

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 part II of ch. 408, F.S., to
6 advanced birth centers; amending s. 383.302, F.S.;
7 defining the terms "advanced birth center" and
8 "medical director"; revising definitions; amending s.
9 383.305, F.S.; providing applicability of licensure
10 fee requirements to advanced birth centers; amending
11 s. 383.307, F.S.; providing for administration of
12 advanced birth centers; creating s. 383.3081, F.S.;
13 providing requirements for advanced birth center
14 facilities and equipment; requiring the employment of
15 specified personnel at an advanced birth center;
16 requiring an advanced birth center to enter into a
17 written agreement with a blood bank for emergency
18 blood bank services; requiring that a patient who
19 receives an emergency blood transfusion at an advanced
20 birth center be immediately transferred to a hospital
21 for further care; amending s. 383.309, F.S.; providing
22 minimum standards for advanced birth centers;
23 authorizing the Agency for Health Care Administration
24 to enforce specified provisions of the Florida
25 Building Code and the Florida Fire Prevention Code;

26 | amending s. 383.3105, F.S.; providing applicability of
27 | adoption protocols for staff of an advanced birth
28 | center; amending s. 383.311, F.S.; providing for the
29 | education and orientation of advanced birth center
30 | clients and their families; amending s. 383.312, F.S.;
31 | requiring that an advanced birth center ensure that
32 | clients have adequate prenatal care and that certain
33 | required tests are administered; amending s. 383.313,
34 | F.S.; providing for laboratory and surgical services
35 | at a birth center; creating s. 383.3131, F.S.;
36 | providing requirements for laboratory and surgical
37 | services at an advanced birth center; providing
38 | conditions for administration of anesthesia;
39 | authorizing the intrapartum use of chemical agents;
40 | amending s. 383.315, F.S.; requiring an advanced birth
41 | center to employ or maintain an agreement with an
42 | obstetrician under certain circumstances; amending s.
43 | 383.316, F.S.; requiring an advanced birth center to
44 | provide for the transport of emergency patients to a
45 | hospital; requiring each center to enter into a
46 | written transfer agreement with a local hospital or an
47 | obstetrician for such transfers under certain
48 | conditions; amending s. 383.318, F.S.; providing
49 | protocols for postpartum care of clients and infants;
50 | providing requirements for followup care; amending s.

51 383.32, F.S.; specifying when clinical records must be
52 made immediately available at an advanced birth
53 center; amending s. 383.324, F.S.; requiring an
54 advanced birth center to pay an inspection fee to the
55 agency; amending s. 383.325, F.S.; requiring an
56 advanced birth center to maintain and make available
57 inspection reports; amending s. 383.327, F.S.;
58 requiring an advanced birth center to provide reports
59 of all births and deaths occurring at the center;
60 requiring an advanced birth center to annually submit
61 a report to the agency; amending s. 383.33, F.S.;
62 authorizing the agency to impose a specified
63 administrative fine for certain violations;
64 authorizing the agency to impose a moratorium on
65 elective admissions to any birth center or advanced
66 birth center upon making a certain determination;
67 amending s. 383.332, F.S.; providing a criminal
68 penalty for operating an unlicensed advanced birth
69 center; amending s. 408.033, F.S.; providing
70 applicability of an assessment to advanced birth
71 centers; amending s. 408.07, F.S.; defining the term
72 "advanced birth center"; revising the definition of
73 the term "health care facility"; amending s. 408.802,
74 F.S.; providing applicability of licensure
75 requirements under part II of ch. 408, F.S., to

76 advanced birth centers; amending s. 408.820, F.S.;

77 exempting advanced birth centers from certain

78 licensure requirements under part II of ch. 408, F.S.;

79 amending s. 465.003, F.S.; revising the definition of

80 the term "institutional pharmacy" to include

81 pharmacies located in advanced birth centers; amending

82 s. 465.019, F.S.; revising the definition of the term

83 "modified Class II institutional pharmacies" to

84 include pharmacies located in advanced birth centers;

85 providing an effective date.

86

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

88

89 Section 1. Section 383.30, Florida Statutes, is amended to

90 read:

91 383.30 Birth Center and Advanced Birth Center Licensure

92 Act; short title.—Sections 383.30-383.332 shall be known and may

93 be cited as the "Birth Center and Advanced Birth Center

94 Licensure Act."

95 Section 2. Section 383.301, Florida Statutes, is amended

96 to read:

97 383.301 Licensure and regulation of birth centers and

98 advanced birth centers; legislative intent.—It is the intent of

99 the Legislature to provide for the protection of public health

100 and safety in the establishment, maintenance, and operation of

101 birth centers and advanced birth centers by providing for
102 licensure of birth centers and advanced birth centers and for
103 the development, establishment, and enforcement of minimum
104 standards with respect to birth centers and advanced birth
105 centers. The requirements of part II of chapter 408 shall apply
106 to the provision of services that require licensure pursuant to
107 ss. 383.30-383.332 and part II of chapter 408 and to entities
108 licensed by or applying for such licensure from the Agency for
109 Health Care Administration pursuant to ss. 383.30-383.332. A
110 license issued by the agency is required in order to operate a
111 birth center or an advanced birth center in this state.

112 Section 3. Subsections (1) through (8) of section 383.302,
113 Florida Statutes, are renumbered as subsections (2) through (9),
114 respectively, subsections (9) and (10) are renumbered as
115 subsections (11) and (12), present subsections (3), (4), and (5)
116 are amended, and new subsections (1) and (10) are added to that
117 section, to read:

118 383.302 Definitions of terms used in ss. 383.30-383.332.—
119 As used in ss. 383.30-383.332, the term:

120 (1) "Advanced birth center" means a birth center that may
121 perform trial of labor after cesarean deliveries for screened
122 patients who qualify, planned low-risk cesarean deliveries, and
123 anticipated vaginal deliveries for laboring patients from the
124 beginning of the 37th week of gestation through the end of the
125 41st week of gestation.

126 ~~(4)(3)~~ "Clinical staff" means individuals employed full
127 time or part time by a birth center or an advanced birth center
128 who are licensed or certified to provide care at childbirth.

129 ~~(5)(4)~~ "Consultant" means a physician licensed pursuant to
130 chapter 458 or chapter 459 who agrees to provide advice and
131 services to a birth center or an advanced birth center and who
132 either:

133 (a) Is certified or eligible for certification by the
134 American Board of Obstetrics and Gynecology or the American
135 Osteopathic Board of Obstetrics and Gynecology, or

136 (b) Has hospital obstetrical privileges.

137 ~~(6)(5)~~ "Governing body" means any individual, group,
138 corporation, or institution that ~~which~~ is responsible for the
139 overall operation and maintenance of a birth center or an
140 advanced birth center.

141 (10) "Medical director" means a person who holds an active
142 unrestricted license as an allopathic physician under chapter
143 458 or osteopathic physician under chapter 459.

144 Section 4. Section 383.305, Florida Statutes, is amended
145 to read:

146 383.305 Licensure; fees.—

147 (1) In accordance with s. 408.805, an applicant for
148 licensure as a birth center or an advanced birth center or a
149 licensee shall pay a fee for each license application submitted
150 under ss. 383.30-383.332 and part II of chapter 408. The amount

151 of the fee shall be established by rule.

152 (2) Each applicant for licensure and each licensee must
153 comply with the requirements of this chapter and part II of
154 chapter 408.

155 Section 5. Section 383.307, Florida Statutes, is amended
156 to read:

157 383.307 Administration of birth center and advanced birth
158 center.-

159 (1) Each birth center and advanced birth center shall have
160 a governing body that ~~which~~ is responsible for the overall
161 operation and maintenance of the ~~birth~~ center.

162 (a) The governing body shall develop and display a table
163 of organization which shows the structure of the birth center or
164 advanced birth center and identifies the governing body, the
165 medical directors ~~birth center director~~, the clinical director,
166 the clinical staff, and the medical consultant.

167 (b) The governing body shall develop and make available to
168 staff, clinicians, consultants, and licensing authorities a
169 manual that ~~which~~ documents policies, procedures, and protocols,
170 including the roles and responsibilities of all personnel.

171 (2) There shall be an adequate number of licensed
172 personnel to provide clinical services needed by mothers and
173 newborns and a sufficient number of qualified personnel to
174 provide services for families and to maintain the birth center
175 or advanced birth center.

176 (3) All clinical staff members and consultants shall hold
 177 current licenses from this state to practice their respective
 178 disciplines.

179 (4) Clinical staff members and consultants shall adopt
 180 bylaws that ~~which~~ are subject to the approval of the governing
 181 body and ~~which shall~~ include recommendations for clinical staff
 182 or consultation appointments, delineation of clinical
 183 privileges, and the organization of the clinical staff.

184 Section 6. Section 383.3081, Florida Statutes, is created
 185 to read:

186 383.3081 Advanced birth center facility and equipment;
 187 requirements.—

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

190 (2) An advanced birth center shall be operated and staffed
 191 24 hours per day, 7 days per week.

192 (3) An advanced birth center shall employ two medical
 193 directors to oversee the activities of the center, one of whom
 194 must be a board-certified obstetrician and one of whom must be a
 195 board-certified anesthesiologist.

196 (4) An advanced birth center shall have at least one
 197 properly equipped, dedicated surgical suite for the performance
 198 of cesarean deliveries.

199 (5) At a minimum, an advanced birth center must employ a
 200 registered nurse who is present in the center at all times and

201 has the ability to stabilize and facilitate the transfer of
202 patients and newborn infants when appropriate.

203 (6) Each advanced birth center must enter into a written
204 agreement with a blood bank for emergency blood bank services
205 and must have written protocols for the management of
206 obstetrical hemorrhage that include provisions for emergency
207 blood transfusions. If a patient admitted to an advanced birth
208 center receives an emergency blood transfusion at the center,
209 the patient must immediately thereafter be transferred to a
210 hospital for further care.

211 Section 7. Section 383.309, Florida Statutes, is amended
212 to read:

213 383.309 Minimum standards for birth centers and advanced
214 birth centers; rules and enforcement.—

215 (1) The agency shall adopt and enforce rules to administer
216 ss. 383.30–383.332 and part II of chapter 408, which rules shall
217 include, but are not limited to, reasonable and fair minimum
218 standards for ensuring that:

219 (a) Sufficient numbers and qualified types of personnel
220 and occupational disciplines are available at all times to
221 provide necessary and adequate patient care and safety.

222 (b) Infection control, housekeeping, sanitary conditions,
223 disaster plan, and medical record procedures that will
224 adequately protect patient care and provide safety are
225 established and implemented.

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

228 (2) The standards adopted by rule for advanced birth
229 centers must, at a minimum, be equivalent to the minimum
230 standards adopted for ambulatory surgical centers pursuant to s.
231 395.1055 and must include standards for quality of care, blood
232 transfusions, and sanitary conditions for food handling and food
233 service.

234 (3)~~(2)~~ The agency may not establish any rule governing the
235 design, construction, erection, alteration, modification,
236 repair, or demolition of birth centers or advanced birth
237 centers. It is the intent of the Legislature to preempt that
238 function to the Florida Building Commission and the State Fire
239 Marshal through adoption and maintenance of the Florida Building
240 Code and the Florida Fire Prevention Code. However, the agency
241 shall provide technical assistance to the commission and the
242 State Fire Marshal in updating the construction standards of the
243 Florida Building Code and the Florida Fire Prevention Code which
244 govern birth centers and advanced birth centers. In addition,
245 the agency may enforce the special-occupancy provisions of the
246 Florida Building Code and the Florida Fire Prevention Code which
247 apply to birth centers and advanced birth centers in conducting
248 any inspection authorized under this chapter or part II of
249 chapter 408. At a minimum, advanced birth centers must comply
250 with the Florida Building Code and Florida Fire Prevention Code

251 standards for ambulatory surgical centers.

252 Section 8. Section 383.3105, Florida Statutes, is amended
253 to read:

254 383.3105 Patients consenting to adoptions; protocols.—

255 (1) Each licensed birth center and advanced birth center
256 ~~facility~~ shall adopt a protocol that at a minimum provides for

257 birth center and advanced birth center ~~facility~~ staff to be

258 knowledgeable of the waiting periods, revocation, and the

259 contents of the consent to adoption as contained in s.

260 63.082(4), and that describes the supportive and unbiased manner

261 in which ~~facility~~ staff will interact with birth parents and

262 prospective adoptive parents regarding the adoption, in

263 particular during the waiting period required in s. 63.082(4)(b)

264 before consenting to an adoption.

265 (2) The protocol must ~~shall~~ be in writing and be provided

266 upon request to any birth parent or prospective adoptive parent

267 of a child born in the birth center or advanced birth center

268 ~~facility~~.

269 Section 9. Section 383.311, Florida Statutes, is amended
270 to read:

271 383.311 Education and orientation for birth center and
272 advanced birth center clients and their families.—

273 (1) The clients and their families shall be fully informed

274 of the policies and procedures of the birth center or advanced

275 birth center, including, but not limited to, policies and

276 | procedures on:

277 | (a) The selection of clients.

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

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

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

282 | (e) The philosophy of childbirth care and the scope of
283 | services.

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

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

287 | (a) The course of pregnancy and normal changes occurring
288 | during pregnancy.

289 | (b) The need for prenatal care.

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

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

292 | (e) Labor and delivery.

293 | (f) The care of the newborn to include safe sleep
294 | practices and the possible causes of Sudden Unexpected Infant
295 | Death.

296 | Section 10. Section 383.312, Florida Statutes, is amended
297 | to read:

298 | 383.312 Prenatal care of birth center and advanced birth
299 | center clients.—

300 | (1) A birth center and an advanced birth center shall

301 ensure that their ~~its~~ clients have adequate prenatal care, as
302 defined by the agency, and shall ensure that serological tests
303 are administered as required by this chapter.

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

306 Section 11. Section 383.313, Florida Statutes, is amended
307 to read:

308 383.313 Birth center performance of laboratory and
309 surgical services; use of anesthetic and chemical agents.—

310 (1) LABORATORY SERVICES.—A birth center may collect
311 specimens for those tests that are requested under protocol. A
312 birth center must obtain and continuously maintain certification
313 by the Centers for Medicare and Medicaid Services under the
314 federal Clinical Laboratory Improvement Amendments and the
315 federal rules adopted thereunder in order to perform laboratory
316 tests specified by rule of the agency, and which are appropriate
317 to meet the needs of the patient.

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

322 (3) ADMINISTRATION OF ANALGESIA AND ANESTHESIA.—General
323 and conduction anesthesia may not be administered at a birth
324 center. Systemic analgesia may be administered, and local
325 anesthesia for pudendal block and episiotomy repair may be

326 performed if procedures are outlined by the clinical staff and
327 performed by personnel who have the ~~with~~ statutory authority to
328 do so.

329 (4) INTRAPARTAL USE OF CHEMICAL AGENTS.—Labor may not be
330 inhibited, stimulated, or augmented with chemical agents during
331 the first or second stage of labor unless prescribed by
332 personnel who have the ~~with~~ statutory authority to do so and
333 unless in connection with and before ~~prior to~~ emergency
334 transport.

335 Section 12. Section 383.3131, Florida Statutes, is created
336 to read:

337 383.3131 Advanced birth center performance of laboratory
338 and surgical services; use of anesthetic and chemical agents.—

339 (1) LABORATORY SERVICES.—An advanced birth center must
340 have a clinical laboratory on site. The clinical laboratory
341 must, at a minimum, be capable of providing laboratory testing
342 for hematology, metabolic screening, liver function, and
343 coagulation studies. An advanced birth center may collect
344 specimens for those tests that are requested under protocol. An
345 advanced birth center may perform laboratory tests as defined by
346 rule of the agency. Laboratories located in advanced birth
347 centers must be appropriately certified by the Centers for
348 Medicare and Medicaid Services under the federal Clinical
349 Laboratory Improvement Amendments and the federal rules adopted
350 thereunder.

351 (2) SURGICAL SERVICES.—In addition to surgical procedures
352 authorized pursuant to s. 383.313(2), surgical procedures are
353 limited to low-risk cesarean deliveries and surgical management
354 of immediate complications. Postpartum sterilization may be
355 performed before discharge of the patient who has given birth
356 during that admission. Circumcisions may be performed before
357 discharge of the newborn infant.

358 (3) ADMINISTRATION OF ANALGESIA AND ANESTHESIA.—General,
359 conduction, and local anesthesia may be administered at an
360 advanced birth center if administered by personnel who have the
361 statutory authority to do so. All general anesthesia shall be
362 administered by an anesthesiologist or a certified registered
363 nurse anesthetist in accordance with s. 464.012. When general
364 anesthesia is administered, a physician or a certified
365 registered nurse anesthetist shall be present in the advanced
366 birth center during the anesthesia and postanesthesia recovery
367 period until the patient is fully alert. Each advanced birth
368 center shall comply with s. 395.0191(2)(b).

369 (4) INTRAPARTAL USE OF CHEMICAL AGENTS.—Labor may be
370 inhibited, stimulated, or augmented with chemical agents during
371 the first or second stage of labor at an advanced birth center
372 if prescribed by personnel who have the statutory authority to
373 do so. Labor may be electively induced beginning at the 39th
374 week of gestation for a patient with a documented Bishop score
375 of 8 or greater.

376 Section 13. Section 383.315, Florida Statutes, is amended
 377 to read:

378 383.315 Agreements with consultants for advice or
 379 services; maintenance.—

380 (1) A birth center and an advanced birth center shall
 381 maintain in writing a consultation agreement, signed within the
 382 current license period, with each consultant who has agreed to
 383 provide advice and services to the birth center and advanced
 384 birth center as requested.

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

387 (3) An advanced birth center shall employ or maintain an
 388 agreement with an obstetrician who must be present in the center
 389 at all times during which a patient is in active labor in the
 390 center to attend deliveries, respond to emergencies and, when
 391 necessary, be available to perform cesarean deliveries.

392 Section 14. Section 383.316, Florida Statutes, is amended
 393 to read:

394 383.316 Transfer and transport of clients to hospitals.—

395 (1) If unforeseen complications arise during labor,
 396 delivery, or postpartum recovery, the client shall be
 397 transferred to a hospital.

398 (2) Each licensed birth center or advanced birth center
 399 ~~facility~~ shall make arrangements with a local ambulance service
 400 licensed under chapter 401 for the transport of emergency

401 patients to a hospital. Such arrangements shall be documented in
402 the center's policy and procedures manual ~~of the facility~~ if the
403 birth center or advanced birth center does not own or operate a
404 licensed ambulance. The policy and procedures manual shall also
405 contain specific protocols for the transfer of any patient to a
406 licensed hospital.

407 (3) Each licensed advanced birth center shall enter into a
408 written transfer agreement with a local hospital licensed under
409 chapter 395 for the transfer and admission of emergency patients
410 to the hospital or a written agreement with an obstetrician who
411 has hospital privileges to provide coverage at all times and who
412 has agreed to accept the transfer of the advanced birth center's
413 patients.

414 (4)-(3) A licensed birth center or advanced birth center
415 facility shall identify neonatal-specific transportation
416 services, including ground and air ambulances; list their
417 particular qualifications; and have the telephone numbers for
418 access to these services clearly listed and immediately
419 available.

420 (5)-(4) The birth center or advanced birth center shall
421 assess and document ~~Annual assessments of~~ the transportation
422 services and transfer protocols annually ~~shall be made and~~
423 ~~documented.~~

424 Section 15. Section 383.318, Florida Statutes, is amended
425 to read:

426 383.318 Postpartum care for birth center and advanced
 427 birth center clients and infants.—

428 (1) A mother and her infant shall be dismissed from a ~~the~~
 429 birth center within 24 hours after the birth of the infant,
 430 except in unusual circumstances as defined by rule of the
 431 agency. If a mother or an infant is retained at the birth center
 432 for more than 24 hours after the birth, a report shall be filed
 433 with the agency within 48 hours after ~~of~~ the birth describing
 434 the circumstances and the reasons for the decision.

435 (2) (a) A mother and her infant shall be dismissed from an
 436 advanced birth center within 48 hours after a vaginal delivery
 437 of the infant or within 72 hours after a delivery by cesarean
 438 section, except in unusual circumstances as defined by rule of
 439 the agency.

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

445 ~~(3) (2)~~ A prophylactic shall be instilled in the eyes of
 446 each newborn in accordance with s. 383.04.

447 ~~(4) (3)~~ The birth center or advanced birth center shall
 448 provide a postpartum evaluation and followup care that includes
 449 all of the following:

450 (a) Physical examination of the infant.

- 451 (b) Metabolic screening tests required by s. 383.14.
- 452 (c) Referral to sources for pediatric care.
- 453 (d) Maternal postpartum assessment that incorporates
- 454 mental health screening.
- 455 (e) Information on postpartum depression and the telephone
- 456 number of the Family Health Line operated pursuant to s.
- 457 383.011.
- 458 (f) Instruction in child care, including immunization,
- 459 breastfeeding, safe sleep practices, and possible causes of
- 460 Sudden Unexpected Infant Death.
- 461 (g) Family planning services.
- 462 (h) Referral to secondary or tertiary care, as indicated.
- 463 Section 16. Section 383.32, Florida Statutes, is amended
- 464 to read:
- 465 383.32 Birth center and advanced birth center clinical
- 466 records.—
- 467 (1) Clinical records shall contain information prescribed
- 468 by rule, including, but not limited to:
- 469 (a) Identifying information.
- 470 (b) Risk assessments.
- 471 (c) Information relating to prenatal visits.
- 472 (d) Information relating to the course of labor and
- 473 intrapartum care.
- 474 (e) Information relating to consultation, referral, and
- 475 transport to a hospital.

476 (f) Newborn assessment, APGAR score, treatments as
 477 required, and followup.

478 (g) Postpartum followup.

479 (2) Clinical records shall be immediately available at the
 480 birth center or advanced birth center:

481 (a) At the time of admission.

482 (b) When transfer of care is necessary.

483 (c) For audit by licensure personnel.

484 (3) Clinical records shall be kept confidential in
 485 accordance with s. 456.057 and exempt from ~~the provisions of s.~~
 486 119.07(1). A client's clinical records shall be open to
 487 inspection only under the following conditions:

488 (a) A consent to release information has been signed by
 489 the client; or

490 (b) The review is made by the agency for a licensure
 491 survey or complaint investigation.

492 (4)(a) Clinical records shall be audited periodically, but
 493 no less frequently than every 3 months, to evaluate the process
 494 and outcome of care.

495 (b) Statistics on maternal and perinatal morbidity and
 496 mortality, maternal risk, consultant referrals, and transfers of
 497 care shall be analyzed at least semiannually.

498 (c) The governing body shall examine the results of the
 499 record audits and statistical analyses and shall make such
 500 reports available for inspection by the public and licensing

501 authorities.

502 Section 17. Section 383.324, Florida Statutes, is amended
503 to read:

504 383.324 Inspections and investigations; inspection fees.—
505 Each birth center and advanced birth center ~~facility~~ licensed
506 under s. 383.305 shall pay to the agency an inspection fee
507 established by rule of the agency. In addition to the
508 requirements of part II of chapter 408, the agency shall
509 coordinate all periodic inspections for licensure made by the
510 agency to ensure that the cost to the birth center or advanced
511 birth center ~~facility~~ of such inspections and the disruption of
512 services by such inspections is minimized.

513 Section 18. Section 383.325, Florida Statutes, is amended
514 to read:

515 383.325 Inspection reports.—

516 (1) Each licensed birth center and advanced birth center
517 ~~facility~~ shall maintain as public information, available upon
518 request, records of all inspection reports pertaining to the
519 center ~~that facility~~ which have been filed with, or issued by,
520 any governmental agency. Copies of such reports shall be
521 retained in the records of the birth center or advanced birth
522 center ~~facility~~ for no less than 5 years after ~~from~~ the date the
523 reports are filed and issued.

524 (2) Any record, report, or document which, by state or
525 federal law or regulation, is deemed confidential shall be

526 exempt from ~~the provisions of~~ s. 119.07(1) and may ~~shall~~ not be
527 distributed or made available for purposes of compliance with
528 this section unless or until such confidential status expires,
529 except as described in s. 383.32(2)(c).

530 (3) A licensed birth center or advanced birth center
531 ~~facility~~ shall, upon the request of any person who has completed
532 a written application with intent to be admitted to such center
533 ~~facility~~ or any person who is a patient of such center facility,
534 or any relative, spouse, or guardian of any such person, furnish
535 to the requester a copy of the last inspection report issued by
536 the agency or an accrediting organization, whichever is most
537 recent, pertaining to the licensed birth center or advanced
538 birth center facility, as provided in subsection (1), provided
539 the person requesting such report agrees to pay a reasonable
540 charge to cover copying costs.

541 Section 19. Section 383.327, Florida Statutes, is amended
542 to read:

543 383.327 Birth and death records; reports.—Each licensed
544 birth center and advanced birth center shall:

545 (1) File a completed certificate of birth ~~shall be filed~~
546 with the local registrar within 5 days after ~~of~~ each birth in
547 accordance with chapter 382.

548 (2) Immediately report each maternal death, newborn death,
549 and stillbirth ~~shall be reported immediately~~ to the medical
550 examiner.

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

553 (4) Annually submit a report ~~shall be submitted annually~~
554 to the agency. The contents of the report shall be prescribed by
555 rule of the agency.

556 Section 20. Subsection (3) of section 383.33, Florida
557 Statutes, is amended, and subsections (1) and (2) of that
558 section are republished, to read:

559 383.33 Administrative penalties; moratorium on
560 admissions.—

561 (1) In addition to the requirements of part II of chapter
562 408, the agency may impose an administrative fine not to exceed
563 \$500 per violation per day for the violation of any provision of
564 ss. 383.30-383.332, part II of chapter 408, or applicable rules.

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

568 (a) The severity of the violation, including the
569 probability that death or serious harm to the health or safety
570 of any person will result or has resulted; the severity of the
571 actual or potential harm; and the extent to which ss. 383.30-
572 383.332, part II of chapter 408, or applicable rules were
573 violated.

574 (b) Actions taken by the licensee to correct the
575 violations or to remedy complaints.

576 (c) Any previous violations by the licensee.

577 (3) In accordance with part II of chapter 408, the agency
 578 may impose an immediate moratorium on elective admissions to any
 579 licensed birth center or advanced birth center ~~facility~~,
 580 building or portion thereof, or service when the agency
 581 determines that any condition in the center ~~facility~~ presents a
 582 threat to the public health or safety.

583 Section 21. Section 383.332, Florida Statutes, is amended
 584 to read:

585 383.332 Establishing, managing, or operating a birth
 586 center or an advanced birth center without a license; penalty.-
 587 Any person who establishes, conducts, manages, or operates any
 588 birth center or advanced birth center ~~facility~~ without a license
 589 issued under s. 383.305 and part II of chapter 408 commits a
 590 misdemeanor and, upon conviction, shall be fined not more than
 591 \$100 for the first offense and not more than \$500 for each
 592 subsequent offense; and each day of continuing violation after
 593 conviction shall be considered a separate offense.

594 Section 22. Paragraph (a) of subsection (2) of section
 595 408.033, Florida Statutes, is amended to read:

596 408.033 Local and state health planning.-

597 (2) FUNDING.-

598 (a) The Legislature intends that the cost of local health
 599 councils be borne by assessments on selected health care
 600 facilities subject to facility licensure by the Agency for

601 Health Care Administration, including abortion clinics, assisted
602 living facilities, ambulatory surgical centers, birth centers,
603 advanced birth centers, home health agencies, hospices,
604 hospitals, intermediate care facilities for the developmentally
605 disabled, nursing homes, health care clinics, and multiphasic
606 testing centers and by assessments on organizations subject to
607 certification by the agency pursuant to chapter 641, part III,
608 including health maintenance organizations and prepaid health
609 clinics. Fees assessed may be collected prospectively at the
610 time of licensure renewal and prorated for the licensure period.

611 Section 23. Subsections (8) and (23) of section 408.07,
612 Florida Statutes, are amended to read:

613 408.07 Definitions.—As used in this chapter, with the
614 exception of ss. 408.031-408.045, the term:

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

617 (23) "Health care facility" means an ambulatory surgical
618 center, a hospice, a nursing home, a hospital, a diagnostic-
619 imaging center, a freestanding or hospital-based therapy center,
620 a clinical laboratory, a home health agency, a cardiac
621 catheterization laboratory, a medical equipment supplier, an
622 alcohol or chemical dependency treatment center, a physical
623 rehabilitation center, a lithotripsy center, an ambulatory care
624 center, a birth center, an advanced birth center, or a nursing
625 home component licensed under chapter 400 within a continuing

626 care facility licensed under chapter 651.

627 Section 24. Subsection (2) of section 408.802, Florida
628 Statutes, is amended to read:

629 408.802 Applicability.—~~The provisions of~~ This part applies
630 ~~apply~~ to the provision of services that require licensure as
631 defined in this part and to the following entities licensed,
632 registered, or certified by the agency, as described in chapters
633 112, 383, 390, 394, 395, 400, 429, 440, 483, and 765:

634 (2) Birth centers and advanced birth centers, as provided
635 under chapter 383.

636 Section 25. Subsection (2) of section 408.820, Florida
637 Statutes, is amended to read:

638 408.820 Exemptions.—Except as prescribed in authorizing
639 statutes, the following exemptions shall apply to specified
640 requirements of this part:

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

643 Section 26. Subsection (11) of section 465.003, Florida
644 Statutes, is amended to read:

645 465.003 Definitions.—As used in this chapter, the term:

646 (11) (a) "Pharmacy" includes a community pharmacy, an
647 institutional pharmacy, a nuclear pharmacy, a special pharmacy,
648 and an Internet pharmacy.

649 1. The term "community pharmacy" includes every location
650 where medicinal drugs are compounded, dispensed, stored, or sold

651 or where prescriptions are filled or dispensed on an outpatient
652 basis.

653 2. The term "institutional pharmacy" includes every
654 location in a hospital, clinic, advanced birth center, nursing
655 home, dispensary, sanitarium, extended care facility, or other
656 facility, hereinafter referred to as "health care institutions,"
657 where medicinal drugs are compounded, dispensed, stored, or
658 sold.

659 3. The term "nuclear pharmacy" includes every location
660 where radioactive drugs and chemicals within the classification
661 of medicinal drugs are compounded, dispensed, stored, or sold.
662 The term "nuclear pharmacy" does not include hospitals licensed
663 under chapter 395 or the nuclear medicine facilities of such
664 hospitals.

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

668 5. The term "Internet pharmacy" includes locations not
669 otherwise licensed or issued a permit under this chapter, within
670 or outside this state, which use the Internet to communicate
671 with or obtain information from consumers in this state and use
672 such communication or information to fill or refill
673 prescriptions or to dispense, distribute, or otherwise engage in
674 the practice of pharmacy in this state. Any act described in
675 this definition constitutes the practice of pharmacy as defined

676 in subsection (13).

677 (b) The pharmacy department of any permittee shall be
678 considered closed whenever a Florida licensed pharmacist is not
679 present and on duty. The term "not present and on duty" may
680 ~~shall~~ not be construed to prevent a pharmacist from exiting the
681 prescription department for the purposes of consulting or
682 responding to inquiries or providing assistance to patients or
683 customers, attending to personal hygiene needs, or performing
684 any other function for which the pharmacist is responsible,
685 provided that such activities are conducted in a manner
686 consistent with the pharmacist's responsibility to provide
687 pharmacy services.

688 Section 27. Paragraph (c) of subsection (2) of section
689 465.019, Florida Statutes, is amended to read:

690 465.019 Institutional pharmacies; permits.-

691 (2) The following classes of institutional pharmacies are
692 established:

693 (c) "Modified Class II institutional pharmacies" are those
694 institutional pharmacies in short-term, primary care treatment
695 centers and advanced birth centers which ~~that~~ meet all the
696 requirements for a Class II permit, except space and equipment
697 requirements.

698 Section 28. This act shall take effect July 1, 2019.