

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Eskamani offered the following:

**Amendment (with title amendment)**

Between lines 286 and 287, insert:

Section 8. Section 762.01, Florida Statutes, is created to read:

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

Section 9. Section 762.02, Florida Statutes, is created to read:

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

(1) "Crime of violence" means an offense that involves the

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14 use or attempted or threatened use of physical force against the  
15 person or property of another.

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

18 (3) "Intimidate" means to place a person in reasonable  
19 apprehension of bodily harm to herself or himself or to another.

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

22 (5) "Physical obstruction" means rendering ingress to or  
23 egress from a reproductive health services facility impassable  
24 to another person, or rendering passage to or from a  
25 reproductive health services facility unreasonably difficult or  
26 hazardous to another person.

27 (6) "Reproductive health services" means reproductive  
28 health services provided in a hospital, clinic, physician's  
29 office, or other facility and includes medical, surgical,  
30 counseling, or referral services relating to the human  
31 reproductive system, including services relating to pregnancy or  
32 the termination of a pregnancy.

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

35 (a) Obtaining or seeking to obtain any services in a  
36 reproductive health services facility;

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

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

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

44 (8) "Reproductive health services facility" means a  
45 hospital, clinic, physician's office, or other facility that  
46 provides or seeks to provide reproductive health services and  
47 includes the building or structure in which the facility is  
48 located.

49 Section 10. Section 762.03, Florida Statutes, is created  
50 to read:

51 762.03 Prohibited acts.—

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

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

56 (a) Intentionally injuring, intimidating, or interfering  
57 with, or attempting to injure, intimidate, or interfere with, a  
58 person or an entity by force, threat of force, or physical  
59 obstruction because that person or entity is a reproductive  
60 health services client, provider, or assistant, or in order to  
61 intimidate that person or entity from becoming or remaining a  
62 reproductive health services client, provider, or assistant.

63 (b) Intentionally injuring, intimidating, or interfering

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64 with, or attempting to injure, intimidate, or interfere with, a  
65 person or an entity by nonviolent physical obstruction because  
66 that person or entity is a reproductive health services client,  
67 provider, or assistant, or in order to intimidate that person or  
68 entity from becoming or remaining a reproductive health services  
69 client, provider, or assistant.

70 (c) Intentionally damaging or destroying, or attempting to  
71 damage or destroy, a facility or the property of a person or  
72 entity because the facility, person, or entity is a reproductive  
73 health services facility or reproductive health services client,  
74 provider, or assistant.

75 (3) A person who violates this section is subject to the  
76 penalties in s. 762.04.

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

80 Section 11. Section 762.04, Florida Statutes, is created  
81 to read:

82 762.04 Penalties.—

83 (1) A person who violates s. 762.03(2)(b) for the first  
84 time commits a misdemeanor of the second degree, punishable by  
85 imprisonment in a county jail not exceeding 6 months and by a  
86 fine not exceeding \$2,000. A second or subsequent offense  
87 constitutes a misdemeanor of the second degree, punishable by  
88 imprisonment in a county jail not exceeding 6 months and by a

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89 fine not exceeding \$5,000.

90 (2) A person who violates s. 762.03(2)(a) or (c) for the  
91 first time commits a misdemeanor of the first degree, punishable  
92 by imprisonment in a county jail not exceeding 1 year and by a  
93 fine not exceeding \$25,000. A second or subsequent offense  
94 constitutes a misdemeanor of the first degree, punishable by  
95 imprisonment in a county jail not exceeding 1 year and by a fine  
96 not exceeding \$50,000.

97 (3) Departures from the presumptive sentences and fines  
98 established in this section shall be articulated in writing and  
99 made when circumstances or factors reasonably justify the  
100 aggravation or mitigation of the sentences and fines.

101 Section 12. Section 762.05, Florida Statutes, is created  
102 to read:

103 762.05 Civil actions.-

104 (1) A person aggrieved by a violation of s. 762.03 may  
105 bring a civil action to enjoin the violation, for compensatory  
106 and punitive damages, and for the costs of the action and  
107 reasonable fees for attorneys and expert witnesses, except that  
108 only a reproductive health services client, provider, or  
109 assistant may bring an action for a violation of s. 762.03(2).  
110 With respect to compensatory damages, the plaintiff may elect,  
111 at any time before the rendering of a final judgment, to  
112 recover, in lieu of actual damages, an award of statutory  
113 damages in the amount of \$1,000 for each exclusively nonviolent

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114 violation and \$5,000 for each violation other than an  
115 exclusively nonviolent violation.

116 (2) The Attorney General, a state attorney, or a city  
117 attorney may bring a civil action to enjoin a violation of s.  
118 762.03 for compensatory damages to persons aggrieved, as  
119 described in subsection (1), and for the assessment of a civil  
120 penalty against each respondent. The civil penalty may not  
121 exceed \$2,000 for an exclusively nonviolent first violation and  
122 \$15,000 for any other first violation, and may not exceed \$5,000  
123 for a subsequent exclusively nonviolent violation and \$25,000  
124 for any other subsequent violation.

125 Section 13. Section 762.06, Florida Statutes, is created  
126 to read:

127 762.06 Safety and privacy.—

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

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

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

136 (2) A restraining order issued pursuant to this section  
137 may include provisions prohibiting or restricting the  
138 photographing of a person described in subsection (1) if

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139 reasonably required to safeguard the person's health, safety, or  
140 privacy.

141 (3) A court may authorize a person described in subsection  
142 (1) to use a pseudonym in a civil action described in s. 762.05  
143 if reasonably required to safeguard the person's health, safety,  
144 or privacy.

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**T I T L E A M E N D M E N T**

Remove line 45 and insert:  
to provide abortions; creating s. 762.01, F.S.;  
providing a short title; creating s. 762.02, F.S.;  
defining terms; creating s. 762.03, F.S.; defining the  
term "minor child or ward"; prohibiting a person from  
committing certain acts against reproductive health  
services clients, providers, or assistants;  
prohibiting a person from damaging certain properties;  
providing penalties; providing construction; creating  
s. 762.04, F.S.; providing criminal penalties and  
fines for first offenses and for second and subsequent  
offenses; providing requirements for departures from  
the sentences and fines; creating s. 762.05, F.S.;  
providing civil remedies for those aggrieved by  
specified violations against reproductive health

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164 services clients, providers, or assistants or against  
165 certain properties; authorizing the Attorney General,  
166 a state attorney, or a city attorney to bring a civil  
167 action for such violations; creating s. 762.06, F.S.;  
168 requiring a court to take actions necessary to  
169 safeguard the health, safety, or privacy of specified  
170 persons under certain circumstances, including  
171 granting restraining orders that may prohibit or  
172 restrict the photographing of such persons;  
173 authorizing the court to authorize specified persons  
174 to use pseudonyms in a civil action; providing  
175 appropriations;

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