

Professions and Public Health Subcommittee

Monday, February 14, 2022
4:00 PM – 6:00 PM
Webster Hall (212 Knott)

Action Packet

Chris Sprowls
Speaker

Will Robinson
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Professions & Public Health Subcommittee

Start Date and Time: Monday, February 14, 2022 04:00 pm

End Date and Time: Monday, February 14, 2022 06:00 pm

Location: Webster Hall (212 Knott)

Duration: 2.00 hrs

Consideration of the following proposed committee substitute(s):

PCS for HB 131 -- Military Medics and Corpsmen of Florida Program
PCS for HB 543 -- Uterine Fibroid Research and Education
PCS for HB 687 -- Free Speech of Health Care Practitioners

For information about attending or testifying at a committee meeting, please see the "Visiting the House" tab at www.myfloridahouse.gov.

NOTICE FINALIZED on 02/10/2022 4:12PM by Osborne.Erin

COMMITTEE MEETING REPORT

Professions & Public Health Subcommittee

2/14/2022 4:00PM

Location: Webster Hall (212 Knott)

Summary:

Professions & Public Health Subcommittee

Monday February 14, 2022 04:00 pm

PCS for HB 131	Favorable		Yeas: 14	Nays: 0
PCS for HB 543	Favorable		Yeas: 15	Nays: 0
PCS for HB 687	Favorable		Yeas: 12	Nays: 5
Amendment h0687-line13		Failed to Adopt	Yeas: 5	Nays: 11
Amendment h0687-line17		Failed to Adopt		

Committee meeting was reported out: Monday, February 14, 2022 6:09PM

COMMITTEE MEETING REPORT

Professions & Public Health Subcommittee

2/14/2022 4:00PM

Location: Webster Hall (212 Knott)

Attendance:

	Present	*Absent*	*Excused*
William Robinson (Chair)	X		
Robert Andrade	X		
Kristen Arrington	X		
David Borrero	X		
Anna Eskamani	X		
Juan Fernandez-Barquin	X		
Sam Garrison	X		
Michael Gottlieb	X		
Randall Maggard	X		
Stan McClain	X		
Michele Rayner			X
Alex Rizo	X		
Bob Rommel	X		
Tyler Sirois	X		
Kelly Skidmore	X		
Carlos Smith	X		
John Snyder	X		
Kaylee Tuck	X		
Totals:	**17**	**0**	**1**

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COMMITTEE MEETING REPORT

Professions & Public Health Subcommittee

2/14/2022 4:00PM

Location: Webster Hall (212 Knott)

PCS for HB 131 : Military Medics and Corpsmen of Florida Program

[X] *Favorable*

	Yea	*Nay*	*No Vote*	*Absentee Yea*	*Absentee Nay*
Robert Andrade	X				
Kristen Arrington	X				
David Borrero	X				
Anna Eskamani	X				
Juan Fernandez-Barquin	X				
Sam Garrison			X		
Michael Gottlieb			X		
Randall Maggard	X				
Stan McClain	X				
Michele Rayner			X		
Alex Rizo	X				
Bob Rommel	X				
Tyler Sirois			X		
Kelly Skidmore	X				
Carlos Smith	X				
John Snyder	X				
Kaylee Tuck	X				
William Robinson (Chair)	X				
	Total Yeas: 14	**Total Nays: 0**			

Appearances:

Helmich, William (Lobbyist) (Lobbyist Appearance Form Submitted) - Waive In Support
American Legion, Department of Florida, Inc, The
120 S Monroe St
Tallahassee FL
Phone: (850) 251-3126

Helmich, William (Lobbyist) (Lobbyist Appearance Form Submitted) - Waive In Support
Veterans of Foreign Wars, Department of Florida
120 S Monroe St
Tallahassee FL
Phone: (850) 251-3126

Herndon, Matthew (Lobbyist) (Lobbyist Appearance Form Submitted) - Waive In Support
United Way of Broward County
1177 Venetian Harbor Dr NE
St Petersburg FL
Phone: (941) 704-2793

Herndon, Matthew (Lobbyist) (Lobbyist Appearance Form Submitted) - Waive In Support
United Way Suncoast
1177 Venetian Harbor Dr NE
St Petersburg FL
Phone: (941) 704-2793

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Location: Webster Hall (212 Knott)

PCS for HB 131 : Military Medics and Corpsmen of Florida Program (continued)

Appearances: (continued)

rodriguez, ariadne (General Public) - Waive In Support
5723 Yeats Manor Dr UNIT 202
Tampa FL 33616
Phone: 8137313684

Jimmie T Smith (State Employee) - Waive In Support
Concerned Veterans for America
Coalition Director

Major General "Hammer" Hartsell (Lobbyist) (State Employee) - Waive In Support
Florida Department of Veteran Affairs
Executive Director
400 S. Monroe St. Ste. 2105
Tallahassee FL 32399
Phone: 850-487-1533

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COMMITTEE MEETING REPORT

Professions & Public Health Subcommittee

2/14/2022 4:00PM

Location: Webster Hall (212 Knott)

PCS for HB 543 : Uterine Fibroid Research and Education

[X] *Favorable*

	Yea	*Nay*	*No Vote*	*Absentee Yea*	*Absentee Nay*
Robert Andrade	X				
Kristen Arrington	X				
David Borrero	X				
Anna Eskamani	X				
Juan Fernandez-Barquin	X				
Sam Garrison			X		
Michael Gottlieb			X		
Randall Maggard	X				
Stan McClain	X				
Michele Rayner			X		
Alex Rizo	X				
Bob Rommel	X				
Tyler Sirois	X				
Kelly Skidmore	X				
Carlos Smith	X				
John Snyder	X				
Kaylee Tuck	X				
William Robinson (Chair)	X				
	Total Yeas: 15	**Total Nays: 0**			

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COMMITTEE MEETING REPORT

Professions & Public Health Subcommittee

2/14/2022 4:00PM

Location: Webster Hall (212 Knott)

PCS for HB 687 : Free Speech of Health Care Practitioners

[X] *Favorable*

	Yea	*Nay*	*No Vote*	*Absentee Yea*	*Absentee Nay*
Robert Andrade	X				
Kristen Arrington		X			
David Borrero	X				
Anna Eskamani		X			
Juan Fernandez-Barquin	X				
Sam Garrison	X				
Michael Gottlieb		X			
Randall Maggard	X				
Stan McClain	X				
Michele Rayner			X		
Alex Rizo	X				
Bob Rommel	X				
Tyler Sirois	X				
Kelly Skidmore		X			
Carlos Smith		X			
John Snyder	X				
Kaylee Tuck	X				
William Robinson (Chair)	X				
	Total Yeas: 12	**Total Nays: 5**			

PCS for HB 687 Amendments

Amendment h0687-line13

[X] *Failed to Adopt*

	Yea	*Nay*	*No Vote*	*Absentee Yea*	*Absentee Nay*
Robert Andrade		X			
Kristen Arrington	X				
David Borrero		X			
Anna Eskamani	X				
Juan Fernandez-Barquin			X		
Sam Garrison		X			
Michael Gottlieb	X				
Randall Maggard		X			
Stan McClain		X			
Michele Rayner			X		
Alex Rizo		X			
Bob Rommel		X			
Tyler Sirois		X			
Kelly Skidmore	X				
Carlos Smith	X				
John Snyder		X			

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Professions & Public Health Subcommittee

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Location: Webster Hall (212 Knott)

PCS for HB 687 : Free Speech of Health Care Practitioners (continued)

PCS for HB 687 Amendments (continued)

Kaylee Tuck	X
William Robinson (Chair)	X

Total Yeas: 5 **Total Nays: 11**

Amendment h0687-line17

[X] *Failed to Adopt*

Appearances:

Akey, MD, Angeli (General Public) - Proponent
North Florida Integrative Medicine- my private medical practice
8108 Southwest 10th Place
Gainesville FL 32607
Phone: 3523161686

Gross, Kara (Lobbyist) (Lobbyist Appearance Form Submitted) - Waive In Opposition
American Civil Liberties Union of Florida
Legislative Director & Senior Policy Counsel
4343 West Flagler Street Suite 400
Miami FL
Phone: (850) 347-6994

Nuland, Christopher (Lobbyist) (Lobbyist Appearance Form Submitted) - Waive In Support
Florida Society of Dermatology & Dermatologic Surgery
1000 Riverside Ave Ste 240
Jacksonville FL
Phone: (904) 355-1555

Rudman, Joel (General Public) - Proponent
M.D.
1933 Cardinal Lane
Navarre FL 32566
Phone: 8509393999

Rudman, Sophie (General Public) - Waive In Support
1933 Cardinal Lane
Navarre FL 32566
Phone: 8509393999

Simpson, Steve (General Public) - Proponent
Mr.
8744 Greenridge Ln
Tallahassee FL 32312
Phone: 850-524-5257

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PCS for HB 687 : Free Speech of Health Care Practitioners (continued)

Appearances: (continued)

Ward, Jon (General Public) - Proponent
Emerald Coast Medical Association
MD
364 Cannonball Ln
Inlet Beach FL 32461
Phone: 8508677503

Zonia, Carolynn (General Public) - Opponent
Self as a Physician
Dr.
620 FLATWOODS FOREST LOOP
SANTA ROSA BEACH FL 32459
Phone: 8507143793

Ellen W. McKnight - Proponent
20 Highpoint Dr.
Gulf Breeze FL 32561
Phone: 850-380-3672

Maurer, Jon Harris (Lobbyist) - Opponent
Equality Florida
201 East Park Avenue Suite 200A
Tallahassee FL 32301-1591
Phone: (850) 681-0980

John Littell, MD - Proponent
International Alliance of Physicians
Family Physician
300 Park Place Blvd.
Kissimmee FL 34741
Phone: 407-343-1711

Anastasia Hochenberger - Proponent
Self/North Florida Integrative Medicine
6228 NW 43rd St.
Gainesville FL 32653
Phone: 772-285-2489

Tiana DiMarco - Proponent
Self/North Florida Integrative Medicine
6228 NW 43rd St.
Gainesville FL 32653
Phone: 407-247-3445

Parker Smith - Proponent
Self/North Florida Integrative Medicine
6228 NW 43rd St.
Gainesville FL 32653
Phone: 904-556-0850

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Location: Webster Hall (212 Knott)

PCS for HB 687 : Free Speech of Health Care Practitioners (continued)

Appearances: (continued)

Shivani Patel - Proponent
Self/North Florida Integrative Medicine
6228 NW 43rd St
Gainesville FL 32653
Phone: 904-446-7722

Sophia Piniella - Proponent
Dr. Diane Gowski
President of the Florida Catholic Medical Assoc.
Phone: 813-505-7899

DiPietro, Aaron (Lobbyist) - Proponent
Florida Family Policy Council, Inc.
4853 S Orange Ave
Orlando FL 32806-6961
Phone: (904) 608-4471

Eskamani, Ida (Lobbyist) - Waive In Opposition
Florida Rising
3416 Moncrief Rd Ste 201 Suite 201
Jacksonville FL 32209-4340
Phone: (407) 376-4801

DeVane, Barbara (Lobbyist) - Waive In Opposition
Florida National Organization for Women, Inc
625 E Brevard St
Tallahassee FL 32308
Phone: 687-641-1530

Alexandra Wolfe - Proponent
100 Doctors Dr. Suite C
P.C. FL
Phone: 850-814-8400

Waneda Wolfe - Waive In Support
100 Doctors Dr. Ste C
Panama City FL 32405
Phone: 850-814-8400

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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	____	(Y/N)
ADOPTED AS AMENDED	____	(Y/N)
ADOPTED W/O OBJECTION	____	(Y/N)
FAILED TO ADOPT	Y	(Y/N)
WITHDRAWN	____	(Y/N)
OTHER		

Committee/Subcommittee hearing bill: Professions & Public Health Subcommittee

Representative Smith, C. offered the following:

Amendment (with title amendment)

Remove lines 17-33 and insert:

456.61 Use of free speech by a health care practitioner or an employee of the department; prohibition.—A board within the jurisdiction of the department, the department if there is no board, or a recognizing agency approved by the board under rule 64B15-14.001, Florida Administrative Code:

(1) May not reprimand, sanction, or revoke or threaten to revoke a license, certificate, or registration of a health care practitioner or reprimand, sanction, or terminate employment of an employee of the department for exercising his or her constitutional right of free speech, including, but not limited

to, speech through the use of a social media platform as defined in s. 501.2041(1), unless such entities prove beyond a reasonable doubt that the use of free speech:

(a) By the health care practitioner led to the direct physical harm of a person with whom the health care practitioner had a practitioner-patient relationship within the 3 years immediately preceding the incident of physical harm.

(b) By an employee of the department led to the direct physical harm of a person.

(2) Must provide to a health care practitioner or an employee of the department with any complaints received for which actions may be in order

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

Remove lines 2-9 and insert:

An act relating to health care associated free speech; creating s. 456.61, F.S.; prohibiting certain entities from reprimanding, sanctioning, or revoking or threatening to revoke a license, certificate, or registration of a health care practitioner or reprimanding, sanctioning, or terminating employment of an employee of the Department of Health for specified use of his or her right of free speech without specified proof; requiring certain entities to

provide to a health care practitioner or an employee of the department any

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	____	(Y/N)
ADOPTED AS AMENDED	____	(Y/N)
ADOPTED W/O OBJECTION	____	(Y/N)
FAILED TO ADOPT	Y	(Y/N)
WITHDRAWN	____	(Y/N)
OTHER		

Committee/Subcommittee hearing bill: Professions & Public Health Subcommittee

Representative Smith, C. offered the following:

Amendment (with title amendment)

Between lines 14 and 15, insert:

Section 1. Paragraph (b) of subsection (4) of section 381.026, Florida Statutes, is amended to read:

381.026 Florida Patient's Bill of Rights and Responsibilities.—

(4) RIGHTS OF PATIENTS.—Each health care facility or provider shall observe the following standards:

(b) Information.—

1. A patient has the right to know the name, function, and qualifications of each health care provider who is providing medical services to the patient. A patient may request such

information from his or her responsible provider or the health care facility in which he or she is receiving medical services.

2. A patient in a health care facility has the right to know what patient support services are available in the facility.

3. A patient has the right to be given by his or her health care provider information concerning diagnosis, planned course of treatment, alternatives, risks, and prognosis, unless it is medically inadvisable or impossible to give this information to the patient, in which case the information must be given to the patient's guardian or a person designated as the patient's representative. A patient has the right to refuse this information.

4. A patient has the right to refuse any treatment based on information required by this paragraph, except as otherwise provided by law. The responsible provider shall document any such refusal.

5. A patient in a health care facility has the right to know what facility rules and regulations apply to patient conduct.

6. A patient has the right to express grievances to a health care provider, a health care facility, or the appropriate state licensing agency regarding alleged violations of patients' rights. A patient has the right to know the health care

provider's or health care facility's procedures for expressing a grievance.

7. A patient in a health care facility who does not speak English has the right to be provided an interpreter when receiving medical services if the facility has a person readily available who can interpret on behalf of the patient.

~~8. A health care provider or health care facility shall respect a patient's right to privacy and should refrain from making a written inquiry or asking questions concerning the ownership of a firearm or ammunition by the patient or by a family member of the patient, or the presence of a firearm in a private home or other domicile of the patient or a family member of the patient. Notwithstanding this provision, a health care provider or health care facility that in good faith believes that this information is relevant to the patient's medical care or safety, or safety of others, may make such a verbal or written inquiry.~~

8.~~9.~~ A patient may decline to answer or provide any information regarding ownership of a firearm by the patient or a family member of the patient, or the presence of a firearm in the domicile of the patient or a family member of the patient. A patient's decision not to answer a question relating to the presence or ownership of a firearm does not alter existing law regarding a physician's authorization to choose his or her patients.

9.~~10.~~ A health care provider or health care facility may not discriminate against a patient based solely upon the patient's exercise of the constitutional right to own and possess firearms or ammunition.

~~11. A health care provider or health care facility shall respect a patient's legal right to own or possess a firearm and should refrain from unnecessarily harassing a patient about firearm ownership during an examination.~~

Section 2. Section 790.338, Florida Statutes, is amended to read:

790.338 Medical privacy concerning firearms; discrimination ~~prohibitions~~; penalties~~; exceptions~~.—

~~(1) A health care practitioner licensed under chapter 456 or a health care facility licensed under chapter 395 may not intentionally enter any disclosed information concerning firearm ownership into the patient's medical record if the practitioner knows that such information is not relevant to the patient's medical care or safety, or the safety of others.~~

~~(2) A health care practitioner licensed under chapter 456 or a health care facility licensed under chapter 395 shall respect a patient's right to privacy and should refrain from making a written inquiry or asking questions concerning the ownership of a firearm or ammunition by the patient or by a family member of the patient, or the presence of a firearm in a private home or other domicile of the patient or a family member~~

~~of the patient. Notwithstanding this provision, a health care practitioner or health care facility that in good faith believes that this information is relevant to the patient's medical care or safety, or the safety of others, may make such a verbal or written inquiry.~~

(1)~~(3)~~ Any emergency medical technician or paramedic acting under the supervision of an emergency medical services medical director under chapter 401 may make an inquiry concerning the possession or presence of a firearm if he or she, in good faith, believes that information regarding the possession of a firearm by the patient or the presence of a firearm in the home or domicile of a patient or a patient's family member is necessary to treat a patient during the course and scope of a medical emergency or that the presence or possession of a firearm would pose an imminent danger or threat to the patient or others.

(2)~~(4)~~ A patient may decline to answer or provide any information regarding ownership of a firearm by the patient or a family member of the patient, or the presence of a firearm in the domicile of the patient or a family member of the patient. A patient's decision not to answer a question relating to the presence or ownership of a firearm does not alter existing law regarding a physician's authorization to choose his or her patients.

(3)~~(5)~~ A health care practitioner licensed under chapter 456 or a health care facility licensed under chapter 395 may not discriminate against a patient based solely upon the patient's exercise of the constitutional right to own and possess firearms or ammunition.

~~(6) A health care practitioner licensed under chapter 456 or a health care facility licensed under chapter 395 shall respect a patient's legal right to own or possess a firearm and should refrain from unnecessarily harassing a patient about firearm ownership during an examination.~~

(4)~~(7)~~ An insurer issuing any type of insurance policy pursuant to chapter 627 may not deny coverage, increase any premium, or otherwise discriminate against any insured or applicant for insurance on the basis of or upon reliance upon the lawful ownership or possession of a firearm or ammunition or the lawful use or storage of a firearm or ammunition. Nothing herein shall prevent an insurer from considering the fair market value of firearms or ammunition in the setting of premiums for scheduled personal property coverage.

(5)~~(8)~~ Violations of ~~the provisions of~~ subsections (1) and (2) ~~(1)-(4)~~ constitute grounds for disciplinary action under ss. 456.072(2) and 395.1055.

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

Remove lines 2-3 and insert:

An act relating to medical privacy and free speech in a health care setting; amending s. 381.026, F.S.; conforming provisions in the Florida Patient's Bill of Rights and Responsibilities to changes made by the act; amending s. 790.338, F.S.; deleting provisions relating to patient firearm ownership recordkeeping, inquiry, and harassment by heath care practitioners and facilities; creating s. 456.61, F.S.; prohibiting