

By Senator Clary

12-927A-99

1 A bill to be entitled
2 An act relating to termination of pregnancies;
3 amending s. 390.011, F.S.; redefining the term
4 "abortion clinic"; amending s. 390.0112, F.S.;
5 conforming reporting requirements; providing
6 penalties for failing to file reports; amending
7 s. 390.014, F.S.; increasing the maximum
8 licensure fee; providing an effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Subsection (2) of section 390.011, Florida
13 Statutes, 1998 Supplement, is amended to read:

14 390.011 Definitions.--As used in this chapter, the
15 term:

16 (2) "Abortion clinic" or "clinic" means any facility
17 in which abortions are performed. The term does not include+
18 ~~(a) a hospital; or~~
19 ~~(b) A physician's office, provided that the office is~~
20 ~~not used primarily for the performance of abortions.~~

21 Section 2. Section 390.0112, Florida Statutes, is
22 amended to read:

23 390.0112 Termination of pregnancies; reporting;
24 penalties.--

25 (1) The director of any abortion clinic or hospital
26 ~~medical facility~~ in which any pregnancy is terminated shall
27 submit a monthly report which contains the number of
28 procedures performed, the reason for same, and the period of
29 gestation at the time such procedures were performed to the
30 department. The department shall be responsible for keeping

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1 such reports in a central place from which statistical data
2 and analysis can be made.

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

7 (2)(3) Reports submitted pursuant to this section
8 shall be confidential and exempt from the provisions of s.
9 119.07(1) and shall not be revealed except upon the order of a
10 court of competent jurisdiction in a civil or criminal
11 proceeding. This exemption is subject to the Open Government
12 Sunset Review Act in accordance with s. 119.14.

13 (3)(4) Any person required under this section to file
14 a report or keep any records who willfully fails to file such
15 report or keep such records is ~~may be~~ subject to the following
16 penalties:

17 (a) A \$200 fine for the first ~~each~~ violation.

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

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

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

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

31 390.014 Licenses; fees, display, etc.--

1 (3) The annual license fee required for a clinic shall
2 be nonrefundable and shall be reasonably calculated to cover
3 the cost of regulation under this chapter, but may not be less
4 than \$35 nor more than \$500~~\$250~~.

5 Section 4. This act shall take effect July 1, 1999.

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SENATE SUMMARY

Redefines the term "abortion clinic" as used in ch. 390,
F.S. Provides mandatory penalties for failing to file
reports on termination of pregnancy procedures. Increases
the maximum amount of the annual license fee for an
abortion clinic.