A bill to be entitled
An act relating to abortion clinics; amending ss. 390.014 and 390.015, F.S.; providing applicability to abortion clinics of the licensing requirements for hospitals, ambulatory surgical centers, and mobile surgical facilities under part I of chapter 395, F.S.; amending s. 390.018, F.S.; conforming provisions relating to administrative fines; amending s. 395.001, F.S.; revising legislative intent relating to licensure of health facilities; amending s. 395.002, F.S.; revising definitions; amending s. 395.003, F.S.; providing applicability of licensing requirements of chapter 395, F.S., to abortion clinics; amending s. 395.0163, F.S.; requiring abortion clinics to submit construction plans to the Agency for Health Care Administration for review; amending s. 395.1055, F.S.; authorizing the agency to provide separate standards relating to rulemaking for abortion clinics; providing for preemption of authority with respect to construction standards for abortion clinics to the Florida Building Code; requiring the agency to provide technical assistance to update certain construction standards; amending s. 395.10973, F.S.; authorizing the agency to enforce specified provisions of the Florida Building Code; amending ss. 408.802 and 408.820, F.S.; providing conforming changes; providing
Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 390.014, Florida Statutes, is amended to read:

390.014 Licenses; fees.—

(1) The requirements of part II of chapter 408 shall apply to the provision of services that require licensure pursuant to part I of chapter 395 ss. 390.011-390.018 and part II of chapter 408 and to entities licensed by or applying for such licensure from the Agency for Health Care Administration pursuant to part I of chapter 395 ss. 390.011-390.018. A license issued by the agency is required in order to operate a clinic in this state.

(2) A separate license shall be required for each clinic maintained on separate premises, even though it is operated by the same management as another clinic; but a separate license shall not be required for separate buildings on the same premises.

(3) In accordance with s. 408.805, an applicant or licensee shall pay a fee for each license application submitted under part I of chapter 395 this chapter and part II of chapter 408. The amount of the fee shall be established by rule and may not be less than $70 or more than $500.

(4) Counties and municipalities applying for licenses under this act shall be exempt from the payment of the license fee.

CODING: Words stricken are deletions; words underlined are additions.
Section 2. Section 390.015, Florida Statutes, is amended to read:

390.015 Application for license.—In addition to the requirements of part I of chapter 395 and part II of chapter 408, an application for a license to operate an abortion clinic shall be made to the agency and must include the location of the clinic for which application is made and a statement that local zoning ordinances permit such location.

Section 3. Section 390.018, Florida Statutes, is amended to read:

390.018 Administrative fine.—In addition to the requirements of part I of chapter 395 and part II of chapter 408, the agency may impose a fine upon the clinic in an amount not to exceed $1,000 for each violation of any provision of this chapter, part I of chapter 395, part II of chapter 408, or applicable rules.

Section 4. Section 395.001, Florida Statutes, is amended to read:

395.001 Legislative intent.—It is the intent of the Legislature to provide for the protection of public health and safety in the establishment, construction, maintenance, and operation of hospitals, ambulatory surgical centers, abortion clinics, and mobile surgical facilities by providing for licensure of same and for the development, establishment, and enforcement of minimum standards with respect thereto.
Section 5. Subsections (3), (16), and (23) of section 395.002, Florida Statutes, are amended to read:

395.002 Definitions.—As used in this chapter:

(3) "Ambulatory surgical center," "abortion clinic," or "mobile surgical facility" means a facility the primary purpose of which is to provide elective surgical care, in which the patient is admitted to and discharged from such facility within the same working day and is not permitted to stay overnight, and which is not part of a hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy, an office maintained by a physician for the practice of medicine, or an office maintained for the practice of dentistry may shall not be construed to be an ambulatory surgical center.

An, provided that any facility or office that which is certified or seeks certification as a Medicare ambulatory surgical center shall be licensed as an ambulatory surgical center pursuant to s. 395.003. Any structure or vehicle in which a physician maintains an office and practices surgery, and which can appear to the public to be a mobile office because the structure or vehicle operates at more than one address, shall be construed to be a mobile surgical facility.

(16) "Licensed facility" means a hospital, ambulatory surgical center, abortion clinic, or mobile surgical facility licensed in accordance with this chapter.

(23) "Premises" means those buildings, beds, and equipment located at the address of the licensed facility and all other
buildings, beds, and equipment for the provision of hospital, ambulatory surgical, or mobile surgical care or for the performance of abortions located in such reasonable proximity to the address of the licensed facility as to appear to the public to be under the dominion and control of the licensee. For any licensee that is a teaching hospital as defined in s. 408.07(45), reasonable proximity includes any buildings, beds, services, programs, and equipment under the dominion and control of the licensee that are located at a site with a main address that is within 1 mile of the main address of the licensed facility; and all such buildings, beds, and equipment may, at the request of a licensee or applicant, be included on the facility license as a single premises.

Section 6. Paragraphs (a) and (b) of subsection (1) of section 395.003, Florida Statutes, are amended to read:

395.003  Licensure; denial, suspension, and revocation.—

(1)(a)  The requirements of part II of chapter 408 apply to the provision of services that require licensure pursuant to ss. 395.001-395.1065 and part II of chapter 408 and to entities licensed by or applying for such licensure from the Agency for Health Care Administration pursuant to ss. 395.001-395.1065. A license issued by the agency is required in order to operate a hospital, ambulatory surgical center, abortion clinic, or mobile surgical facility in this state.

(b) 1.  It is unlawful for a person to use or advertise to the public, in any way or by any medium whatsoever, any facility
as a "hospital," "ambulatory surgical center," "abortion clinic," or "mobile surgical facility" unless such facility has first secured a license under the provisions of this part.

2. This part does not apply to veterinary hospitals or to commercial business establishments using the word "hospital," "ambulatory surgical center," "abortion clinic," or "mobile surgical facility" as a part of a trade name if no treatment of human beings is performed on the premises of such establishments.

Section 7. Paragraph (b) of subsection (1) of section 395.0163, Florida Statutes, is amended to read:

395.0163 Construction inspections; plan submission and approval; fees.—

(1)

(b) All outpatient facilities that provide surgical treatments requiring general anesthesia or IV conscious sedation, that provide cardiac catheterization services, or that are to be licensed as ambulatory surgical centers or abortion clinics shall submit plans and specifications to the agency for review under this section. All other outpatient facilities must be reviewed under this section, except that those that are physically detached from, and have no utility connections with, the hospital and that do not block emergency egress from or create a fire hazard to the hospital are exempt from review under this section. This paragraph applies to applications for which review is pending on or after July 1, 1998.
Section 8. Subsections (2) and (8) of section 395.1055, Florida Statutes, are amended to read:

395.1055 Rules and enforcement.—

(2) Separate standards may be provided for general and specialty hospitals, ambulatory surgical centers, abortion clinics, mobile surgical facilities, and statutory rural hospitals as defined in s. 395.602.

(8) The agency may not adopt any rule governing the design, construction, erection, alteration, modification, repair, or demolition of any public or private hospital, intermediate residential treatment facility, or ambulatory surgical center, or abortion clinic. It is the intent of the Legislature to preempt that function to the Florida Building Commission and the State Fire Marshal through adoption and maintenance of the Florida Building Code and the Florida Fire Prevention Code. However, the agency shall provide technical assistance to the commission and the State Fire Marshal in updating the construction standards of the Florida Building Code and the Florida Fire Prevention Code which govern hospitals, intermediate residential treatment facilities, and ambulatory surgical centers, and abortion clinics.

Section 9. Subsection (8) of section 395.10973, Florida Statutes, is amended to read:

395.10973 Powers and duties of the agency.—It is the function of the agency to:

(8) Enforce the special-occupancy provisions of the
Florida Building Code which apply to hospitals, intermediate residential treatment facilities, and ambulatory surgical centers, and abortion clinics in conducting any inspection authorized by this chapter and part II of chapter 408.

Section 10. Subsection (3) of section 408.802, Florida Statutes, is amended to read:

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

(3) Abortion clinics, as provided under part I of chapter 395, chapter 390.

Section 11. Subsection (3) of section 408.820, Florida Statutes, is amended to read:

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

(3) Abortion clinics, as provided under part I of chapter 395, chapter 390, are exempt from s. 408.810(7)-(10).

Section 12. This act shall take effect July 1, 2016.