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LEGISLATIVE ACTION

Senate

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House

Senator Book moved the following:

Senate Amendment (with title amendment)

Delete lines 216 - 242
and insert:

(e) The pregnant woman is a minor, and the gestational age of the fetus is not more than 15 weeks as determined by a physician.

(2) IN-PERSON PERFORMANCE BY PHYSICIAN REQUIRED.—Only a physician may perform or induce a No termination of pregnancy shall be performed at any time except by a physician as defined in s. 390.011. A physician may not use telehealth as defined in



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s. 456.47 to perform an abortion, including, but not limited to, medical abortions. Any medications intended for use in a medical abortion must be dispensed in person by a physician and may not be dispensed through the United States Postal Service or by any other courier or shipping service.

(10) PENALTIES FOR VIOLATION.—Except as provided in subsections (3), (7), and (12):

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

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

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

Section 4. Section 390.01112, Florida Statutes, is repealed.

Section 5. Paragraph (b) of subsection (4) and paragraph (b) of subsection (5) of section 390.01114, Florida Statutes, are amended to read:

390.01114 Parental Notice of and Consent for Abortion Act.—

(4) NOTIFICATION REQUIRED.—

(b) Notice is not required if:



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41 1. In the physician's good faith clinical judgment, a
42 medical emergency exists and there is insufficient time for the
43 attending physician to comply with the notification
44 requirements. If a medical emergency exists, the physician shall
45 make reasonable attempts, whenever possible, without endangering
46 the minor, to contact the parent or legal guardian, and may
47 proceed, but must document reasons for the medical necessity in
48 the patient's medical records. The physician shall provide
49 notice directly, in person or by telephone, to the parent or
50 legal guardian, including details of the medical emergency and
51 any additional risks to the minor. If the parent or legal
52 guardian has not been notified within 24 hours after the
53 termination of the pregnancy, the physician shall provide notice
54 in writing, including details of the medical emergency and any
55 additional risks to the minor, signed by the physician, to the
56 last known address of the parent or legal guardian of the minor,
57 by first-class mail and by certified mail, return receipt
58 requested, with delivery restricted to the parent or legal
59 guardian;

60 2. Notice is waived in writing by the person who is
61 entitled to notice and such waiver is notarized, dated not more
62 than 30 days before the termination of pregnancy, and contains a
63 specific waiver of the right of the parent or legal guardian to
64 notice of the minor's termination of pregnancy;

65 3. Notice is waived by the minor who is or has been married
66 or has had the disability of nonage removed under s. 743.015 or
67 a similar statute of another state;

68 4. Notice is waived by the patient because the patient has
69 a minor child dependent on her; ~~or~~



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70 5. The gestational age of the fetus is 6 weeks or less; or

71 6. Notice is waived under subsection (6).

72 (5) PARENTAL CONSENT REQUIRED.—

73 (b) The consent of a parent or guardian is not required if:

74 1. Notification is not required as provided in subparagraph
75 (4)(b)1., subparagraph (4)(b)3., subparagraph (4)(b)4., ~~or~~
76 subparagraph (4)(b)5., or subparagraph (4)(b)6.;

77 2. Notification is not required due to the existence of a
78 waiver as provided in subparagraph (4)(b)2., if that waiver is
79 signed by the minor's parent or legal guardian, is notarized, is
80 dated within 30 days before the termination of the pregnancy,
81 contains a specific waiver of the right of the parent or legal
82 guardian to consent to the minor's termination of pregnancy, and
83 a copy of the parent's or legal guardian's government-issued
84 proof of identification is attached to the waiver;

85 3. Consent is waived under subsection (6); ~~or~~

86 4. The gestational age of the fetus is 6 weeks or less; or

87 5. In the physician's good faith clinical judgment, a
88 medical emergency exists and there is insufficient time for the
89 attending physician to comply with the consent requirement. If a
90 medical emergency exists, the physician must make reasonable
91 attempts, whenever possible, and without endangering the minor,
92 to contact the parent or legal guardian of the minor, and may
93 proceed, but must document reasons for the medical necessity in
94 the minor patient's medical records. The physician shall inform
95 the parent or legal guardian, in person or by telephone, within
96 24 hours after the termination of the pregnancy of the minor,
97 including details of the medical emergency that necessitated the
98 termination of the pregnancy without the parent's or legal



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guardian's consent. The physician shall also provide this information in writing to the parent or legal guardian at his or her last known address, by first-class mail or by certified mail, return receipt requested, with delivery restricted to the parent or legal guardian.

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

And the title is amended as follows:

Delete lines 26 - 36

and insert:

abuse hotline; providing an exception for minors under certain circumstances; prohibiting any person other than a physician from inducing a termination of pregnancy; prohibiting physicians from using telehealth to perform abortions; requiring that medications intended for use in a medical abortion be dispensed in person by a physician; prohibiting the dispensing of such medication through the United States Postal Service or any other courier or shipping service; conforming provisions to changes made by the act; repealing s. 390.01112, F.S., relating to termination of pregnancies during viability; amending s. 390.01114, F.S.; exempting minors from parental notification and consent requirements if the gestational age of the fetus is 6 weeks or less; amending s. 390.012,