

1                                   A bill to be entitled  
2           An act relating to abortion clinics; amending ss.  
3           390.014 and 390.015, F.S.; providing applicability to  
4           abortion clinics of the licensing requirements for  
5           hospitals, ambulatory surgical centers, and mobile  
6           surgical facilities under part I of chapter 395, F.S.;  
7           amending s. 390.018, F.S.; conforming provisions  
8           relating to administrative fines; amending s. 395.001,  
9           F.S.; revising legislative intent relating to  
10          licensure of health facilities; amending s. 395.002,  
11          F.S.; revising definitions; amending s. 395.003, F.S.;  
12          providing applicability of licensing requirements of  
13          chapter 395, F.S., to abortion clinics; amending s.  
14          395.0163, F.S.; requiring abortion clinics to submit  
15          construction plans to the Agency for Health Care  
16          Administration for review; amending s. 395.1055, F.S.;  
17          authorizing the agency to provide separate standards  
18          relating to rulemaking for abortion clinics; providing  
19          for preemption of authority with respect to  
20          construction standards for abortion clinics to the  
21          Florida Building Code; requiring the agency to provide  
22          technical assistance to update certain construction  
23          standards; amending s. 395.10973, F.S.; authorizing  
24          the agency to enforce specified provisions of the  
25          Florida Building Code; amending ss. 408.802 and  
26          408.820, F.S.; providing conforming changes; providing

27 an effective date.

28

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

30

31 Section 1. Section 390.014, Florida Statutes, is amended  
32 to read:

33 390.014 Licenses; fees.—

34 (1) The requirements of part II of chapter 408 shall apply  
35 to the provision of services that require licensure pursuant to  
36 part I of chapter 395 ~~ss. 390.011-390.018~~ and part II of chapter  
37 408 and to entities licensed by or applying for such licensure  
38 from the Agency for Health Care Administration pursuant to part  
39 I of chapter 395 ~~ss. 390.011-390.018~~. A license issued by the  
40 agency is required in order to operate a clinic in this state.

41 (2) A separate license shall be required for each clinic  
42 maintained on separate premises, even though it is operated by  
43 the same management as another clinic; but a separate license  
44 shall not be required for separate buildings on the same  
45 premises.

46 (3) In accordance with s. 408.805, an applicant or  
47 licensee shall pay a fee for each license application submitted  
48 under part I of chapter 395 ~~this chapter~~ and part II of chapter  
49 408. The amount of the fee shall be established by rule and may  
50 not be less than \$70 or more than \$500.

51 (4) Counties and municipalities applying for licenses  
52 under this act shall be exempt from the payment of the license

53 fees.

54 Section 2. Section 390.015, Florida Statutes, is amended  
55 to read:

56 390.015 Application for license.—In addition to the  
57 requirements of part I of chapter 395 and part II of chapter  
58 408, an application for a license to operate an abortion clinic  
59 shall be made to the agency and must include the location of the  
60 clinic for which application is made and a statement that local  
61 zoning ordinances permit such location.

62 Section 3. Section 390.018, Florida Statutes, is amended  
63 to read:

64 390.018 Administrative fine.—In addition to the  
65 requirements of part I of chapter 395 and part II of chapter  
66 408, the agency may impose a fine upon the clinic in an amount  
67 not to exceed \$1,000 for each violation of any provision of this  
68 chapter, part I of chapter 395, part II of chapter 408, or  
69 applicable rules.

70 Section 4. Section 395.001, Florida Statutes, is amended  
71 to read:

72 395.001 Legislative intent.—It is the intent of the  
73 Legislature to provide for the protection of public health and  
74 safety in the establishment, construction, maintenance, and  
75 operation of hospitals, ambulatory surgical centers, abortion  
76 clinics, and mobile surgical facilities by providing for  
77 licensure of same and for the development, establishment, and  
78 enforcement of minimum standards with respect thereto.

79 Section 5. Subsections (3), (16), and (23) of section  
 80 395.002, Florida Statutes, are amended to read:

81 395.002 Definitions.—As used in this chapter:

82 (3) "Ambulatory surgical center," "abortion clinic," or  
 83 "mobile surgical facility" means a facility the primary purpose  
 84 of which is to provide elective surgical care, in which the  
 85 patient is admitted to and discharged from such facility within  
 86 the same working day and is not permitted to stay overnight, and  
 87 which is not part of a hospital. However, ~~a facility existing~~  
 88 ~~for the primary purpose of performing terminations of pregnancy,~~  
 89 an office maintained by a physician for the practice of  
 90 medicine, or an office maintained for the practice of dentistry  
 91 may shall not be construed to be an ambulatory surgical center.  
 92 An, ~~provided that any facility or office that~~ which is certified  
 93 or seeks certification as a Medicare ambulatory surgical center  
 94 shall be licensed as an ambulatory surgical center pursuant to  
 95 s. 395.003. Any structure or vehicle in which a physician  
 96 maintains an office and practices surgery, and which can appear  
 97 to the public to be a mobile office because the structure or  
 98 vehicle operates at more than one address, shall be construed to  
 99 be a mobile surgical facility.

100 (16) "Licensed facility" means a hospital, ambulatory  
 101 surgical center, abortion clinic, or mobile surgical facility  
 102 licensed in accordance with this chapter.

103 (23) "Premises" means those buildings, beds, and equipment  
 104 located at the address of the licensed facility and all other

105 buildings, beds, and equipment for the provision of hospital,  
106 ambulatory surgical, or mobile surgical care or for the  
107 performance of abortions located in such reasonable proximity to  
108 the address of the licensed facility as to appear to the public  
109 to be under the dominion and control of the licensee. For any  
110 licensee that is a teaching hospital as defined in s.  
111 408.07(45), reasonable proximity includes any buildings, beds,  
112 services, programs, and equipment under the dominion and control  
113 of the licensee that are located at a site with a main address  
114 that is within 1 mile of the main address of the licensed  
115 facility; and all such buildings, beds, and equipment may, at  
116 the request of a licensee or applicant, be included on the  
117 facility license as a single premises.

118 Section 6. Paragraphs (a) and (b) of subsection (1) of  
119 section 395.003, Florida Statutes, are amended to read:

120 395.003 Licensure; denial, suspension, and revocation.—

121 (1) (a) The requirements of part II of chapter 408 apply to  
122 the provision of services that require licensure pursuant to ss.  
123 395.001-395.1065 and part II of chapter 408 and to entities  
124 licensed by or applying for such licensure from the Agency for  
125 Health Care Administration pursuant to ss. 395.001-395.1065. A  
126 license issued by the agency is required in order to operate a  
127 hospital, ambulatory surgical center, abortion clinic, or mobile  
128 surgical facility in this state.

129 (b)1. It is unlawful for a person to use or advertise to  
130 the public, in any way or by any medium whatsoever, any facility

131 as a "hospital," "ambulatory surgical center," "abortion  
 132 clinic," or "mobile surgical facility" unless such facility has  
 133 first secured a license under the provisions of this part.

134 2. This part does not apply to veterinary hospitals or to  
 135 commercial business establishments using the word "hospital,"  
 136 "ambulatory surgical center," "abortion clinic," or "mobile  
 137 surgical facility" as a part of a trade name if no treatment of  
 138 human beings is performed on the premises of such  
 139 establishments.

140 Section 7. Paragraph (b) of subsection (1) of section  
 141 395.0163, Florida Statutes, is amended to read:

142 395.0163 Construction inspections; plan submission and  
 143 approval; fees.—

144 (1)

145 (b) All outpatient facilities that provide surgical  
 146 treatments requiring general anesthesia or IV conscious  
 147 sedation, that provide cardiac catheterization services, or that  
 148 are to be licensed as ambulatory surgical centers or abortion  
 149 clinics shall submit plans and specifications to the agency for  
 150 review under this section. All other outpatient facilities must  
 151 be reviewed under this section, except that those that are  
 152 physically detached from, and have no utility connections with,  
 153 the hospital and that do not block emergency egress from or  
 154 create a fire hazard to the hospital are exempt from review  
 155 under this section. This paragraph applies to applications for  
 156 which review is pending on or after July 1, 1998.

157 Section 8. Subsections (2) and (8) of section 395.1055,  
 158 Florida Statutes, are amended to read:

159 395.1055 Rules and enforcement.—

160 (2) Separate standards may be provided for general and  
 161 specialty hospitals, ambulatory surgical centers, abortion  
 162 clinics, mobile surgical facilities, and statutory rural  
 163 hospitals as defined in s. 395.602.

164 (8) The agency may not adopt any rule governing the  
 165 design, construction, erection, alteration, modification,  
 166 repair, or demolition of any public or private hospital,  
 167 intermediate residential treatment facility, ~~or~~ ambulatory  
 168 surgical center, or abortion clinic. It is the intent of the  
 169 Legislature to preempt that function to the Florida Building  
 170 Commission and the State Fire Marshal through adoption and  
 171 maintenance of the Florida Building Code and the Florida Fire  
 172 Prevention Code. However, the agency shall provide technical  
 173 assistance to the commission and the State Fire Marshal in  
 174 updating the construction standards of the Florida Building Code  
 175 and the Florida Fire Prevention Code which govern hospitals,  
 176 intermediate residential treatment facilities, ~~and~~ ambulatory  
 177 surgical centers, and abortion clinics.

178 Section 9. Subsection (8) of section 395.10973, Florida  
 179 Statutes, is amended to read:

180 395.10973 Powers and duties of the agency.—It is the  
 181 function of the agency to:

182 (8) Enforce the special-occupancy provisions of the

183 Florida Building Code which apply to hospitals, intermediate  
184 residential treatment facilities, ~~and~~ ambulatory surgical  
185 centers, and abortion clinics in conducting any inspection  
186 authorized by this chapter and part II of chapter 408.

187 Section 10. Subsection (3) of section 408.802, Florida  
188 Statutes, is amended to read:

189 408.802 Applicability.—The provisions of this part apply  
190 to the provision of services that require licensure as defined  
191 in this part and to the following entities licensed, registered,  
192 or certified by the agency, as described in chapters 112, 383,  
193 390, 394, 395, 400, 429, 440, 483, and 765:

194 (3) Abortion clinics, as provided under part I of chapter  
195 395 ~~chapter 390~~.

196 Section 11. Subsection (3) of section 408.820, Florida  
197 Statutes, is amended to read:

198 408.820 Exemptions.—Except as prescribed in authorizing  
199 statutes, the following exemptions shall apply to specified  
200 requirements of this part:

201 (3) Abortion clinics, as provided under part I of chapter  
202 395 ~~chapter 390~~, are exempt from s. 408.810(7)-(10).

203 Section 12. This act shall take effect July 1, 2016.