

1                                   A bill to be entitled  
2           An act relating to access to clinics; providing a  
3           directive to the Division of Law Revision and  
4           Information; creating s. 762.01, F.S.; providing a  
5           short title; creating s. 762.02, F.S.; defining terms;  
6           creating s. 762.03, F.S.; defining the term "minor  
7           child or ward"; prohibiting a person from committing  
8           certain acts against reproductive health services  
9           clients, providers, or assistants; prohibiting a  
10          person from damaging certain properties; providing  
11          penalties; providing construction; creating s. 762.04,  
12          F.S.; providing criminal penalties and fines for first  
13          offenses and for second and subsequent offenses;  
14          providing requirements for departures from the  
15          sentences and fines; creating s. 762.05, F.S.;  
16          providing civil remedies for those aggrieved by  
17          specified violations against reproductive health  
18          services clients, providers, or assistants or against  
19          certain properties; authorizing the Attorney General,  
20          a state attorney, or a city attorney to bring a civil  
21          action for such violations; creating s. 762.06, F.S.;  
22          requiring a court to take actions necessary to  
23          safeguard the health, safety, or privacy of specified  
24          persons under certain circumstances, including  
25          granting restraining orders that may prohibit or

26 restrict the photographing of such persons;  
 27 authorizing the court to authorize specified persons  
 28 to use pseudonyms in a civil action; providing an  
 29 effective date.

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

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33 Section 1. The Division of Law Revision and Information is  
 34 directed to create chapter 762, Florida Statutes, consisting of  
 35 ss. 762.01-762.06, Florida Statutes, to be entitled "Protection  
 36 of the Exercise of Constitutional Rights."

37 Section 2. Section 762.01, Florida Statutes, is created to  
 38 read:

39 762.01 Short title.—Sections 762.01-762.06 may be cited as  
 40 the "Clinic Protection Act."

41 Section 3. Section 762.02, Florida Statutes, is created to  
 42 read:

43 762.02 Definitions.—As used in ss. 762.01-762.06, the  
 44 term:

45 (1) "Crime of violence" means an offense that involves the  
 46 use or attempted or threatened use of physical force against the  
 47 person or property of another.

48 (2) "Interfere with" means to restrict a person's freedom  
 49 of movement.

50 (3) "Intimidate" means to place a person in reasonable

51 apprehension of bodily harm to herself or himself or to another.

52 (4) "Nonviolent" means conduct that would not constitute a  
53 crime of violence.

54 (5) "Physical obstruction" means rendering ingress to or  
55 egress from a reproductive health services facility impassable  
56 to another person, or rendering passage to or from a  
57 reproductive health services facility unreasonably difficult or  
58 hazardous to another person.

59 (6) "Reproductive health services" means reproductive  
60 health services provided in a hospital, clinic, physician's  
61 office, or other facility and includes medical, surgical,  
62 counseling, or referral services relating to the human  
63 reproductive system, including services relating to pregnancy or  
64 the termination of a pregnancy.

65 (7) "Reproductive health services client, provider, or  
66 assistant" means a person or entity that is or was involved in:

67 (a) Obtaining or seeking to obtain any services in a  
68 reproductive health services facility;

69 (b) Providing or seeking to provide any services in a  
70 reproductive health services facility;

71 (c) Assisting or seeking to assist another person at that  
72 other person's request to obtain or provide any services in a  
73 reproductive health services facility; or

74 (d) Owning or operating, or seeking to own or operate, a  
75 reproductive health services facility.

76 (8) "Reproductive health services facility" means a  
 77 hospital, clinic, physician's office, or other facility that  
 78 provides or seeks to provide reproductive health services and  
 79 includes the building or structure in which the facility is  
 80 located.

81 Section 4. Section 762.03, Florida Statutes, is created to  
 82 read:

83 762.03 Prohibited acts.—

84 (1) As used in this section, the term "minor child or  
 85 ward" means a person's child or legal guardian's ward who is 16  
 86 years of age or younger.

87 (2) A person may not commit any of the following acts:

88 (a) Intentionally injuring, intimidating, or interfering  
 89 with, or attempting to injure, intimidate, or interfere with, a  
 90 person or an entity by force, threat of force, or physical  
 91 obstruction because that person or entity is a reproductive  
 92 health services client, provider, or assistant, or in order to  
 93 intimidate that person or entity from becoming or remaining a  
 94 reproductive health services client, provider, or assistant.

95 (b) Intentionally injuring, intimidating, or interfering  
 96 with, or attempting to injure, intimidate, or interfere with, a  
 97 person or an entity by nonviolent physical obstruction because  
 98 that person or entity is a reproductive health services client,  
 99 provider, or assistant, or in order to intimidate that person or  
 100 entity from becoming or remaining a reproductive health services

101 client, provider, or assistant or reproductive health services  
102 clients, providers, or assistants.

103 (c) Intentionally damaging or destroying a facility or the  
104 property of a person or entity, or attempting to do so, because  
105 the facility, person, or entity is a reproductive health  
106 services facility or reproductive health services client,  
107 provider, or assistant.

108 (3) A person who violates this section is subject to the  
109 penalties specified in s. 762.04.

110 (4) This section does not prohibit a parent or legal  
111 guardian from restricting a minor child or ward's access to a  
112 reproductive health services facility.

113 Section 5. Section 762.04, Florida Statutes, is created to  
114 read:

115 762.04 Penalties.—

116 (1) A person who violates s. 762.03(2)(b) for the first  
117 time commits a misdemeanor of the second degree, punishable by  
118 imprisonment in a county jail not exceeding 6 months and by a  
119 fine not exceeding \$2,000. A second or subsequent offense  
120 constitutes a misdemeanor of the second degree, punishable by  
121 imprisonment in a county jail not exceeding 6 months and by a  
122 fine not exceeding \$5,000.

123 (2) A person who violates s. 762.03(2)(a) or (c) for the  
124 first time commits a misdemeanor of the first degree, punishable  
125 by imprisonment in a county jail not exceeding 1 year and by a

126 fine not exceeding \$25,000. A second or subsequent offense  
127 constitutes a misdemeanor of the first degree, punishable by  
128 imprisonment in a county jail not exceeding 1 year and by a fine  
129 not exceeding \$50,000.

130 (3) Departures from the presumptive sentences and fines  
131 established in this section shall be articulated in writing and  
132 made when circumstances or factors reasonably justify the  
133 aggravation or mitigation of the sentences and fines.

134 Section 6. Section 762.05, Florida Statutes, is created to  
135 read:

136 762.05 Civil actions.-

137 (1) A person aggrieved by a violation of s. 762.03 may  
138 bring a civil action to enjoin the violation, for compensatory  
139 and punitive damages, and for the costs of the action and  
140 reasonable fees for attorneys and expert witnesses, except that  
141 only a reproductive health services client, provider, or  
142 assistant may bring an action for a violation under s.  
143 762.03(2). With respect to compensatory damages, the plaintiff  
144 may elect, at any time before the rendering of a final judgment,  
145 to recover, in lieu of actual damages, an award of statutory  
146 damages in the amount of \$1,000 for each exclusively nonviolent  
147 violation and \$5,000 for each violation other than an  
148 exclusively nonviolent violation.

149 (2) The Attorney General, a state attorney, or a city  
150 attorney may bring a civil action to enjoin a violation under s.

151 762.03 for compensatory damages to persons aggrieved, as  
152 described in subsection (1), and for the assessment of a civil  
153 penalty against each respondent. The civil penalty may not  
154 exceed \$2,000 for an exclusively nonviolent first violation and  
155 \$15,000 for any other first violation and may not exceed \$5,000  
156 for a subsequent exclusively nonviolent violation and \$25,000  
157 for any other subsequent violation.

158 Section 7. Section 762.06, Florida Statutes, is created to  
159 read:

160 762.06 Safety and privacy.—

161 (1) A court in which a criminal or civil proceeding is  
162 filed for a violation under s. 762.03(2) shall take all action  
163 reasonably required, including granting restraining orders, to  
164 safeguard the health, safety, or privacy of:

165 (a) A reproductive health services client, provider, or  
166 assistant who is a party or witness in the proceeding; and

167 (b) A person who is a victim of, or is at risk of becoming  
168 a victim of, an act prohibited under s. 762.03(2).

169 (2) A restraining order issued pursuant to this section  
170 may include provisions prohibiting or restricting the  
171 photographing of a person described in subsection (1) if  
172 reasonably required to safeguard the person's health, safety, or  
173 privacy.

174 (3) A court may authorize a person described in subsection  
175 (1) to use a pseudonym in a civil action described in s. 726.05

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176 | if reasonably required to safeguard the person's health, safety,  
177 | or privacy.

178 |       Section 8. This act shall take effect July 1, 2018.