PERSON, CLOSELY HELD ORGANIZATION, RELIGIOUS INSTITUTION, BUSINESS OWNED OR OPERATED BY RELIGIOUS INSTITUTION, OR PRIVATE CHILD-PLACING AGENCY THAT REFUSES TO PERFORM CERTAIN ACTIONS THAT WOULD BE CONTRARY TO RELIGIOUS OR MORAL CONVICTIONS OR POLICIES; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

BACKGROUND AND ANALYSIS

On October 21, 2015, State Representative Julio Gonzales filed House Bill 401 (*Attachment "A"*) which if passed will provide immunity from liability for a health care facility, health care provider, person, closely held organization, religious institution, business owned or operated religious institution, or private child-placing agency that refuses to perform certain actions that would be contrary to their religious or moral convictions or policies.

HB 401 specifically references Florida's Religious Freedom Restoration Act (RFRA), first passed in 1998, but builds upon it to ensure the use of religious beliefs to justify discrimination. Here are the three main categories of discrimination it aims to license (<http://thinkprogress.org/lgbt/2015/10/22/3714990/florida-license-to-discriminate/>):

- Any health care facility, ambulatory surgery center, nursing home, assisted living facility, extended congregate care facility, or hospice is "not required to administer, recommend or deliver a medical treatment or procedure that would be contrary to the religious or moral convictions or policies of the facility or health care provider."





- Any person, closely held organization (small/family-run business), religious institution, or business owned or operated by a religious institution is “not required to produce, create, or deliver a product or service that would be contrary to the religious or moral convictions” of the person or organization.
- Any private child-placing agency is “not required to perform, assist in, recommend, consent to, or participate in the placement of a child that would be contrary to the religious or moral convictions or policies of the agency.”

The recommended updates to House Bill 401 contradict the Town’s Civil Rights Policy, operating principles, and overall vision for the Town of Cutler Bay.

RECOMMENDATION

It is recommended that the Town Council adopt the attached Resolution urging the Florida Legislature to oppose House Bill 401 which provides immunity from liability for a health care facility, health care provider, person, closely held organization, religious institution, business owned or operated by religious institution, or private child-placing agency that refuses to perform certain actions that would be contrary to religious or moral convictions or policies.

