

1                                   A bill to be entitled  
2           An act relating to advanced birth centers; amending s.  
3           383.30, F.S.; revising the short title; amending s.  
4           383.301, F.S.; providing applicability of licensure  
5           requirements under pt. II of ch. 408, F.S., to  
6           advanced birth centers; amending s. 383.302, F.S.;  
7           defining the term "advanced birth center"; revising  
8           definitions; amending s. 383.305, F.S.; providing  
9           applicability of licensure fee requirements to  
10          advanced birth centers; amending s. 383.307, F.S.;  
11          providing for administration of advance birth centers;  
12          creating s. 383.3081, F.S.; providing requirements for  
13          advanced birth center facilities and equipment;  
14          amending s. 383.309, F.S.; providing minimum standards  
15          for advanced birth centers; authorizing the Agency for  
16          Health Care Administration to enforce specified  
17          provisions of the Florida Building Code and the  
18          Florida Fire Prevention Code; amending s. 383.3105,  
19          F.S.; providing applicability of adoption protocols  
20          for staff of an advanced birth center; amending s.  
21          383.311, F.S.; providing for the education and  
22          orientation of advanced birth center clients and their  
23          families; amending s. 383.312, F.S.; providing for an  
24          advanced birth center to offer prenatal care; amending  
25          s. 383.313, F.S.; providing for laboratory and

26 surgical services at a birth center; creating s.  
27 383.3131, F.S.; providing requirements for laboratory  
28 and surgical services at an advanced birth center;  
29 providing conditions for administration of anesthesia;  
30 authorizing the intrapartum use of chemical agents;  
31 amending s. 383.315, F.S.; requiring an advanced birth  
32 center to employ or maintain an agreement with an  
33 obstetrician under certain circumstances; amending s.  
34 383.316, F.S.; requiring an advanced birth center to  
35 provide for transport of emergency patients to a  
36 hospital; amending s. 383.318, F.S.; providing  
37 protocols for postpartum care of clients and infants;  
38 providing requirements for followup care; amending s.  
39 383.324, F.S.; requiring an advanced birth center to  
40 pay an inspection fee to the agency; amending s.  
41 383.327, F.S.; requiring an advanced birth center to  
42 provide reports of all births and deaths occurring at  
43 the center; requiring reports to the agency; amending  
44 s. 383.33, F.S.; providing for fines, administrative  
45 penalties, and moratoriums; amending s. 383.332, F.S.;  
46 providing a criminal penalty for operating an  
47 unlicensed advanced birth center; amending s. 408.033,  
48 F.S.; providing applicability of an assessment to  
49 advanced birth centers; amending s. 408.07, F.S.;  
50 defining the term "advanced birth center"; amending s.

51 408.802, F.S.; providing applicability of licensure  
52 requirements under pt. II of ch. 408, F.S., to  
53 advanced birth centers; amending s. 408.820, F.S.;  
54 exempting advanced birth centers from certain  
55 licensure requirements under pt. II of ch. 408, F.S.;  
56 amending s. 465.003, F.S.; revising the definition of  
57 the term "institutional pharmacy" to include  
58 pharmacies located in advanced birth centers; amending  
59 s. 465.019, F.S.; revising the definition of the term  
60 "modified Class II institutional pharmacies" to  
61 include pharmacies located in advanced birth centers;  
62 providing an effective date.

63  
64 Be It Enacted by the Legislature of the State of Florida:

65  
66 Section 1. Section 383.30, Florida Statutes, is amended to  
67 read:

68 383.30 Birth Center and Advanced Birth Center Licensure  
69 Act; short title.—Sections 383.30–383.335 shall be known and may  
70 be cited as the "Birth Center and Advanced Birth Center  
71 Licensure Act."

72 Section 2. Section 383.301, Florida Statutes, is amended  
73 to read:

74 383.301 Licensure and regulation of birth centers and  
75 advanced birth centers; legislative intent.—It is the intent of

76 | the Legislature to provide for the protection of public health  
 77 | and safety in the establishment, maintenance, and operation of  
 78 | birth centers and advanced birth centers by providing for  
 79 | licensure of birth centers and advanced birth centers and for  
 80 | the development, establishment, and enforcement of minimum  
 81 | standards with respect to birth centers and advanced birth  
 82 | centers. The requirements of part II of chapter 408 shall apply  
 83 | to the provision of services that require licensure pursuant to  
 84 | ss. 383.30-383.335 and part II of chapter 408 and to entities  
 85 | licensed by or applying for such licensure from the Agency for  
 86 | Health Care Administration pursuant to ss. 383.30-383.335. A  
 87 | license issued by the agency is required in order to operate a  
 88 | birth center or an advanced birth center in this state.

89 | Section 3. Subsections (1) through (10) of section  
 90 | 383.302, Florida Statutes, are renumbered as subsections (2)  
 91 | through (11), respectively, present subsections (3), (4), and  
 92 | (5) are amended, and a new subsection (1) is added to that  
 93 | section, to read:

94 | 383.302 Definitions of terms used in ss. 383.30-383.335.—  
 95 | As used in ss. 383.30-383.335, the term:

96 | (1) "Advanced birth center" means a birth center that may  
 97 | perform trial of labor after cesarean deliveries for screened  
 98 | patients that qualify, planned low-risk cesarean deliveries, and  
 99 | anticipated vaginal deliveries for laboring patients from the  
 100 | beginning of the 37th week of gestation through the end of the

101 41st week of gestation.

102 ~~(4)~~~~(3)~~ "Clinical staff" means individuals employed full  
103 time or part time by a birth center or an advanced birth center  
104 who are licensed or certified to provide care at childbirth.

105 ~~(5)~~~~(4)~~ "Consultant" means a physician licensed pursuant to  
106 chapter 458 or chapter 459 who agrees to provide advice and  
107 services to a birth center or an advanced birth center and who  
108 either:

109 (a) Is certified or eligible for certification by the  
110 American Board of Obstetrics and Gynecology, or

111 (b) Has hospital obstetrical privileges.

112 ~~(6)~~~~(5)~~ "Governing body" means any individual, group,  
113 corporation, or institution which is responsible for the overall  
114 operation and maintenance of a birth center or an advanced birth  
115 center.

116 Section 4. Section 383.305, Florida Statutes, is amended  
117 to read:

118 383.305 Licensure; fees.—

119 (1) In accordance with s. 408.805, an applicant for  
120 licensure as a birth center or an advanced birth center or a  
121 licensee shall pay a fee for each license application submitted  
122 under ss. 383.30-383.335 and part II of chapter 408. The amount  
123 of the fee shall be established by rule.

124 (2) Each applicant for licensure and each licensee must  
125 comply with the requirements of this chapter and part II of

126 chapter 408.

127 Section 5. Section 383.307, Florida Statutes, is amended  
128 to read:

129 383.307 Administration of birth center and advanced birth  
130 center.—

131 (1) Each birth center and advanced birth center shall have  
132 a governing body which is responsible for the overall operation  
133 and maintenance of the ~~birth~~ center.

134 (a) The governing body shall develop and display a table  
135 of organization which shows the structure of the birth center or  
136 advanced birth center and identifies the governing body, the  
137 ~~birth center~~ director, the clinical director, the clinical  
138 staff, and the medical consultant.

139 (b) The governing body shall develop and make available to  
140 staff, clinicians, consultants, and licensing authorities a  
141 manual which documents policies, procedures, and protocols,  
142 including the roles and responsibilities of all personnel.

143 (2) There shall be an adequate number of licensed  
144 personnel to provide clinical services needed by mothers and  
145 newborns and a sufficient number of qualified personnel to  
146 provide services for families and to maintain the birth center  
147 or the advanced birth center.

148 (3) All clinical staff members and consultants shall hold  
149 current licenses from this state to practice their respective  
150 disciplines.

151 (4) Clinical staff members and consultants shall adopt  
152 bylaws which are subject to the approval of the governing body  
153 and which shall include recommendations for clinical staff or  
154 consultation appointments, delineation of clinical privileges,  
155 and the organization of the clinical staff.

156 Section 6. Section 383.3081, Florida Statutes, is created  
157 to read:

158 383.3081 Advanced birth center facility and equipment;  
159 requirements.-

160 (1) An advanced birth center shall meet all of the  
161 requirements of s. 383.308.

162 (2) An advanced birth center shall be operated and staffed  
163 24 hours per day, 7 days per week.

164 (3) Each advanced birth center shall have at least one  
165 properly equipped, dedicated surgical suite for the performance  
166 of cesarean deliveries.

167 Section 7. Section 383.309, Florida Statutes, is amended  
168 to read:

169 383.309 Minimum standards for birth centers and advanced  
170 birth centers; rules and enforcement.-

171 (1) The agency shall adopt and enforce rules to administer  
172 ss. 383.30-383.335 and part II of chapter 408, which rules shall  
173 include, but are not limited to, reasonable and fair minimum  
174 standards for ensuring that:

175 (a) Sufficient numbers and qualified types of personnel

176 and occupational disciplines are available at all times to  
177 provide necessary and adequate patient care and safety.

178 (b) Infection control, housekeeping, sanitary conditions,  
179 disaster plan, and medical record procedures that will  
180 adequately protect patient care and provide safety are  
181 established and implemented.

182 (c) Licensed facilities are established, organized, and  
183 operated consistent with established programmatic standards.

184 (2) Minimum standards adopted by rule for advanced birth  
185 centers must be equivalent to the minimum standards adopted for  
186 ambulatory surgical centers pursuant to s. 395.1055 and shall  
187 include sanitary conditions for food handling and food service.

188 (3)~~(2)~~ The agency may not establish any rule governing the  
189 design, construction, erection, alteration, modification,  
190 repair, or demolition of birth centers or advanced birth  
191 centers. It is the intent of the Legislature to preempt that  
192 function to the Florida Building Commission and the State Fire  
193 Marshal through adoption and maintenance of the Florida Building  
194 Code and the Florida Fire Prevention Code. However, the agency  
195 shall provide technical assistance to the commission and the  
196 State Fire Marshal in updating the construction standards of the  
197 Florida Building Code and the Florida Fire Prevention Code which  
198 govern birth centers and advanced birth centers. In addition,  
199 the agency may enforce the special-occupancy provisions of the  
200 Florida Building Code and the Florida Fire Prevention Code which



201 apply to birth centers or advanced birth centers in conducting  
202 any inspection authorized under this chapter or part II of  
203 chapter 408. At a minimum, advanced birth centers must comply  
204 with the Florida Building Code and Florida Fire Prevention Code  
205 standards for ambulatory surgical centers.

206 Section 8. Section 383.3105, Florida Statutes, is amended  
207 to read:

208 383.3105 Patients consenting to adoptions; protocols.—

209 (1) Each licensed birth center and advanced birth center  
210 ~~facility~~ shall adopt a protocol that at a minimum provides for  
211 birth center and advanced birth center ~~facility~~ staff to be  
212 knowledgeable of the waiting periods, revocation and the  
213 contents of the consent to adoption as contained in s.  
214 63.082(4), and describes the supportive and unbiased manner in  
215 which ~~facility~~ staff will interact with birth parents and  
216 prospective adoptive parents regarding the adoption, in  
217 particular during the waiting period required in s. 63.082(4)(b)  
218 before consenting to an adoption.

219 (2) The protocol shall be in writing and be provided upon  
220 request to any birth parent or prospective adoptive parent of a  
221 child born in the birth center and advanced birth center  
222 ~~facility~~.

223 Section 9. Section 383.311, Florida Statutes, is amended  
224 to read:

225 383.311 Education and orientation for birth center and

226 | advanced birth center clients and their families.—

227 |       (1) The clients and their families shall be fully informed  
 228 | of the policies and procedures of the birth center or advanced  
 229 | birth center, including, but not limited to, policies and  
 230 | procedures on:

231 |       (a) The selection of clients.

232 |       (b) The expectation of self-help and family/client  
 233 | relationships.

234 |       (c) The qualifications of the clinical staff.

235 |       (d) The transfer to secondary or tertiary care.

236 |       (e) The philosophy of childbirth care and the scope of  
 237 | services.

238 |       (f) The customary length of stay after delivery.

239 |       (2) The clients shall be prepared for childbirth and  
 240 | childbearing by education in:

241 |       (a) The course of pregnancy and normal changes occurring  
 242 | during pregnancy.

243 |       (b) The need for prenatal care.

244 |       (c) Nutrition, including encouragement of breastfeeding.

245 |       (d) The effects of smoking and substance abuse.

246 |       (e) Labor and delivery.

247 |       (f) The care of the newborn to include safe sleep  
 248 | practices and the possible causes of Sudden Unexpected Infant  
 249 | Death.

250 |       Section 10. Section 383.312, Florida Statutes, is amended

251 to read:

252 383.312 Prenatal care of birth center and advanced birth  
 253 center clients.—

254 (1) A birth center and an advanced birth center shall  
 255 ensure that their ~~its~~ clients have adequate prenatal care, as  
 256 defined by the agency, and shall ensure that serological tests  
 257 are administered as required by this chapter.

258 (2) Records of prenatal care shall be maintained for each  
 259 client and shall be available during labor and delivery.

260 Section 11. Section 383.313, Florida Statutes, is amended  
 261 to read:

262 383.313 Birth center performance of laboratory and  
 263 surgical services; use of anesthetic and chemical agents.—

264 (1) LABORATORY SERVICES.—A birth center may collect  
 265 specimens for those tests that are requested under protocol. A  
 266 birth center may perform simple laboratory tests, as defined by  
 267 rule of the agency, and is exempt from the requirements of  
 268 chapter 483, provided no more than five physicians are employed  
 269 by the birth center and testing is conducted exclusively in  
 270 connection with the diagnosis and treatment of clients of the  
 271 birth center.

272 (2) SURGICAL SERVICES.—Surgical procedures shall be  
 273 limited to those normally performed during uncomplicated  
 274 childbirths, such as episiotomies and repairs and may ~~shall~~ not  
 275 include operative obstetrics or caesarean sections.

276 (3) ADMINISTRATION OF ANALGESIA AND ANESTHESIA.—General  
 277 and conduction anesthesia may not be administered at a birth  
 278 center. Systemic analgesia may be administered, and local  
 279 anesthesia for pudendal block and episiotomy repair may be  
 280 performed if procedures are outlined by the clinical staff and  
 281 performed by personnel with statutory authority to do so.

282 (4) INTRAPARTAL USE OF CHEMICAL AGENTS.—Labor may not be  
 283 inhibited, stimulated, or augmented with chemical agents during  
 284 the first or second stage of labor unless prescribed by  
 285 personnel with statutory authority to do so and unless in  
 286 connection with and prior to emergency transport.

287 Section 12. Section 383.3131, Florida Statutes, is created  
 288 to read:

289 383.3131 Advanced birth center performance of laboratory  
 290 and surgical services; use of anesthetic and chemical agents.—

291 (1) LABORATORY SERVICES.—An advanced birth center may  
 292 collect specimens for those tests that are requested under  
 293 protocol. An advanced birth center may perform laboratory tests,  
 294 as defined by rule of the agency. Laboratories located in  
 295 advanced birth centers must be licensed as a clinical laboratory  
 296 under chapter 483.

297 (2) SURGICAL SERVICES.—In addition to surgical procedures  
 298 authorized pursuant to s. 383.313(2), surgical procedures are  
 299 limited to uncomplicated cesarean section deliveries and  
 300 surgical management of immediate complications. Postpartum

301 sterilization may be performed prior to discharge of the patient  
 302 who has given birth during that admission. Circumcisions may be  
 303 performed prior to discharge of the newborn infant.

304 (3) ADMINISTRATION OF ANALGESIA AND ANESTHESIA.—General,  
 305 conduction, and local anesthesia may be administered at an  
 306 advanced birth center if administered by personnel with the  
 307 statutory authority to do so. All general anesthesia shall be  
 308 administered by an anesthesiologist or a certified registered  
 309 nurse anesthetist in accordance with s. 464.012. When general  
 310 anesthesia is administered, a physician or a certified  
 311 registered nurse anesthetist shall be present in the advanced  
 312 birth center during the anesthesia and postanesthesia recovery  
 313 period until the patient is fully alert.

314 (4) INTRAPARTAL USE OF CHEMICAL AGENTS.—Labor may be  
 315 inhibited, stimulated, or augmented with chemical agents during  
 316 the first or second stage of labor at an advanced birth center  
 317 if prescribed by personnel with statutory authority to do so.  
 318 Labor may be electively induced beginning at the 39th week of  
 319 gestation for a patient with a documented Bishop score of 8 or  
 320 greater.

321 Section 13. Section 383.315, Florida Statutes, is amended  
 322 to read:

323 383.315 Agreements with consultants for advice or  
 324 services; maintenance.—

325 (1) A birth center and an advanced birth center shall

326 maintain in writing a consultation agreement, signed within the  
327 current license period, with each consultant who has agreed to  
328 provide advice and services to the birth center and advanced  
329 birth center as requested.

330 (2) Consultation may be provided onsite or by telephone,  
331 as required by clinical and geographic conditions.

332 (3) An advanced birth center shall either employ or  
333 maintain an agreement with an obstetrician to be available to  
334 attend and available to perform cesarean section deliveries,  
335 when necessary.

336 Section 14. Section 383.316, Florida Statutes, is amended  
337 to read:

338 383.316 Transfer and transport of clients to hospitals.—

339 (1) If unforeseen complications arise during labor,  
340 delivery, or postpartum recovery, the client shall be  
341 transferred to a hospital.

342 (2) Each licensed birth center or advanced birth center  
343 ~~facility~~ shall make arrangements with a local ambulance service  
344 licensed under chapter 401 for the transport of emergency  
345 patients to a hospital. Such arrangements shall be documented in  
346 the policy and procedures center's manual ~~of the facility~~ if the  
347 birth center or advanced birth center does not own or operate a  
348 licensed ambulance. The policy and procedures manual shall also  
349 contain specific protocols for the transfer of any patient to a  
350 licensed hospital.

351 (3) A licensed birth center or advanced birth center  
 352 ~~facility~~ shall identify neonatal-specific transportation  
 353 services, including ground and air ambulances; list their  
 354 particular qualifications; and have the telephone numbers for  
 355 access to these services clearly listed and immediately  
 356 available.

357 (4) The birth center or advanced birth center shall assess  
 358 and document ~~Annual assessments of~~ the transportation services  
 359 and transfer protocols annually ~~shall be made and documented.~~

360 Section 15. Section 383.318, Florida Statutes, is amended  
 361 to read:

362 383.318 Postpartum care for birth center and advanced  
 363 birth center clients and infants.—

364 (1) A mother and her infant shall be dismissed from a ~~the~~  
 365 birth center within 24 hours after the birth of the infant,  
 366 except in unusual circumstances as defined by rule of the  
 367 agency. If a mother or an infant is retained at the birth center  
 368 for more than 24 hours after the birth, a report shall be filed  
 369 with the agency within 48 hours of the birth describing the  
 370 circumstances and the reasons for the decision.

371 (2) (a) A mother and her infant shall be discharged from an  
 372 advanced birth center within 48 hours after the birth of the  
 373 infant for a vaginal delivery and within 72 hours when delivery  
 374 is by cesarean section, except in unusual circumstances defined  
 375 by rule of the agency.

376           (b) If a mother or an infant is retained at the advanced  
 377 birth center for more than the timeframes set forth in paragraph  
 378 (a), a report shall be filed with the agency within 48 hours  
 379 after the scheduled discharge time describing the circumstances  
 380 and the reasons for the decision.

381           (3)~~(2)~~ A prophylactic shall be instilled in the eyes of  
 382 each newborn in accordance with s. 383.04.

383           (4)~~(3)~~ Postpartum evaluation and followup care shall be  
 384 provided, which shall include:

- 385           (a) Physical examination of the infant.
- 386           (b) Metabolic screening tests required by s. 383.14.
- 387           (c) Referral to sources for pediatric care.
- 388           (d) Maternal postpartum assessment.
- 389           (e) Instruction in child care, including immunization,  
 390 breastfeeding, safe sleep practices, and possible causes of  
 391 Sudden Unexpected Infant Death.
- 392           (f) Family planning services.
- 393           (g) Referral to secondary or tertiary care, as indicated.

394           Section 16. Section 383.324, Florida Statutes, is amended  
 395 to read:

396           383.324 Inspections and investigations; inspection fees.—  
 397 Each birth center and advanced birth center ~~facility~~ licensed  
 398 under s. 383.305 shall pay to the agency an inspection fee  
 399 established by rule of the agency. In addition to the  
 400 requirements of part II of chapter 408, the agency shall



401 coordinate all periodic inspections for licensure made by the  
 402 agency to ensure that the cost to the birth center and advanced  
 403 birth center facility of such inspections and the disruption of  
 404 services by such inspections is minimized.

405 Section 17. Section 383.327, Florida Statutes, is amended  
 406 to read:

407 383.327 Birth and death records; reports.—Each licensed  
 408 birth center and advanced birth center shall:

409 (1) File a completed certificate of birth ~~shall be filed~~  
 410 with the local registrar within 5 days of each birth in  
 411 accordance with chapter 382.

412 (2) Immediately report each maternal death, newborn death,  
 413 and stillbirth ~~shall be reported immediately~~ to the medical  
 414 examiner.

415 (3) ~~The licensee shall~~ Comply with all requirements of  
 416 this chapter and rules promulgated hereunder.

417 (4) Annually submit a report ~~shall be submitted annually~~  
 418 to the agency. The contents of the report shall be prescribed by  
 419 rule of the agency.

420 Section 18. Section 383.33, Florida Statutes, is amended  
 421 to read:

422 383.33 Administrative penalties; moratorium on  
 423 admissions.—

424 (1) In addition to the requirements of part II of chapter  
 425 408, the agency may impose an administrative fine not to exceed

426 \$500 per violation per day for the violation of any provision of  
 427 ss. 383.30-383.335, part II of chapter 408, or applicable rules.

428 (2) In determining the amount of the fine to be levied for  
 429 a violation, as provided in this section, the following factors  
 430 shall be considered:

431 (a) The severity of the violation, including the  
 432 probability that death or serious harm to the health or safety  
 433 of any person will result or has resulted; the severity of the  
 434 actual or potential harm; and the extent to which the provisions  
 435 of ss. 383.30-383.335, part II of chapter 408, or applicable  
 436 rules were violated.

437 (b) Actions taken by the licensee to correct the  
 438 violations or to remedy complaints.

439 (c) Any previous violations by the licensee.

440 (3) In accordance with part II of chapter 408, the agency  
 441 may impose an immediate moratorium on elective admissions to any  
 442 licensed birth center or advanced birth center ~~facility~~,  
 443 building or portion thereof, or service when the agency  
 444 determines that any condition in the center ~~facility~~ presents a  
 445 threat to the public health or safety.

446 Section 19. Section 383.332, Florida Statutes, is amended  
 447 to read:

448 383.332 Establishing, managing, or operating a birth  
 449 center or an advanced birth center without a license; penalty.-  
 450 Any person who establishes, conducts, manages, or operates any

451 | birth center or advanced birth center ~~facility~~ without a license  
452 | issued under s. 383.305 and part II of chapter 408 commits a  
453 | misdemeanor and, upon conviction, shall be fined not more than  
454 | \$100 for the first offense and not more than \$500 for each  
455 | subsequent offense; and each day of continuing violation after  
456 | conviction shall be considered a separate offense.

457 | Section 20. Paragraph (a) of subsection (2) of section  
458 | 408.033, Florida Statutes, is amended to read:

459 | 408.033 Local and state health planning.—

460 | (2) FUNDING.—

461 | (a) The Legislature intends that the cost of local health  
462 | councils be borne by assessments on selected health care  
463 | facilities subject to facility licensure by the Agency for  
464 | Health Care Administration, including abortion clinics, assisted  
465 | living facilities, ambulatory surgical centers, birth ~~birthing~~  
466 | centers, advanced birth centers, clinical laboratories except  
467 | community nonprofit blood banks and clinical laboratories  
468 | operated by practitioners for exclusive use regulated under s.  
469 | 483.035, home health agencies, hospices, hospitals, intermediate  
470 | care facilities for the developmentally disabled, nursing homes,  
471 | health care clinics, and multiphasic testing centers and by  
472 | assessments on organizations subject to certification by the  
473 | agency pursuant to chapter 641, part III, including health  
474 | maintenance organizations and prepaid health clinics. Fees  
475 | assessed may be collected prospectively at the time of licensure

476 renewal and prorated for the licensure period.

477 Section 21. Subsections (8) and (24) of section 408.07,  
478 Florida Statutes, are amended to read:

479 408.07 Definitions.—As used in this chapter, with the  
480 exception of ss. 408.031-408.045, the term:

481 (8) "Birth center" or "advanced birth center" means an  
482 organization licensed under s. 383.305.

483 (24) "Health care facility" means an ambulatory surgical  
484 center, a hospice, a nursing home, a hospital, a diagnostic-  
485 imaging center, a freestanding or hospital-based therapy center,  
486 a clinical laboratory, a home health agency, a cardiac  
487 catheterization laboratory, a medical equipment supplier, an  
488 alcohol or chemical dependency treatment center, a physical  
489 rehabilitation center, a lithotripsy center, an ambulatory care  
490 center, a birth center, an advanced birth center, or a nursing  
491 home component licensed under chapter 400 within a continuing  
492 care facility licensed under chapter 651.

493 Section 22. Subsection (2) of section 408.802, Florida  
494 Statutes, is amended to read:

495 408.802 Applicability.—The provisions of this part apply  
496 to the provision of services that require licensure as defined  
497 in this part and to the following entities licensed, registered,  
498 or certified by the agency, as described in chapters 112, 383,  
499 390, 394, 395, 400, 429, 440, 483, and 765:

500 (2) Birth centers and advanced birth centers, as provided

501 | under chapter 383.

502 |       Section 23. Subsection (2) of section 408.820, Florida  
503 | Statutes, is amended to read:

504 |       408.820 Exemptions.—Except as prescribed in authorizing  
505 | statutes, the following exemptions shall apply to specified  
506 | requirements of this part:

507 |       (2) Birth centers and advanced birth centers, as provided  
508 | under chapter 383, are exempt from s. 408.810(7)-(10).

509 |       Section 24. Subsection (11) of section 465.003, Florida  
510 | Statutes, is amended to read:

511 |       465.003 Definitions.—As used in this chapter, the term:

512 |       (11) (a) "Pharmacy" includes a community pharmacy, an  
513 | institutional pharmacy, a nuclear pharmacy, a special pharmacy,  
514 | and an Internet pharmacy.

515 |       1. The term "community pharmacy" includes every location  
516 | where medicinal drugs are compounded, dispensed, stored, or sold  
517 | or where prescriptions are filled or dispensed on an outpatient  
518 | basis.

519 |       2. The term "institutional pharmacy" includes every  
520 | location in a hospital, clinic, advanced birth center, nursing  
521 | home, dispensary, sanitarium, extended care facility, or other  
522 | facility, hereinafter referred to as "health care institutions,"  
523 | where medicinal drugs are compounded, dispensed, stored, or  
524 | sold.

525 |       3. The term "nuclear pharmacy" includes every location

526 | where radioactive drugs and chemicals within the classification  
527 | of medicinal drugs are compounded, dispensed, stored, or sold.  
528 | The term "nuclear pharmacy" does not include hospitals licensed  
529 | under chapter 395 or the nuclear medicine facilities of such  
530 | hospitals.

531 |         4. The term "special pharmacy" includes every location  
532 | where medicinal drugs are compounded, dispensed, stored, or sold  
533 | if such locations are not otherwise defined in this subsection.

534 |         5. The term "Internet pharmacy" includes locations not  
535 | otherwise licensed or issued a permit under this chapter, within  
536 | or outside this state, which use the Internet to communicate  
537 | with or obtain information from consumers in this state and use  
538 | such communication or information to fill or refill  
539 | prescriptions or to dispense, distribute, or otherwise engage in  
540 | the practice of pharmacy in this state. Any act described in  
541 | this definition constitutes the practice of pharmacy as defined  
542 | in subsection (13).

543 |         (b) The pharmacy department of any permittee shall be  
544 | considered closed whenever a Florida licensed pharmacist is not  
545 | present and on duty. The term "not present and on duty" shall  
546 | not be construed to prevent a pharmacist from exiting the  
547 | prescription department for the purposes of consulting or  
548 | responding to inquiries or providing assistance to patients or  
549 | customers, attending to personal hygiene needs, or performing  
550 | any other function for which the pharmacist is responsible,

551 provided that such activities are conducted in a manner  
552 consistent with the pharmacist's responsibility to provide  
553 pharmacy services.

554 Section 25. Paragraph (c) of subsection (2) of section  
555 465.019, Florida Statutes, is amended to read:

556 465.019 Institutional pharmacies; permits.—

557 (2) The following classes of institutional pharmacies are  
558 established:

559 (c) "Modified Class II institutional pharmacies" are those  
560 institutional pharmacies in short-term, primary care treatment  
561 centers and advanced birth centers that meet all the  
562 requirements for a Class II permit, except space and equipment  
563 requirements.

564 Section 26. This act shall take effect July 1, 2018.