

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/SB 404 — Abortion

by Rules Committee; Health Policy Committee; and Senators Stargel, Hutson, Harrell, Gruters, Mayfield, Baxley, Diaz, Albritton, and Broxson

The bill amends the Parental Notice of Abortion Act in s. 390.01114, F.S., to add consent requirements and renaming the Act as the Parental Notice of and Consent for Abortion Act.

The bill prohibits a physician from performing an abortion on a minor unless the physician has received a notarized, written consent statement with specified language signed by the minor's mother, father, or legal guardian and the physician has been presented with proof of identification by the parent or legal guardian. However, the consent requirement does not apply if:

- Notice is not required under specified exceptions to the parental notice requirement;
- The abortion is performed during a medical emergency when there is insufficient time to obtain consent;
- The parent or guardian has waived the right to consent; or
- The minor petitions the circuit court where she resides and receives a judicial waiver of parental consent. The bill applies the preexisting statutory procedures for obtaining a judicial waiver of the notice requirement to the process of obtaining a judicial waiver of the consent requirement.

The bill requires that a physician keep the consent document and proof of identification in the minor's medical record for at least seven years. The bill also authorizes a third degree felony penalty for a physician who recklessly or intentionally performs, or attempts to perform, an abortion on an unemancipated minor without the required consent but provides a defense if the minor misrepresented her age or identity under certain circumstances.

The bill also amends s. 390.0111(12), F.S., to increase the penalty from a first degree misdemeanor to a third degree felony for violating requirements established for infants born alive during or immediately after an attempted abortion.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 23-17; House 75-43