

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.

11  
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 Definitions.--As 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:

20           ~~(a) a hospital.~~ 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 penalties.--

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

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

4 ~~(2) If the termination of pregnancy is not performed~~  
5 ~~in a medical facility, the physician performing the procedure~~  
6 ~~shall be responsible for reporting such information as~~  
7 ~~required in subsection (1).~~

8 (2)~~(3)~~ Reports submitted pursuant to this section  
9 shall be confidential and exempt from the provisions of s.  
10 119.07(1) and shall not be revealed except upon the order of a  
11 court of competent jurisdiction in a civil or criminal  
12 proceeding. This exemption is subject to the Open Government  
13 Sunset Review Act in accordance with s. 119.14.

14 (3)~~(4)~~ Any person required under this section to file  
15 a report or keep any records who willfully fails to file such  
16 report or keep such records shall ~~may~~ be subject to the  
17 following penalties:

18 (a) A \$200 fine for the first violation.

19 (b) A \$500 fine for the second violation.

20 (c) If the violation occurs a third time, the  
21 department shall notify the agency of such violation and the  
22 agency shall suspend the license of the abortion clinic or  
23 hospital each violation.

24  
25 The department shall be required to impose such penalties or  
26 provide such notification fines when reports or records  
27 required under this section have not been timely received. For  
28 purposes of this section, timely received is defined as 30  
29 days following the preceding month.

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

