

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Health Care Appropriations
2 Subcommittee

3 Representative Smith, C. offered the following:

4
5 **Amendment (with title amendment)**

6 Between lines 308 and 309, insert:

7 Section 7. Section 762.01, Florida Statutes, is created to
8 read:

9 762.01 Short title.—Sections 762.01-762.06 may be cited as
10 the "Clinic Protection Act."

11 Section 8. Section 762.02, Florida Statutes, is created to
12 read:

13 762.02 Definitions.—As used in ss. 762.01-762.06, the
14 term:

15 (1) "Crime of violence" means an offense that involves the
16 use or attempted or threatened use of physical force against the

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17 person or property of another.

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

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

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

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

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

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

37 (a) Obtaining or seeking to obtain any services in a
38 reproductive health services facility;

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

41 (c) Assisting or seeking to assist another person at that

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42 other person's request to obtain or provide any services in a
43 reproductive health services facility; or

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

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

51 Section 9. Section 762.03, Florida Statutes, is created to
52 read:

53 762.03 Prohibited acts.—

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

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

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

65 (b) Intentionally injuring, intimidating, or interfering
66 with, or attempting to injure, intimidate, or interfere with, a

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67 person or an entity by nonviolent physical obstruction because
68 that person or entity is a reproductive health services client,
69 provider, or assistant, or in order to intimidate that person or
70 entity from becoming or remaining a reproductive health services
71 client, provider, or assistant.

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

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

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

82 Section 10. Section 762.04, Florida Statutes, is created
83 to read:

84 762.04 Penalties.—

85 (1) A person who violates s. 762.03(2)(b) for the first
86 time commits a misdemeanor of the second degree, punishable by
87 imprisonment in a county jail not exceeding 6 months and by a
88 fine not exceeding \$2,000. A second or subsequent offense
89 constitutes a misdemeanor of the second degree, punishable by
90 imprisonment in a county jail not exceeding 6 months and by a
91 fine not exceeding \$5,000.

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

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

103 Section 11. Section 762.05, Florida Statutes, is created
104 to read:

105 762.05 Civil actions.-

106 (1) A person aggrieved by a violation of s. 762.03 may
107 bring a civil action to enjoin the violation, for compensatory
108 and punitive damages, and for the costs of the action and
109 reasonable fees for attorneys and expert witnesses, except that
110 only a reproductive health services client, provider, or
111 assistant may bring an action for a violation of s. 762.03(2).
112 With respect to compensatory damages, the plaintiff may elect,
113 at any time before the rendering of a final judgment, to
114 recover, in lieu of actual damages, an award of statutory
115 damages in the amount of \$1,000 for each exclusively nonviolent
116 violation and \$5,000 for each violation other than an

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117 exclusively nonviolent violation.

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

127 Section 12. Section 762.06, Florida Statutes, is created
128 to read:

129 762.06 Safety and privacy.—

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

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

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

138 (2) A restraining order issued pursuant to this section
139 may include provisions prohibiting or restricting the
140 photographing of a person described in subsection (1) if
141 reasonably required to safeguard the person's health, safety, or

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142 privacy.

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

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

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Remove line 40 and insert:

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Public Health; An act relating to access to clinics; providing a

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directive to the Division of Law Revision; creating s. 762.01,

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F.S.; providing a short title; creating s. 762.02, F.S.;

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defining terms; creating s. 762.03, F.S.; defining the term

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"minor child or ward"; prohibiting a person from committing

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certain acts against reproductive health services clients,

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providers, or assistants; prohibiting a person from damaging

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certain properties; providing penalties; providing construction;

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creating s. 762.04, F.S.; providing criminal penalties and fines

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for first offenses and for second and subsequent offenses;

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providing requirements for departures from the sentences and

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fines; creating s. 762.05, F.S.; providing civil remedies for

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those aggrieved by specified violations against reproductive

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health services clients, providers, or assistants or against

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certain properties; authorizing the Attorney General, a state

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167 attorney, or a city attorney to bring a civil action for such
168 violations; creating s. 762.06, F.S.; requiring a court to take
169 actions necessary to safeguard the health, safety, or privacy of
170 specified persons under certain circumstances, including
171 granting restraining orders that may prohibit or restrict the
172 photographing of such persons; authorizing the court to
173 authorize specified persons to use pseudonyms in a civil action;
174 providing an appropriation; providing