

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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