

By the Council for Healthy Communities and Representatives  
 Bean, Kilmer, Murman, Ball, Davis, Hogan, Arza, Haridopolos,  
 Stansel, Cantens, Baker, Maygarden, Melvin, Ross, Brown,  
 Harrington, Fasano, Littlefield, Brummer and Bilirakis

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A bill to be entitled  
 An act relating to health care; creating the  
 "Women's Health and Safety Act"; amending s.  
 390.0112, F.S.; revising requirements for  
 reporting by medical directors and physicians  
 of terminations of pregnancies; providing a  
 penalty; providing for disciplinary action for  
 successive failures to report; amending s.  
 390.012, F.S.; revising requirements for rules  
 of the Agency for Health Care Administration  
 relating to abortions performed in abortion  
 clinics; providing for rules regarding  
 abortions performed after the first trimester  
 of pregnancy; requiring abortion clinics to  
 develop policies to protect the health, care,  
 and treatment of patients; providing an  
 effective date.

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

Section 1. This act may be cited as the "Women's  
 Health and Safety Act."

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

390.0112 Termination of pregnancies; reporting.--

(1) The director of any medical facility in which any  
 pregnancy is terminated shall submit a monthly report to the  
 agency, on a form developed by the agency. The report shall  
 contain information regarding each category reported in the  
 Centers for Disease Control and Prevention Surveillance  
 Summary on Abortion ~~which contains the number of procedures~~

1 ~~performed, the reason for same, and the period of gestation at~~  
2 ~~the time such procedures were performed to the agency.~~ The  
3 agency shall be responsible for keeping such reports in a  
4 central place from which statistical data and analysis can be  
5 made.

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

10 (3) Reports submitted pursuant to this section shall  
11 be confidential and exempt from the provisions of s. 119.07(1)  
12 and shall not be revealed except upon the order of a court of  
13 competent jurisdiction in a civil or criminal proceeding.

14 (4) Any person required under this section to file a  
15 report or keep any records who willfully fails to file such  
16 report or keep such records may be subject to a \$200 fine for  
17 each violation. The agency shall be required to impose such  
18 fines when reports or records required under this section have  
19 not been timely received. For purposes of this section,  
20 "timely received" is defined as 30 days following the  
21 preceding month. Upon successive failures to file, the  
22 licensee shall be subject to disciplinary action by the  
23 licensing authority.

24 Section 3. Subsection (1) of section 390.012, Florida  
25 Statutes, is amended to read:

26 390.012 Powers of agency; rules; disposal of fetal  
27 remains.--

28 (1) The agency shall have the authority to develop and  
29 enforce rules for the health, care, and treatment of persons  
30 in abortion clinics and for the safe operation of such  
31 clinics. For clinics that perform abortions in the first

1 trimester of pregnancy only, the ~~These~~ rules shall be  
2 comparable to rules that ~~which~~ apply to all surgical  
3 procedures requiring approximately the same degree of skill  
4 and care as the performance of first trimester abortions. For  
5 clinics that perform or claim to perform abortions after the  
6 first trimester of pregnancy, the rules shall be comparable to  
7 rules that apply to all surgical procedures requiring  
8 approximately the same degree of skill and care as the  
9 performance of abortions after the first trimester.The rules  
10 shall be reasonably related to the preservation of maternal  
11 health of the clients. The rules shall be in accordance with  
12 s. 797.03 and shall not impose an unconstitutional ~~a legally~~  
13 ~~significant~~ burden on a woman's freedom to decide whether to  
14 terminate her pregnancy. The rules shall provide for:

15 (a) The performance of pregnancy termination  
16 procedures only by a licensed physician. Abortion clinics  
17 shall develop, promulgate, and enforce policies to protect the  
18 health, care, and treatment of patients, including policies  
19 relating to obtaining the informed consent of the patient and  
20 to postoperative care of patients suffering complications from  
21 an abortion.

22 (b) The making, protection, and preservation of  
23 patient records, which shall be treated as medical records  
24 under chapter 458.

25 Section 4. This act shall take effect July 1, 2002.  
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