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Kissimmee Planned Parenthood to no longer offer some abortion services due to legal action

By Ken Jackson and Rachel Christian Jan 31, 2019 Updated 6 hrs ago

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Planned Parenthood of Kissimmee at the Oak Commons Medical Center.

After nearly five years of legal proceedings, a property owner that shares an office complex of medical practices with the Kissimmee Planned Parenthood office received a permanent legal injunction that will prevent Planned Parenthood from performing abortion services later this year.

Based on an injunction filed Tuesday and signed by Ninth District Court Judge Michael Murphy, the facility will be barred from performing surgical abortions and vasectomies beginning Nov. 1.

MMB Properties, which leases space to other medical offices at 610 Oak Commons - across the street from Planned Parenthood - has maintained since the health care center opened in May 2014 that performing those surgical procedures went against covenants of the complex put in place decades ago.

MMB sought a temporary injunction in July 2014, which during this saga has been upheld by the Fifth District Court of Appeals, temporarily overturned by the Florida Supreme Court and, over the last few weeks, hammered out by mediators into a permanent injunction that will end those procedures within the year.

"This will resolve all the issues," said attorney Maureen Arago, counsel for MMB.

Planned Parenthood's defenses during the legal debate has been that these services are "ancillary and incidental to a physician's practice" and that, according to a deposition from Planned Parenthood of Central Florida, abortions constituted less than 1 percent of the services provided at its two area locations and that a portion of abortions performed were "medication abortions," where the woman took a prescription to terminate pregnancy.

A March 11 trial date had been set for the case but has since been canceled with the mediated permanent injunction.

"While the (Florida) Supreme Court overturned the injunction in February 2017, it agreed with the Court of Appeals' interpretation of the restrictions," Arago said. "(Planned Parenthood) would have had a hard time making its case to the court."

In a release sent out Tuesday afternoon, MMB Properties was "pleased to have the case resolved with an agreed permanent injunction."

"Planned Parenthood's decision to agree to the permanent injunction on the eve of trial is appreciated insofar as it spares MMB Properties and the court from additional expenses and time to establish by trial what the world already knows: abortion is Planned Parenthood's golden goose."

Planned Parenthood of Southwest and Central Florida released a statement Wednesday categorizing the litigation as "a harassment lawsuit." The group assured that the doors of its Oak Commons Kissimmee location will remain open and continue offering all other health care services.

Patients will still be able to receive surgical abortions and vasectomy procedures after Nov. 1 at Planned Parenthood's Tampa, Naples, Fort Myers and Sarasota locations, as well as a new location opening soon in Orlando, according to the statement.

"Ultimately, the decision to settle fell to us as a health care provider with a responsibility to our patients and their health care," stated Stephanie Fraim, CEO and president of Planned Parenthood of Southwest and Central Florida. "Because their needs always come first and knowing that we can provide that care in another location, we chose to do so to move forward."