

By Senator Harrell

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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

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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

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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:

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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 to  
96 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

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117 section, to read:

118 383.302 Definitions of terms used in ss. 383.30-383.332.—As  
119 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 to  
145 read:

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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 to  
156 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 of  
163 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 personnel  
172 to provide clinical services needed by mothers and newborns and  
173 a sufficient number of qualified personnel to provide services  
174 for families and to maintain the birth center or advanced birth

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175 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

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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 to  
212 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 and  
220 occupational disciplines are available at all times to provide  
221 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

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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

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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 to  
270 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.

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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 practices  
294 and the possible causes of Sudden Unexpected Infant Death.

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

297 383.312 Prenatal care of birth center and advanced birth  
298 center clients.—

299 (1) A birth center and an advanced birth center shall  
300 ensure that their ~~its~~ clients have adequate prenatal care, as  
301 defined by the agency, and shall ensure that serological tests  
302 are administered as required by this chapter.

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

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

307 383.313 Birth center performance of laboratory and surgical  
308 services; use of anesthetic and chemical agents.—

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

317 (2) SURGICAL SERVICES.—Surgical procedures shall be limited  
318 to those normally performed during uncomplicated childbirths,  
319 such as episiotomies and repairs and may ~~shall~~ not include

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320 operative obstetrics or caesarean sections.

321 (3) ADMINISTRATION OF ANALGESIA AND ANESTHESIA.—General and  
322 conduction anesthesia may not be administered at a birth center.  
323 Systemic analgesia may be administered, and local anesthesia for  
324 pudendal block and episiotomy repair may be performed if  
325 procedures are outlined by the clinical staff and performed by  
326 personnel who have the ~~with~~ statutory authority to do so.

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

333 Section 12. Section 383.3131, Florida Statutes, is created  
334 to read:

335 383.3131 Advanced birth center performance of laboratory  
336 and surgical services; use of anesthetic and chemical agents.—

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

348 (2) SURGICAL SERVICES.—In addition to surgical procedures

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

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

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

373 Section 13. Section 383.315, Florida Statutes, is amended  
374 to read:

375 383.315 Agreements with consultants for advice or services;  
376 maintenance.—

377 (1) A birth center and an advanced birth center shall

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378 maintain in writing a consultation agreement, signed within the  
379 current license period, with each consultant who has agreed to  
380 provide advice and services to the birth center and advanced  
381 birth center as requested.

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

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

389 Section 14. Section 383.316, Florida Statutes, is amended  
390 to read:

391 383.316 Transfer and transport of clients to hospitals.—

392 (1) If unforeseen complications arise during labor,  
393 delivery, or postpartum recovery, the client shall be  
394 transferred to a hospital.

395 (2) Each licensed birth center or advanced birth center  
396 ~~facility~~ shall make arrangements with a local ambulance service  
397 licensed under chapter 401 for the transport of emergency  
398 patients to a hospital. Such arrangements shall be documented in  
399 the center's policy and procedures manual ~~of the facility~~ if the  
400 birth center or advanced birth center does not own or operate a  
401 licensed ambulance. The policy and procedures manual shall also  
402 contain specific protocols for the transfer of any patient to a  
403 licensed hospital.

404 (3) Each licensed advanced birth center shall enter into a  
405 written transfer agreement with a local hospital licensed under  
406 chapter 395 for the transfer and admission of emergency patients

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407 to the hospital or a written agreement with an obstetrician who  
408 has hospital privileges to provide coverage at all times and who  
409 has agreed to accept the transfer of the advanced birth center's  
410 patients.

411 (4)-(3) A licensed birth center or advanced birth center  
412 facility shall identify neonatal-specific transportation  
413 services, including ground and air ambulances; list their  
414 particular qualifications; and have the telephone numbers for  
415 access to these services clearly listed and immediately  
416 available.

417 (5)-(4) The birth center or advanced birth center shall  
418 assess and document Annual assessments of the transportation  
419 services and transfer protocols annually shall be made and  
420 documented.

421 Section 15. Section 383.318, Florida Statutes, is amended  
422 to read:

423 383.318 Postpartum care for birth center and advanced birth  
424 center clients and infants.-

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

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

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436 the agency.

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

442 (3)~~(2)~~ A prophylactic shall be instilled in the eyes of  
443 each newborn in accordance with s. 383.04.

444 (4)~~(3)~~ The birth center or advanced birth center shall  
445 provide a postpartum evaluation and followup care that includes  
446 all of the following:

447 (a) Physical examination of the infant.

448 (b) Metabolic screening tests required by s. 383.14.

449 (c) Referral to sources for pediatric care.

450 (d) Maternal postpartum assessment that incorporates mental  
451 health screening.

452 (e) Information on postpartum depression and the telephone  
453 number of the Family Health Line operated pursuant to s.  
454 383.011.

455 (f) Instruction in child care, including immunization,  
456 breastfeeding, safe sleep practices, and possible causes of  
457 Sudden Unexpected Infant Death.

458 (g) Family planning services.

459 (h) Referral to secondary or tertiary care, as indicated.

460 Section 16. Section 383.32, Florida Statutes, is amended to  
461 read:

462 383.32 Birth center and advanced birth center clinical  
463 records.—

464 (1) Clinical records shall contain information prescribed

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465 by rule, including, but not limited to:

466 (a) Identifying information.

467 (b) Risk assessments.

468 (c) Information relating to prenatal visits.

469 (d) Information relating to the course of labor and  
470 intrapartum care.

471 (e) Information relating to consultation, referral, and  
472 transport to a hospital.

473 (f) Newborn assessment, APGAR score, treatments as  
474 required, and followup.

475 (g) Postpartum followup.

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

478 (a) At the time of admission.

479 (b) When transfer of care is necessary.

480 (c) For audit by licensure personnel.

481 (3) Clinical records shall be kept confidential in  
482 accordance with s. 456.057 and exempt from ~~the provisions of s.~~  
483 119.07(1). A client's clinical records shall be open to  
484 inspection only under the following conditions:

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

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

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

492 (b) Statistics on maternal and perinatal morbidity and  
493 mortality, maternal risk, consultant referrals, and transfers of

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494 care shall be analyzed at least semiannually.

495 (c) The governing body shall examine the results of the  
496 record audits and statistical analyses and shall make such  
497 reports available for inspection by the public and licensing  
498 authorities.

499 Section 17. Section 383.324, Florida Statutes, is amended  
500 to read:

501 383.324 Inspections and investigations; inspection fees.—  
502 Each birth center and advanced birth center ~~facility~~ licensed  
503 under s. 383.305 shall pay to the agency an inspection fee  
504 established by rule of the agency. In addition to the  
505 requirements of part II of chapter 408, the agency shall  
506 coordinate all periodic inspections for licensure made by the  
507 agency to ensure that the cost to the birth center or advanced  
508 birth center ~~facility~~ of such inspections and the disruption of  
509 services by such inspections is minimized.

510 Section 18. Section 383.325, Florida Statutes, is amended  
511 to read:

512 383.325 Inspection reports.—

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

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

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

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

538 Section 19. Section 383.327, Florida Statutes, is amended  
539 to read:

540 383.327 Birth and death records; reports.—Each licensed  
541 birth center and advanced birth center shall:

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

545 (2) Immediately report each maternal death, newborn death,  
546 and stillbirth ~~shall be reported immediately~~ to the medical  
547 examiner.

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

550 (4) Annually submit a report ~~shall be submitted annually~~ to  
551 the agency. The contents of the report shall be prescribed by

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552 rule of the agency.

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

556 383.33 Administrative penalties; moratorium on admissions.—

557 (1) In addition to the requirements of part II of chapter  
558 408, the agency may impose an administrative fine not to exceed  
559 \$500 per violation per day for the violation of any provision of  
560 ss. 383.30-383.332, part II of chapter 408, or applicable rules.

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

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

570 (b) Actions taken by the licensee to correct the violations  
571 or to remedy complaints.

572 (c) Any previous violations by the licensee.

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

579 Section 21. Section 383.332, Florida Statutes, is amended  
580 to read:

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581           383.332 Establishing, managing, or operating a birth center  
582 or an advanced birth center without a license; penalty.—Any  
583 person who establishes, conducts, manages, or operates any birth  
584 center or advanced birth center ~~facility~~ without a license  
585 issued under s. 383.305 and part II of chapter 408 commits a  
586 misdemeanor and, upon conviction, shall be fined not more than  
587 \$100 for the first offense and not more than \$500 for each  
588 subsequent offense; and each day of continuing violation after  
589 conviction shall be considered a separate offense.

590           Section 22. Paragraph (a) of subsection (2) of section  
591 408.033, Florida Statutes, is amended to read:

592           408.033 Local and state health planning.—

593           (2) FUNDING.—

594           (a) The Legislature intends that the cost of local health  
595 councils be borne by assessments on selected health care  
596 facilities subject to facility licensure by the Agency for  
597 Health Care Administration, including abortion clinics, assisted  
598 living facilities, ambulatory surgical centers, birth centers,  
599 advanced birth centers, home health agencies, hospices,  
600 hospitals, intermediate care facilities for the developmentally  
601 disabled, nursing homes, health care clinics, and multiphasic  
602 testing centers and by assessments on organizations subject to  
603 certification by the agency pursuant to chapter 641, part III,  
604 including health maintenance organizations and prepaid health  
605 clinics. Fees assessed may be collected prospectively at the  
606 time of licensure renewal and prorated for the licensure period.

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

609           408.07 Definitions.—As used in this chapter, with the

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610 exception of ss. 408.031-408.045, the term:

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

613 (23) "Health care facility" means an ambulatory surgical  
614 center, a hospice, a nursing home, a hospital, a diagnostic-  
615 imaging center, a freestanding or hospital-based therapy center,  
616 a clinical laboratory, a home health agency, a cardiac  
617 catheterization laboratory, a medical equipment supplier, an  
618 alcohol or chemical dependency treatment center, a physical  
619 rehabilitation center, a lithotripsy center, an ambulatory care  
620 center, a birth center, an advanced birth center, or a nursing  
621 home component licensed under chapter 400 within a continuing  
622 care facility licensed under chapter 651.

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

625 408.802 Applicability. ~~The provisions of~~ This part applies  
626 ~~apply~~ to the provision of services that require licensure as  
627 defined in this part and to the following entities licensed,  
628 registered, or certified by the agency, as described in chapters  
629 112, 383, 390, 394, 395, 400, 429, 440, 483, and 765:

630 (2) Birth centers and advanced birth centers, as provided  
631 under chapter 383.

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

634 408.820 Exemptions.—Except as prescribed in authorizing  
635 statutes, the following exemptions shall apply to specified  
636 requirements of this part:

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

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

641 465.003 Definitions.—As used in this chapter, the term:

642 (11) (a) "Pharmacy" includes a community pharmacy, an  
643 institutional pharmacy, a nuclear pharmacy, a special pharmacy,  
644 and an Internet pharmacy.

645 1. The term "community pharmacy" includes every location  
646 where medicinal drugs are compounded, dispensed, stored, or sold  
647 or where prescriptions are filled or dispensed on an outpatient  
648 basis.

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

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

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

664 5. The term "Internet pharmacy" includes locations not  
665 otherwise licensed or issued a permit under this chapter, within  
666 or outside this state, which use the Internet to communicate  
667 with or obtain information from consumers in this state and use

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668 such communication or information to fill or refill  
669 prescriptions or to dispense, distribute, or otherwise engage in  
670 the practice of pharmacy in this state. Any act described in  
671 this definition constitutes the practice of pharmacy as defined  
672 in subsection (13).

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

684 Section 27. Paragraph (c) of subsection (2) of section  
685 465.019, Florida Statutes, is amended to read:

686 465.019 Institutional pharmacies; permits.-

687 (2) The following classes of institutional pharmacies are  
688 established:

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

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