By the Committee on Health Care Licensing & Regulation and Representatives Fasano, Ogles, Kelly and Villalobos

1	A bill to be entitled
2	An act relating to termination of pregnancies;
3	amending s. 390.011, F.S.; revising the
4	definition of "abortion clinic"; amending s.
5	390.0112, F.S.; conforming reporting
6	requirements; providing additional penalties
7	for failure to file reports of the number of
8	procedures performed; amending s. 390.014,
9	F.S.; increasing the maximum fee for licensure;
10	providing an effective date.
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12	Be It Enacted by the Legislature of the State of Florida:
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14	Section 1. Subsection (2) of section 390.011, Florida
15	Statutes, 1998 Supplement, is amended to read:
16	390.011 DefinitionsAs used in this chapter, the
17	term:
18	(2) "Abortion clinic" or "clinic" means any facility
19	in which abortions are performed. The term does not include $\div$
20	<del>(a)</del> a hospital <u>.</u> ; or
21	(b) A physician's office, provided that the office is
22	not used primarily for the performance of abortions.
23	Section 2. Section 390.0112, Florida Statutes, is
24	amended to read:
25	390.0112 Termination of pregnancies; reporting:
26	<pre>penalties</pre>
27	(1) The director of any abortion clinic or hospital
28	medical facility in which any pregnancy is terminated shall
29	submit a monthly report which contains the number of
30	procedures performed, the reason for same, and the period of
31	gestation at the time such procedures were performed to the

department. The department shall be responsible for keeping such reports in a central place from which statistical data and analysis can be made.

- (2) If the termination of pregnancy is not performed in a medical facility, the physician performing the procedure shall be responsible for reporting such information as required in subsection (1).
- (2)(3) Reports submitted pursuant to this section shall be confidential and exempt from the provisions of s. 119.07(1) and shall not be revealed except upon the order of a court of competent jurisdiction in a civil or criminal proceeding. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.
- (3)(4) Any person required under this section to file a report or keep any records who willfully fails to file such report or keep such records <u>shall</u> may be subject to <u>the</u> following penalties:
  - (a) A \$200 fine for the first violation.
  - (b) A \$500 fine for the second violation.
- (c) If the violation occurs a third time, the department shall notify the agency of such violation and the agency shall suspend the license of the abortion clinic or hospital each violation.

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The department shall be required to impose such <u>penalties or provide such notification</u> fines when reports or records required under this section have not been timely received. For purposes of this section, timely received is defined as 30 days following the preceding month.

30 Section 3. Subsection (3) of section 390.014, Florida 31 Statutes, is amended to read:

1	390.014 Licenses; fees, display, etc
2	(3) The annual license fee required for a clinic shall
3	be nonrefundable and shall be reasonably calculated to cover
4	the cost of regulation under this chapter, but may not be less
5	than \$35 nor more than <u>\$500</u> <del>\$250</del> .
6	Section 4. This act shall take effect October 1, 1999.
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9	HOUSE SUMMARY
10	Removes language that excludes a physician's office where
11	abortions are performed from the definition of "abortion clinic" or "clinic" in provisions regulating termination
12	of pregnancy. Conforms requirements relating to report of the number of procedures performed in a facility.
13	Provides a \$500 fine for a second violation of reporting requirements, and provides for suspension of the license
14	of an abortion clinic or hospital for a third violation. Increases the maximum annual license fee for an abortion
15	clinic from \$250 to \$500.
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