

1                                   A bill to be entitled  
2           An act relating to abortion; creating the "Florida for  
3           Life Act"; creating s. 390.0001, F.S.; providing  
4           legislative findings regarding abortion; amending s.  
5           390.011, F.S.; revising and providing definitions;  
6           amending s. 390.0111, F.S.; prohibiting inducing an  
7           abortion or performing, attempting to perform, or  
8           assisting in an induced abortion; providing criminal  
9           penalties; prohibiting inflicting serious bodily  
10          injury on a person in the course of performing an  
11          abortion; providing criminal penalties; providing  
12          enhanced criminal penalties if the serious bodily  
13          injury results in death; prohibiting operation of any  
14          facility, business, or service for the purpose of  
15          providing induced abortion services; providing  
16          criminal penalties; prohibiting termination of a  
17          pregnancy unless specified conditions are met;  
18          requiring that a termination of pregnancy be performed  
19          only by a physician; requiring voluntary, informed  
20          consent for a termination of pregnancy; deleting an  
21          exemption from the requirement to view an ultrasound  
22          for women who are the victims of rape, incest,  
23          domestic violence, or human trafficking or for women  
24          who have a serious medical condition; deleting a  
25          provision authorizing a physician to provide certain  
26          information within a specified timeframe if the

27 | patient presents certain documentation that she is a  
28 | victim of rape, incest, domestic violence, or human  
29 | trafficking; providing an exception for medical  
30 | emergencies; providing for documentation of a medical  
31 | emergency; providing that violations may subject  
32 | physicians to discipline under specified provisions;  
33 | prohibiting fetal experimentation; providing an  
34 | exception; requiring that fetal remains be disposed of  
35 | according to specified standards; providing criminal  
36 | penalties; excluding specified procedures from  
37 | applicability of this section; requiring physicians  
38 | and personnel at a medical facility to provide certain  
39 | women and minors who have been treated by the facility  
40 | with information regarding adoption and access to a  
41 | statewide list of attorneys available to provide  
42 | volunteer legal services for adoption; authorizing the  
43 | Agency for Health Care Administration and the  
44 | Department of Health to adopt rules; amending s.  
45 | 390.01112, F.S.; providing grounds for disciplinary  
46 | action against a physician performing a termination of  
47 | pregnancy during viability under certain  
48 | circumstances; specifying where a termination of  
49 | pregnancy during viability may be performed;  
50 | prohibiting misrepresentation of the gestational age  
51 | or developmental stage of a viable fetus in any  
52 | medical record or failure to use the prescribed

53 standard of care on a viable fetus by a physician;  
54 providing criminal penalties; amending s. 39.001,  
55 F.S.; providing legislative intent concerning adoption  
56 services for women and minors with unwanted  
57 pregnancies; requiring the Office of Adoption and  
58 Child Protection to create and manage a statewide list  
59 of attorneys providing volunteer adoption services for  
60 women and minors with unwanted pregnancies who would  
61 have selected abortion, if lawful, rather than  
62 adoption; providing that the full amount of all  
63 federal moneys received by the state as a result of  
64 efforts made by the office to provide legal and other  
65 services for adoption are deposited, directed, and  
66 budgeted for use by the office; repealing ss.  
67 390.01114, 390.01116, 390.0112, 390.012, 390.014,  
68 390.015, 390.018, and 390.025, F.S., relating to  
69 provisions regulating the termination of pregnancies  
70 and definitions applying thereto, the Parental Notice  
71 of Abortion Act, public records exemptions for  
72 identifying information regarding minors seeking a  
73 waiver of notice requirements under such act,  
74 reporting requirements for terminated pregnancies, the  
75 licensure and operation of abortion clinics, the  
76 disposal of fetal remains, the imposition of  
77 administrative fines for violations by abortion  
78 clinics, and provisions regulating abortion referral

79 or counseling agencies and prescribing penalties for  
 80 violations by such agencies; repealing ss. 782.30,  
 81 782.32, 782.34, and 782.36, F.S., relating to the  
 82 Partial-Birth Abortion Act and the short title,  
 83 definitions, criminal penalties for the intentional  
 84 killing of a living fetus while that fetus is  
 85 partially born, and exceptions to such act; amending  
 86 s. 27.511, F.S.; conforming language relating to  
 87 court-appointed counsel for minors under the Parental  
 88 Notice of Abortion Act to the repeal of s. 390.01114,  
 89 F.S.; amending ss. 627.64995, 627.6699, 627.66996, and  
 90 641.31099, F.S.; providing restrictions on use of  
 91 state and federal funds for state exchanges that  
 92 provide coverage for induced abortions and  
 93 terminations of pregnancies under certain conditions;  
 94 amending ss. 743.065, 743.067, and 765.113, F.S.;

95 conforming cross-references; providing an effective  
 96 date.

97  
 98 Be It Enacted by the Legislature of the State of Florida:

99  
 100 Section 1. This act may be cited as the "Florida for Life  
 101 Act."

102 Section 2. Section 390.0001, Florida Statutes, is created  
 103 to read:

104 390.0001 Legislative findings regarding abortion.—

105       (1) The Legislature acknowledges that all persons are  
106 endowed by their Creator with certain unalienable rights, and  
107 that first among these is their right to life.

108       (2) The Legislature finds that all human life comes from  
109 the Creator, has an inherent value that cannot be quantified by  
110 man, and begins at the earliest biological development of a  
111 fertilized human egg.

112       (3) The Legislature finds that the United States  
113 Constitution expresses no qualification for, or limitation on,  
114 the protection of human life by laws passed by state  
115 legislatures which regard human life as the most fundamental  
116 gift from God and deserving of paramount importance among all  
117 other unalienable rights expressed or implied in the United  
118 States Constitution.

119       (4) The Legislature finds that personal liberty is not a  
120 license to kill or otherwise destroy any form of human life  
121 under any provision of the United States Constitution.

122       (5) The Legislature finds that once human life begins,  
123 there is a compelling state interest in protecting its  
124 development from that moment through birth. Any act of a person  
125 detrimental to unborn human life, when not necessary in defense  
126 of the life of the mother bearing such unborn human life, which  
127 unnaturally terminates that unborn human life is a deprivation  
128 of that unborn human's unalienable right to life.

129       (6) The Legislature finds that the establishment of  
130 viability as the point at which the state may restrict

131 abortions, as well as the "undue burden" standard of *Planned*  
 132 *Parenthood of Southern Pennsylvania v. Casey*, 505 U.S. 833  
 133 (1992) is arbitrary and provides inadequate guidance for this  
 134 state to enact meaningful protections for unborn human life.

135 (7) The Legislature finds that the health exception  
 136 required of post-viability abortion regulations inadequately  
 137 protects the health of women and minors seeking post-viability  
 138 abortions and impedes the state's protection of viable unborn  
 139 human life.

140 (8) The Legislature finds that the people of Florida seek  
 141 to protect all human life and prohibit unnecessary abortion  
 142 through the exercise of their right to self-government.

143 (9) The Legislature urges the United States Supreme Court  
 144 to overturn *Roe v. Wade*, 410 U.S. 113 (1973), and *Planned*  
 145 *Parenthood of Southern Pennsylvania v. Casey*, 505 U.S. 833  
 146 (1992).

147 Section 3. Section 390.011, Florida Statutes, is amended  
 148 to read:

149 390.011 Definitions.—As used in this chapter, the term:

150 (1) "Abortion" means the termination of human pregnancy  
 151 with an intention other than to produce a live birth or to  
 152 remove a ~~dead~~ fetus that has died of natural causes.

153 (2) "Abortion clinic" or "clinic" means any facility,  
 154 location, or structure in which abortions are performed. The  
 155 term does not include÷

156 ~~(a)~~ a hospital or medical establishment, as defined in

157 subsection (6); or

158 ~~(b) A physician's office, provided that the office is not~~  
159 ~~used primarily for the performance of abortions.~~

160 (3) "Agency" means the Agency for Health Care  
161 Administration.

162 (4) "Born alive" means the complete expulsion or  
163 extraction from the mother of a human infant, at any stage of  
164 development, who, after such expulsion or extraction, breathes  
165 or has a beating heart, or definite and voluntary movement of  
166 muscles, regardless of whether the umbilical cord has been cut  
167 and regardless of whether the expulsion or extraction occurs as  
168 a result of natural or induced labor, caesarean section, induced  
169 abortion, or other method.

170 (5) "Department" means the Department of Health.

171 (6) "Hospital" means a medical establishment ~~facility~~ as  
172 defined in s. 395.002(12) and licensed under chapter 395 and  
173 part II of chapter 408.

174 (7) "Human life" means a human person and is the  
175 biological development of the species homo sapiens that begins  
176 when a human egg is fertilized by a human sperm and continues to  
177 develop as a living organism. For the purposes of this chapter,  
178 the terms "human life" and "human person" may be used  
179 interchangeably.

180 (8) "Induced abortion" means a medically initiated  
181 termination of a human pregnancy with the intent to kill a  
182 living human organism, zygote, embryo, or fetus. For purposes of

183 this subsection, the term "medically initiated" means the  
184 ingestion or administration of pharmaceutical abortifacients by  
185 any means, performance of a surgical procedure, or use of any  
186 device or instrument and any combination thereof.

187 (9) "Medical emergency" means a condition that, on the  
188 basis of a physician's good faith clinical judgment, so  
189 complicates the medical condition of a patient as to necessitate  
190 the immediate termination of her pregnancy to avert her death,  
191 or for which a delay in the termination of her pregnancy will  
192 create serious risk of substantial and irreversible impairment  
193 of a major bodily function or unreasonably reduce the likelihood  
194 of successful treatment of a life-threatening disease.

195 (10)-(7) "Partial-birth abortion" means a termination of  
196 pregnancy in which the physician performing the termination of  
197 pregnancy partially vaginally delivers a living fetus and then  
198 kills before killing the fetus before and completing the  
199 delivery.

200 (11) "Patient" means the woman or minor upon whom an  
201 abortion or termination of pregnancy is to be performed or  
202 induced.

203 (12)-(8) "Physician" means a physician licensed under  
204 chapter 458 or chapter 459 or a physician practicing medicine or  
205 osteopathic medicine in the employment of the United States who  
206 is attending to the patient.

207 (13) "Pregnancy" means the process by which a human egg is  
208 fertilized by a human sperm and continues to develop.



209        ~~(14)-(9)~~ "Reasonable medical judgment" means a medical  
 210 judgment ~~that would be~~ made by a practicing ~~reasonably prudent~~  
 211 physician, knowledgeable about the case and the treatment  
 212 possibilities with respect to the medical conditions involved.

213        ~~(15)-(10)~~ "Standard medical measure" means the medical care  
 214 that a physician would provide based on the particular facts of  
 215 the pregnancy, the information available to the physician, and  
 216 the technology reasonably available in a hospital, as defined in  
 217 s. 395.002, with an obstetrical department, to preserve the life  
 218 and health of the fetus, with or without temporary artificial  
 219 life-sustaining support, if the fetus were born at the same  
 220 stage of fetal development.

221        ~~(16)~~ "Termination of pregnancy" means the termination of a  
 222 human pregnancy under circumstances not prohibited by this  
 223 chapter.

224        ~~(17)-(11)~~ "Third trimester" means the weeks of pregnancy  
 225 after the 24th week of pregnancy.

226        ~~(18)-(12)~~ "Viable" or "viability" means the stage of fetal  
 227 development when, in the judgment of the physician, based on the  
 228 particular facts of the case before him or her and in light of  
 229 the most advanced medical technology and information available,  
 230 there is a reasonable probability of sustained survival of the  
 231 unborn human person outside his or her mother's womb with or  
 232 without artificial support ~~the life of a fetus is sustainable~~  
 233 ~~outside the womb through standard medical measures.~~

234 Section 4. Section 390.0111, Florida Statutes, is amended  
 235 to read:

236 390.0111 Abortion unlawful; termination of pregnancies;  
 237 circumstances authorized.—

238 (1) INDUCED ABORTION PROHIBITED; PENALTIES.—

239 (a) Induced abortion for any purpose is unlawful, except  
 240 as provided in s. 390.01112. Any person who induces an abortion  
 241 or performs, attempts to perform, or assists another in the  
 242 performance of an induced abortion on another person commits a  
 243 felony of the first degree, punishable as provided in s.  
 244 775.082, s. 775.083, or s. 775.084.

245 (b) Any person who during the course of performing an  
 246 induced abortion on another person inflicts serious bodily  
 247 injury on the person commits a felony of the first degree,  
 248 punishable by imprisonment for a term of years not exceeding  
 249 life, as provided in s. 775.082, s. 775.083, or s. 775.084.

250 (c) Any person who during the course of performing an  
 251 induced abortion on another person inflicts serious bodily  
 252 injury on the person which results in the death of the person  
 253 commits a life felony, punishable as provided in s. 775.082, s.  
 254 775.083, or s. 775.084.

255 (2) OPERATING ABORTION CLINICS AND SERVICES PROHIBITED.—A  
 256 person or persons who operate any facility, business, or service  
 257 from any location within this state for the purpose of providing  
 258 induced abortion services commits a felony of the first degree,

259 punishable by imprisonment for a term of years not exceeding  
260 life, as provided in s. 775.082, s. 775.083, or s. 775.084.

261 (3)-(1) TERMINATION OF PREGNANCY IN THIRD TRIMESTER; WHEN  
262 ALLOWED.-A ~~No~~ termination of pregnancy may not shall be  
263 performed on any human being in the third trimester of pregnancy  
264 unless one of the following conditions is met:

265 (a) Two physicians certify in writing that, to a  
266 reasonable degree of medical certainty in reasonable medical  
267 judgment, the termination of the pregnancy is necessary to  
268 prevent the death of the patient; save the pregnant woman's life  
269 or avert a serious risk of substantial and irreversible physical  
270 impairment of a major bodily function of the pregnant woman  
271 other than a psychological condition.

272 (b) Two physicians certify ~~The physician certifies~~ in  
273 writing that, to a reasonable degree of medical certainty, the  
274 termination of pregnancy is necessary because to continue the  
275 pregnancy would unreasonably reduce the likelihood of successful  
276 treatment of an already life-threatening disease of the patient;  
277 or

278 (c) The attending physician certifies in writing that a  
279 medical emergency existed as described in paragraph (a) or  
280 paragraph (b) and another physician was not available for  
281 consultation before the time necessary to perform the  
282 termination of pregnancy. The physician's written certification  
283 must clearly describe the details of the medical emergency in  
284 the patient's medical records.

285  
 286 Violation of this subsection by a physician constitutes grounds  
 287 for disciplinary action under s. 458.331 or s. 459.015 in  
 288 ~~reasonable medical judgment, there is a medical necessity for~~  
 289 ~~legitimate emergency medical procedures for termination of the~~  
 290 ~~pregnancy to save the pregnant woman's life or avert a serious~~  
 291 ~~risk of imminent substantial and irreversible physical~~  
 292 ~~impairment of a major bodily function of the pregnant woman~~  
 293 ~~other than a psychological condition, and another physician is~~  
 294 ~~not available for consultation.~~

295 (4)~~(2)~~ PERFORMANCE BY PHYSICIAN REQUIRED.—A ~~No~~ termination  
 296 of pregnancy may not shall be performed at any time except by a  
 297 physician as defined in s. 390.011.

298 (5)~~(3)~~ CONSENTS REQUIRED.—A termination of pregnancy may  
 299 not be performed or induced except with the voluntary and  
 300 informed written consent of the patient ~~pregnant woman~~ or, in  
 301 the case of a mentally ~~mental~~ incompetent patient, the voluntary  
 302 and informed written consent of her court-appointed guardian or,  
 303 in the case of a minor patient, notwithstanding s. 743.065, the  
 304 voluntary informed written consent of her parent or legal  
 305 guardian.

306 (a) Except in the case of a medical emergency, consent to  
 307 a termination of pregnancy is voluntary and informed only if:

- 308 1. The physician who is to perform the procedure, or the  
 309 referring physician, has, at a minimum, orally, while physically  
 310 present in the same room, and at least 24 hours before the

311 procedure, informed the patient, or the court-appointed guardian  
 312 if the patient is mentally incompetent or the parent or legal  
 313 guardian if the patient is a minor, ~~woman~~ of:

314 a. The nature and risks of undergoing or not undergoing  
 315 the proposed procedure that a reasonable patient would consider  
 316 material to making a knowing and willful decision of whether to  
 317 terminate a pregnancy.

318 b. The probable gestational age of the fetus, verified by  
 319 an ultrasound, at the time the termination of pregnancy is to be  
 320 performed.

321 (I) The ultrasound must be performed by the physician who  
 322 is to perform the abortion or by a person having documented  
 323 evidence that he or she has completed a course in the operation  
 324 of ultrasound equipment as prescribed by rule and who is working  
 325 in conjunction with the physician.

326 (II) The person performing the ultrasound must offer the  
 327 patient ~~woman~~ the opportunity to view the live ultrasound images  
 328 and hear an explanation of them. If the patient ~~woman~~ accepts  
 329 the opportunity to view the images and hear the explanation, a  
 330 physician or a registered nurse, licensed practical nurse,  
 331 advanced registered nurse practitioner, or physician assistant  
 332 working in conjunction with the physician must contemporaneously  
 333 review and explain the images to the patient ~~woman~~ before the  
 334 patient ~~woman~~ gives informed consent to having an abortion  
 335 procedure performed.

336 (III) The patient ~~woman~~ has a right to decline to view and

337 | hear the explanation of the live ultrasound images after she is  
338 | informed of her right and offered an opportunity to view the  
339 | images and hear the explanation. If the patient ~~woman~~ declines,  
340 | the patient ~~woman~~ shall complete a form acknowledging that she  
341 | was offered an opportunity to view and hear the explanation of  
342 | the images but that she declined that opportunity. The form must  
343 | also indicate that the patient's ~~woman's~~ decision was not based  
344 | on any undue influence from any person to discourage her from  
345 | viewing the images or hearing the explanation and that she  
346 | declined of her own free will.

347 | ~~(IV) Unless requested by the woman, the person performing~~  
348 | ~~the ultrasound may not offer the opportunity to view the images~~  
349 | ~~and hear the explanation and the explanation may not be given~~  
350 | ~~if, at the time the woman schedules or arrives for her~~  
351 | ~~appointment to obtain an abortion, a copy of a restraining~~  
352 | ~~order, police report, medical record, or other court order or~~  
353 | ~~documentation is presented which provides evidence that the~~  
354 | ~~woman is obtaining the abortion because the woman is a victim of~~  
355 | ~~rape, incest, domestic violence, or human trafficking or that~~  
356 | ~~the woman has been diagnosed as having a condition that, on the~~  
357 | ~~basis of a physician's good faith clinical judgment, would~~  
358 | ~~create a serious risk of substantial and irreversible impairment~~  
359 | ~~of a major bodily function if the woman delayed terminating her~~  
360 | ~~pregnancy.~~

361 | c. The medical risks to the patient ~~woman~~ and fetus of  
362 | carrying the pregnancy to term.

363  
364 ~~The physician may provide the information required in this~~  
365 ~~subparagraph within 24 hours before the procedure if requested~~  
366 ~~by the woman at the time she schedules or arrives for her~~  
367 ~~appointment to obtain an abortion and if she presents to the~~  
368 ~~physician a copy of a restraining order, police report, medical~~  
369 ~~record, or other court order or documentation evidencing that~~  
370 ~~she is obtaining the abortion because she is a victim of rape,~~  
371 ~~incest, domestic violence, or human trafficking.~~

372       2. Printed materials prepared and provided by the  
373 department have been provided to the patient, or the court-  
374 appointed guardian if the patient is mentally incompetent or the  
375 parent or legal guardian if the patient is a minor pregnant  
376 woman, if she chooses to view these materials, including:

377       a. An accurate estimate of the stage of biological  
378 development, gestational age, length, weight, and viability of  
379 the unborn human person ~~A description of the fetus, including a~~  
380 ~~description of the various stages of development.~~

381       b. A list of entities that offer alternatives to  
382 terminating the pregnancy.

383       c. Detailed information on the availability of medical  
384 assistance benefits for prenatal care, childbirth, and neonatal  
385 care.

386       3. The patient, or the court-appointed guardian if the  
387 patient is mentally incompetent or the parent or legal guardian  
388 if the patient is a minor, has been given, in writing, the

389 address and telephone number of the Office of Adoption and Child  
390 Protection within the Executive Office of the Governor and  
391 informed of the existence of a statewide list of attorneys  
392 available to provide volunteer legal services for adoption.

393 4.3. The person required to give consent under this  
394 subsection ~~woman~~ acknowledges in writing, before the termination  
395 of pregnancy, that the information required to be provided under  
396 this subsection has been provided.

397  
398 Nothing in this paragraph is intended to prohibit a physician  
399 from providing any additional information which the physician  
400 deems material to the patient's ~~woman's~~ informed decision to  
401 terminate her pregnancy.

402 (b) If a medical emergency exists and a physician cannot  
403 comply with the requirements for informed consent, the attending  
404 ~~a~~ physician may terminate a pregnancy if he or she has obtained  
405 at least one physician's corroborative written medical opinion  
406 attesting to the medical necessity for emergency medical  
407 procedures and to the fact that to a reasonable degree of  
408 medical certainty the continuation of the pregnancy would  
409 threaten the physical life of the patient ~~pregnant woman~~. If a  
410 second physician is not available for a corroborating written  
411 opinion before the time necessary to perform the termination of  
412 pregnancy, the physician may proceed but must ~~shall~~ document all  
413 reasons for the medical emergency and must clearly describe the  
414 details of the medical emergency ~~necessity~~ in the patient's



415 | medical records as described in paragraph (3)(c).

416 | (c) Violation of this subsection by a physician  
 417 | constitutes grounds for disciplinary action under s. 458.331 or  
 418 | s. 459.015. Substantial compliance or reasonable belief that  
 419 | complying with the requirements of informed consent would  
 420 | threaten the life ~~or health~~ of the patient as described in  
 421 | paragraph (3)(a) or would unreasonably reduce the successful  
 422 | treatment of an already life-threatening disease of the patient  
 423 | as described in paragraph (3)(b) may be raised as is a defense  
 424 | to any action brought under this subsection ~~paragraph~~.

425 | ~~(4) STANDARD OF MEDICAL CARE TO BE USED IN THIRD~~  
 426 | ~~TRIMESTER.—If a termination of pregnancy is performed in the~~  
 427 | ~~third trimester, the physician performing the termination of~~  
 428 | ~~pregnancy must exercise the same degree of professional skill,~~  
 429 | ~~care, and diligence to preserve the life and health of the fetus~~  
 430 | ~~which the physician would be required to exercise in order to~~  
 431 | ~~preserve the life and health of a fetus intended to be born and~~  
 432 | ~~not aborted. However, if preserving the life and health of the~~  
 433 | ~~fetus conflicts with preserving the life and health of the~~  
 434 | ~~pregnant woman, the physician must consider preserving the~~  
 435 | ~~woman's life and health the overriding and superior concern.~~

436 | ~~(5) PARTIAL-BIRTH ABORTION PROHIBITED; EXCEPTION.—~~

437 | ~~(a) No physician shall knowingly perform a partial-birth~~  
 438 | ~~abortion.~~

439 | ~~(b) A woman upon whom a partial-birth abortion is~~  
 440 | ~~performed may not be prosecuted under this section for a~~

441 ~~conspiracy to violate the provisions of this section.~~

442 ~~(c) This subsection shall not apply to a partial-birth~~  
 443 ~~abortion that is necessary to save the life of a mother whose~~  
 444 ~~life is endangered by a physical disorder, illness, or injury,~~  
 445 ~~provided that no other medical procedure would suffice for that~~  
 446 ~~purpose.~~

447 (6) EXPERIMENTATION ON FETUS PROHIBITED; EXCEPTION.—A ~~No~~  
 448 ~~person~~ may not shall use any live fetus or live, premature  
 449 infant for any type of scientific, research, laboratory, or  
 450 other kind of experimentation either prior to or subsequent to  
 451 any termination of pregnancy procedure except as necessary to  
 452 protect or preserve the life and health of such fetus or  
 453 premature infant. Violation of this subsection by a physician  
 454 constitutes grounds for disciplinary action under s. 458.331 or  
 455 s. 459.015.

456 (7) FETAL REMAINS.—Fetal remains shall be disposed of in a  
 457 sanitary and appropriate manner and in accordance with standard  
 458 health practices, as provided by rule of the Department of  
 459 Health. A person who fails ~~Failure~~ to dispose of fetal remains  
 460 in accordance with department rules commits a felony of the  
 461 third degree ~~is a misdemeanor of the second degree,~~ punishable  
 462 as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

463 (8) REFUSAL TO PARTICIPATE IN TERMINATION PROCEDURE.—  
 464 Nothing in this section shall require any hospital or any person  
 465 to participate in the termination of a pregnancy, nor shall any  
 466 hospital or any person be liable for such refusal. A ~~No~~ person

467 | who is a member of, or associated with, the staff of a hospital,  
468 | or ~~nor~~ any employee of a hospital or physician in which or by  
469 | whom the termination of a pregnancy has been authorized or  
470 | performed, who states ~~shall state~~ an objection to such procedure  
471 | on moral or religious grounds is not ~~shall be~~ required to  
472 | participate in the procedure which will result in the  
473 | termination of pregnancy. The refusal of any such person or  
474 | employee to participate does ~~shall~~ not form the basis for any  
475 | disciplinary or other recriminatory action against such person.

476 | (9) EXCEPTION. ~~The provisions of~~ This section does ~~shall~~  
477 | not apply to the performance of a procedure which terminates a  
478 | pregnancy in order to deliver a live child or to remove a dead  
479 | child whose demise was not the result of a termination of  
480 | pregnancy or an induced abortion from the patient's body.

481 | ~~(10) PENALTIES FOR VIOLATION. Except as provided in~~  
482 | ~~subsections (3), (7), and (12):~~

483 | ~~(a) Any person who willfully performs, or actively~~  
484 | ~~participates in, a termination of pregnancy in violation of the~~  
485 | ~~requirements of this section or s. 390.01112 commits a felony of~~  
486 | ~~the third degree, punishable as provided in s. 775.082, s.~~  
487 | ~~775.083, or s. 775.084.~~

488 | ~~(b) Any person who performs, or actively participates in,~~  
489 | ~~a termination of pregnancy in violation of this section or s.~~  
490 | ~~390.01112 which results in the death of the woman commits a~~  
491 | ~~felony of the second degree, punishable as provided in s.~~  
492 | ~~775.082, s. 775.083, or s. 775.084.~~

493 ~~(11) CIVIL ACTION PURSUANT TO PARTIAL-BIRTH ABORTION;~~  
 494 ~~RELIEF.—~~

495 ~~(a) The father, if married to the mother at the time she~~  
 496 ~~receives a partial-birth abortion, and, if the mother has not~~  
 497 ~~attained the age of 18 years at the time she receives a partial-~~  
 498 ~~birth abortion, the maternal grandparents of the fetus may, in a~~  
 499 ~~civil action, obtain appropriate relief, unless the pregnancy~~  
 500 ~~resulted from the plaintiff's criminal conduct or the plaintiff~~  
 501 ~~consented to the abortion.~~

502 ~~(b) In a civil action under this section, appropriate~~  
 503 ~~relief includes:~~

504 ~~1. Monetary damages for all injuries, psychological and~~  
 505 ~~physical, occasioned by the violation of subsection (5).~~

506 ~~2. Damages equal to three times the cost of the partial-~~  
 507 ~~birth abortion.~~

508 (10)~~(12)~~ INFANTS BORN ALIVE.—

509 (a) An infant born alive during or immediately after an  
 510 attempted abortion is entitled to the same rights, powers, and  
 511 privileges as are granted by the laws of this state to any other  
 512 child born alive in the course of natural birth.

513 (b) If an infant is born alive during or immediately after  
 514 an attempted abortion, any health care practitioner present at  
 515 the time shall humanely exercise the same degree of professional  
 516 skill, care, and diligence to preserve the life and health of  
 517 the infant as a reasonably diligent and conscientious health  
 518 care practitioner would render to an infant born alive at the

519 same gestational age in the course of natural birth.

520 (c) An infant born alive during or immediately after an  
 521 attempted abortion must be immediately transported and admitted  
 522 to a hospital pursuant to s. 390.012(3)(c) or rules adopted  
 523 thereunder.

524 (d) A health care practitioner or any employee of a  
 525 hospital, a physician's office, or an abortion clinic who has  
 526 knowledge of a violation of this subsection must report the  
 527 violation to the department.

528 (e) A person who violates this subsection commits a  
 529 misdemeanor of the first degree, punishable as provided in s.  
 530 775.082 or s. 775.083. This subsection shall not be construed as  
 531 a specific provision of law relating to a particular subject  
 532 matter that would preclude prosecution of a more general  
 533 offense, regardless of the penalty.

534 (f) This subsection does not affirm, deny, expand, or  
 535 contract any legal status or legal right applicable to any  
 536 member of the species Homo sapiens at any point prior to being  
 537 born alive as defined in s. 390.011.

538 (11) ~~(13)~~ FAILURE TO COMPLY.—Failure to comply with the  
 539 requirements of this section or s. 390.01112 constitutes grounds  
 540 for disciplinary action under each respective practice act and  
 541 under s. 456.072.

542 (12) ADOPTION ALTERNATIVE INFORMATION.—Any physician or  
 543 authorized personnel of a medical facility who learns that a  
 544 patient wishes to obtain an induced abortion, or that a patient

545 has had a termination of pregnancy where the fetus survived,  
546 shall provide the patient with information concerning the  
547 availability of adoption for her unwanted child. Compliance with  
548 this subsection may be accomplished by providing the patient or,  
549 in the case of a mentally incompetent patient, her court-  
550 appointed guardian or, in the case of a minor patient, her  
551 parent or legal guardian with the address and telephone number  
552 of the Office of Adoption and Child Protection within the  
553 Executive Office of the Governor and inform the patient or, in  
554 the case of a mentally incompetent patient, her court-appointed  
555 guardian or, in the case of a minor patient, her parent or legal  
556 guardian of the existence of the statewide list of attorneys  
557 available to provide volunteer legal services for adoption.

558 (13)-(14) RULEMAKING AUTHORITY RULES.-

559 (a) Except for subsection (7), the agency may adopt rules  
560 pursuant to ss. 120.536(1) and 120.54 to administer this  
561 section. These rules must be for the purpose of protecting the  
562 health and safety of pregnant women and minors and unborn human  
563 persons. These rules are also for the purpose of securing  
564 compliance with the requirements of this section and to  
565 facilitate the enforcement of sanctions for those violations to  
566 which administrative penalties apply.

567 (b) The department may adopt rules pursuant to ss.  
568 120.536(1) and 120.54 to administer subsection (7) ~~The~~  
569 ~~applicable boards, or the department if there is no board, shall~~  
570 ~~adopt rules necessary to implement the provisions of this~~

571 | section.

572 |       Section 5. Section 390.01112, Florida Statutes, is amended  
573 | to read:

574 |       390.01112 Termination of pregnancies during viability.—

575 |       (1) A ~~No~~ termination of pregnancy may not ~~shall~~ be  
576 | performed on any human being if the physician determines that,  
577 | in reasonable medical judgment, the fetus has achieved  
578 | viability, unless:

579 |       (a) Two physicians certify in writing that, in their  
580 | reasonable medical judgments ~~judgment~~, the termination of the  
581 | pregnancy is necessary to save the pregnant woman's life or  
582 | avert a serious risk of substantial and irreversible physical  
583 | impairment of a major bodily function of the pregnant woman  
584 | other than a psychological condition; or

585 |       (b) The physician certifies in writing that, in his or her  
586 | reasonable medical judgment, there is a medical necessity for  
587 | legitimate emergency medical procedures for termination of the  
588 | pregnancy to save the pregnant woman's life or avert a serious  
589 | risk of imminent substantial and irreversible physical  
590 | impairment of a major bodily function of the pregnant woman  
591 | other than a psychological condition, and another physician is  
592 | not available for consultation.

593 |       (2) Before performing a termination of pregnancy, a  
594 | physician must determine if the fetus is viable by, at a  
595 | minimum, performing a medical examination of the pregnant woman  
596 | and, to the maximum extent possible through reasonably available

597 tests and the ultrasound required under s. 390.0111(5)  
 598 ~~390.0111(3)~~, an examination of the fetus. The physician must  
 599 document in the pregnant woman's medical file the physician's  
 600 determination and the method, equipment, fetal measurements, and  
 601 any other information used to determine the viability of the  
 602 fetus.

603 (3) If a termination of pregnancy is performed while the  
 604 patient's fetus is viable ~~during viability~~, the physician  
 605 performing the termination of pregnancy must exercise the same  
 606 degree of professional skill, care, and diligence to preserve  
 607 the life and health of the fetus that the physician would be  
 608 required to exercise in order to preserve the life and health of  
 609 a fetus intended to be born and not aborted. However, if  
 610 preserving the life and health of the fetus conflicts with  
 611 preserving the life and health of the woman, the physician must  
 612 consider preserving the woman's life and health the overriding  
 613 and superior concern. Violation of this subsection by a  
 614 physician constitutes grounds for disciplinary action under s.  
 615 458.331 or s. 459.015.

616 (4) A termination of pregnancy involving a viable fetus,  
 617 when not prohibited under s. 390.0111(3), must be performed in a  
 618 hospital or other medical establishment as defined in s.  
 619 390.011(6) that is capable of providing all necessary lifesaving  
 620 and life-sustaining medical services to the viable fetus.

621 (5) A physician who, once the matter of the viability or  
 622 nonviability of the fetus is determined within a reasonable



623 degree of medical probability, knowingly and willfully  
624 misrepresents the gestational age or stage of fetal development  
625 of a viable fetus in an entry into any medical record and who  
626 fails to use the standard of care required under subsection (3)  
627 on any fetus determined to be viable commits a felony of the  
628 first degree, punishable as provided in s. 775.082, s. 775.083,  
629 or s. 775.084.

630 Section 6. Subsection (8) of section 39.001, Florida  
631 Statutes, is amended, and paragraph (d) is added to subsection  
632 (9) of that section, to read:

633 39.001 Purposes and intent; personnel standards and  
634 screening.—

635 (8) LEGISLATIVE INTENT FOR THE PREVENTION OF ABUSE,  
636 ABANDONMENT, AND NEGLECT OF CHILDREN; ADOPTION SERVICES FOR  
637 WOMEN AND MINORS WITH UNWANTED PREGNANCIES.—The incidence of  
638 known child abuse, abandonment, and neglect has increased  
639 rapidly in recent ~~over the past~~ 5 years. The impact that abuse,  
640 abandonment, or neglect has on the victimized child, siblings,  
641 family structure, and inevitably on all citizens of the state  
642 has caused the Legislature to determine that the prevention of  
643 child abuse, abandonment, and neglect shall be a priority of  
644 this state. In addition, to provide assistance for women and  
645 minors with unwanted pregnancies who would have selected  
646 abortion, if lawful in this state, rather than adoption as an  
647 alternative for their unborn children, the Legislature has  
648 determined to offer such women and minors information regarding

649 volunteer legal services to accomplish an appropriate adoptive  
650 placement for their newborn children. ~~To further this end,~~ It is  
651 the intent of the Legislature that the an Office of Adoption and  
652 Child Protection be established and maintained to accomplish  
653 these purposes ~~established.~~

654 (9) OFFICE OF ADOPTION AND CHILD PROTECTION.—

655 (d) In connection with the provision of volunteer legal  
656 services for women and minors with unwanted pregnancies who  
657 would have selected abortion, if lawful in this state, rather  
658 than adoption, the office shall:

659 1. Create and manage a statewide list of attorneys that  
660 provide volunteer adoption services for such women and minors.

661 2. Have deposited, directed, and budgeted in the full  
662 amount for use by the office, in addition to funds that would  
663 have or are otherwise budgeted for the office, all moneys  
664 received by or otherwise awarded to the state from the Federal  
665 Government, the United States Treasury, or any other federal  
666 agency as a result of efforts made by the office to provide  
667 legal or other services for adoption.

668 Section 7. Sections 390.01114, 390.01116, 390.0112,  
669 390.012, 390.014, 390.015, 390.018, 390.025, 782.30, 782.32,  
670 782.34, and 782.36, Florida Statutes, are repealed.

671 Section 8. Paragraph (a) of subsection (6) of section  
672 27.511, Florida Statutes, is amended to read:

673 27.511 Offices of criminal conflict and civil regional  
674 counsel; legislative intent; qualifications; appointment;

675 duties.—

676 (6) (a) The office of criminal conflict and civil regional  
677 counsel has primary responsibility for representing persons  
678 entitled to court-appointed counsel under the Federal or State  
679 Constitution or as authorized by general law in civil  
680 proceedings, including, but not limited to, proceedings under s.  
681 393.12 and chapters 39, 392, 397, 415, 743, 744, and 984 and  
682 proceedings to terminate parental rights under chapter 63.  
683 ~~Private court-appointed counsel eligible under s. 27.40 have~~  
684 ~~primary responsibility for representing minors who request~~  
685 ~~counsel under s. 390.01114, the Parental Notice of Abortion Act;~~  
686 ~~however, the office of criminal conflict and civil regional~~  
687 ~~counsel may represent a minor under that section if the court~~  
688 ~~finds that no private court-appointed attorney is available.~~

689 Section 9. Subsection (1) of section 627.64995, Florida  
690 Statutes, is amended to read:

691 627.64995 Restrictions on use of state and federal funds  
692 for state exchanges.—

693 (1) A health insurance policy under which coverage is  
694 purchased in whole or in part with any state or federal funds  
695 through an exchange created pursuant to the federal Patient  
696 Protection and Affordable Care Act, Pub. L. No. 111-148, may not  
697 provide coverage for an induced abortion as defined in s.  
698 390.011 and prohibited under s. 390.0111, or for a termination  
699 of pregnancy in violation of s. 390.0111(3) 390.011(1), except  
700 ~~if the pregnancy is the result of an act of rape or incest, or~~

701 ~~in the case where a woman suffers from a physical disorder,~~  
 702 ~~physical injury, or physical illness, including a life-~~  
 703 ~~endangering physical condition caused by or arising from the~~  
 704 ~~pregnancy itself, which would, as certified by a physician,~~  
 705 ~~place the woman in danger of death unless an abortion is~~  
 706 ~~performed.~~ Coverage is deemed to be purchased with state or  
 707 federal funds if any tax credit or cost-sharing credit is  
 708 applied toward the health insurance policy.

709 Section 10. Paragraph (a) of subsection (16) of section  
 710 627.6699, Florida Statutes, is amended to read:

711 627.6699 Employee Health Care Access Act.—

712 (16) RESTRICTIONS ON COVERAGE.—

713 (a) A plan under which coverage is purchased in whole or  
 714 in part with any state or federal funds through an exchange  
 715 created pursuant to the federal Patient Protection and  
 716 Affordable Care Act, Pub. L. No. 111-148, may not provide  
 717 coverage for an induced abortion, as defined in s. 390.011 and  
 718 prohibited under s. 390.0111, or for a termination of pregnancy  
 719 in violation of s. 390.0111(3) 390.011(1), ~~except if the~~  
 720 ~~pregnancy is the result of an act of rape or incest, or in the~~  
 721 ~~case where a woman suffers from a physical disorder, physical~~  
 722 ~~injury, or physical illness, including a life-endangering~~  
 723 ~~physical condition caused by or arising from the pregnancy~~  
 724 ~~itself, which would, as certified by a physician, place the~~  
 725 ~~woman in danger of death unless an abortion is performed.~~  
 726 Coverage is deemed to be purchased with state or federal funds

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727 if any tax credit or cost-sharing credit is applied toward the  
728 plan.

729 Section 11. Subsection (1) of section 627.66996, Florida  
730 Statutes, is amended to read:

731 627.66996 Restrictions on use of state and federal funds  
732 for state exchanges.—

733 (1) A group, franchise, or blanket health insurance policy  
734 under which coverage is purchased in whole or in part with any  
735 state or federal funds through an exchange created pursuant to  
736 the federal Patient Protection and Affordable Care Act, Pub. L.  
737 No. 111-148, may not provide coverage for an induced abortion as  
738 defined in s. 390.011 and prohibited under s. 390.0111, or for  
739 a termination of pregnancy in violation of s. 390.0111(3)  
740 ~~390.011(1), except if the pregnancy is the result of an act of~~  
741 ~~rape or incest, or in the case where a woman suffers from a~~  
742 ~~physical disorder, physical injury, or physical illness,~~  
743 ~~including a life-endangering physical condition caused by or~~  
744 ~~arising from the pregnancy itself, which would, as certified by~~  
745 ~~a physician, place the woman in danger of death unless an~~  
746 ~~abortion is performed.~~ Coverage is deemed to be purchased with  
747 state or federal funds if any tax credit or cost-sharing credit  
748 is applied toward the group, franchise, or blanket health  
749 insurance policy.

750 Section 12. Subsection (1) of section 641.31099, Florida  
751 Statutes, is amended to read:

752 641.31099 Restrictions on use of state and federal funds

753 for state exchanges.—

754 (1) A health maintenance contract under which coverage is  
755 purchased in whole or in part with any state or federal funds  
756 through an exchange created pursuant to the federal Patient  
757 Protection and Affordable Care Act, Pub. L. No. 111-148, may not  
758 provide coverage for an induced abortion as defined in s.  
759 390.011 and prohibited under s. 390.0111, or for a termination  
760 of pregnancy in violation of s. 390.0111(3) 390.011(1), except  
761 if the pregnancy is the result of an act of rape or incest, or  
762 in the case where a woman suffers from a physical disorder,  
763 physical injury, or physical illness, including a life-  
764 endangering physical condition caused by or arising from the  
765 pregnancy itself, which would, as certified by a physician,  
766 place the woman in danger of death unless an abortion is  
767 performed. Coverage is deemed to be purchased with state or  
768 federal funds if any tax credit or cost-sharing credit is  
769 applied toward the health maintenance contract.

770 Section 13. Subsection (3) of section 743.065, Florida  
771 Statutes, is amended to read:

772 743.065 Unwed pregnant minor or minor mother; consent to  
773 medical services for minor or minor's child valid.—

774 (3) Nothing in this act shall affect the provisions of s.  
775 390.0111 or s. 390.01112.

776 Section 14. Subsection (4) of section 743.067, Florida  
777 Statutes, is amended to read:

778 743.067 Unaccompanied homeless youths.—

779           ~~(4) This section does not affect the requirements of s.~~  
 780   ~~390.01114.~~

781           Section 15. Subsection (2) of section 765.113, Florida  
 782   Statutes, is amended to read:

783           765.113 Restrictions on providing consent.—Unless the  
 784   principal expressly delegates such authority to the surrogate in  
 785   writing, or a surrogate or proxy has sought and received court  
 786   approval pursuant to rule 5.900 of the Florida Probate Rules, a  
 787   surrogate or proxy may not provide consent for:

788           (2) Withholding or withdrawing life-prolonging procedures  
 789   from a pregnant patient before ~~prior to~~ viability as defined in  
 790   s. 390.011(18) ~~390.0111(4)~~.

791           Section 16. This act shall take effect July 1, 2016.