

IN THE CIRCUIT COURT OF THE  
NINTH JUDICIAL CIRCUIT, IN AND  
FOR OSCEOLA COUNTY, FLORIDA

MMB PROPERTIES, a Florida general  
partnership,

CASE NO.: 2014-CA1636 OC

Plaintiff,

vs.

PLANNED PARENTHOOD OF GREATER  
ORLANDO, INC., a Florida non-profit  
corporation,

Defendant.

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**AFFIDAVIT OF MATTHEW HARKINS**

STATE OF FLORIDA  
COUNTY OF OSCEOLA

BEFORE ME, the undersigned authority, personally appeared Matthew Harkins, who  
after first being duly sworn on oath, deposes and says as follows:

1. My name is Matthew Harkins. I am over the age of 18 and otherwise fully  
competent to testify in these proceedings. Unless indicated to the contrary, all statements made  
in this Affidavit are true and correct based on my own personal knowledge.

2. I am a licensed general contractor in the state of Florida

3. I have had over 20 years of experience building health care facilities, including  
medical offices and outpatient surgical centers.

4. I have been involved in the building of at least 25 medical offices and 3 outpatient  
surgical centers.

5. The term "outpatient surgical center" is generally understood to mean a class of facilities licensed by the Agency for Healthcare Administration ("AHCA"). These facilities are also called ambulatory surgical centers.

6. To apply for an outpatient surgical center license, ACHA review is required. All construction plans must be reviewed by AHCA. The Office of Plan and Construction within AHCA has to be notified before any renovations or additions are made or new facilities added. Further, the plans must be approved by AHCA prior to starting construction even if the local building departments have already approved them.

7. Facilities must be licensed by AHCA in order to operate or advertise themselves as outpatient or ambulatory surgical centers.

8. I oversaw the planning and renovation for PLANNED PARENTHOOD's new health center located at 610 Oak Commons Boulevard in Kissimmee, Florida ("the Kissimmee health center"). I was involved with many aspects of this from planning to the actual renovations of the medical facility, including pricing the renovation and working with the architect and subcontractors.

9. The Kissimmee health center was renovated from a previous OBGYN medical office to the current medical office. The layout is comparable to the previous medical office, and it is consistent with the features of any medical office, clinic or health center.

10. The Kissimmee health center does not have many of the features, including the electrical, mechanical, and plumbing components required of outpatient surgical centers regulated by AHCA.

11. PLANNED PARENTHOOD did not initiate ACHA review of construction plans and the Kissimmee health center has not been licensed as an ACHA outpatient surgical facility.

12. Before purchasing the Kissimmee health center, I submitted a zoning verification request to the City of Kissimmee on behalf of PLANNED PARENTHOOD.

13. The zoning verification request inquired about two types of facilities: medical offices and outpatient surgical centers.

14. I used the term "outpatient surgical center" to refer to the specific class of outpatient or ambulatory surgical facilities regulated by AHCA.

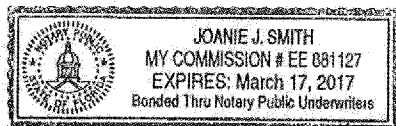
15. While the Kissimmee health center was not to be renovated as an outpatient surgical center, I submitted this zoning verification request because PLANNED PARENTHOOD wanted to enquire as to whether the Kissimmee health center could be renovated and used to provide certain outpatient surgical procedures in the future.

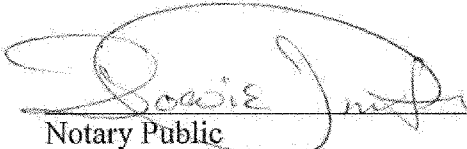

FURTHER AFFIANT SAITH NAUGHT.

  
Matthew Harkins

SWORN TO AND SUBSCRIBED before me this 25<sup>th</sup> day of July, 2014, by Matthew Harkins who is  personally known to me, or  who produced \_\_\_\_\_ as identification.

[SEAL]



  
Notary Public  
  
Printed Name

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on July 28, 2014, I electronically filed the foregoing with the Clerk of the Court by using the E-Portal system which will serve a copy via email on:

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/s/ Donald E. Christopher  
Donald E. Christopher