



858676

LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
	.	
	.	
	.	

The Committee on Budget (Flores) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (3) of section 390.0111, Florida
Statutes, is amended, and subsections (12) and (13) are added to
that section, to read:

390.0111 Termination of pregnancies.—

(3) CONSENTS REQUIRED.—A termination of pregnancy may not
be performed or induced except with the voluntary and informed
written consent of the pregnant woman or, in the case of a
mental incompetent, the voluntary and informed written consent
of her court-appointed guardian.



858676

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

16 1. The physician who is to perform the procedure, or the
17 referring physician, has, at a minimum, orally, in person,
18 informed the woman of:

19 a. The nature and risks of undergoing or not undergoing the
20 proposed procedure that a reasonable patient would consider
21 material to making a knowing and willful decision of whether to
22 terminate a pregnancy.

23 b. The probable gestational age of the fetus, verified by
24 an ultrasound, at the time the termination of pregnancy is to be
25 performed.

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

31 (II) The person performing the ultrasound must offer the
32 woman the opportunity to view the live ultrasound images and
33 hear an explanation of them. If the woman accepts the
34 opportunity to view the images and hear the explanation, a
35 physician or a registered nurse, licensed practical nurse,
36 advanced registered nurse practitioner, or physician assistant
37 working in conjunction with the physician must contemporaneously
38 review and explain the images to the woman before the woman
39 gives informed consent to having an abortion procedure
40 performed.

41 (III) The woman has a right to decline to view and hear the
42 explanation of the live ultrasound images after she is informed



858676

43 of her right and offered an opportunity to view the images and
44 hear the explanation. If the woman declines, the woman shall
45 complete a form acknowledging that she was offered an
46 opportunity to view and hear the explanation of the images but
47 that she declined that opportunity. The form must also indicate
48 that the woman's decision was not based on any undue influence
49 from any person to discourage her from viewing the images or
50 hearing the explanation and that she declined of her own free
51 will.

52 (IV) Unless requested by the woman, the person performing
53 the ultrasound may not offer the opportunity to view the images
54 and hear the explanation and the explanation may not be given,
55 if, at the time the woman schedules or arrives for her
56 appointment to obtain an abortion, a copy of a restraining
57 order, police report, medical record, or other court order or
58 documentation is presented which provides evidence that the
59 woman is obtaining the abortion because the woman is a victim of
60 rape, incest, domestic violence, or human trafficking, or that
61 the woman has been diagnosed as having a condition that, on the
62 basis of a physician's good faith clinical judgment, would
63 create a serious risk of substantial and irreversible impairment
64 of a major bodily function if the woman delayed terminating her
65 pregnancy.

66 c. The medical risks to the woman and fetus of carrying the
67 pregnancy to term.

68 2. Printed materials prepared and provided by the department
69 have been provided to the pregnant woman, if she chooses to view
70 these materials, including:

71 a. A description of the fetus, including a description of



858676

72 the various stages of development.

73 b. A list of entities ~~agencies~~ that offer alternatives to
74 terminating the pregnancy.

75 c. Detailed information on the availability of medical
76 assistance benefits for prenatal care, childbirth, and neonatal
77 care.

78 3. The woman acknowledges in writing, before the
79 termination of pregnancy, that the information required to be
80 provided under this subsection has been provided.

81
82 Nothing in this paragraph is intended to prohibit a physician
83 from providing any additional information that ~~which~~ the
84 physician deems material to the woman's informed decision to
85 terminate her pregnancy.

86 (b) If ~~In the event~~ a medical emergency exists and a
87 physician cannot comply with the requirements for informed
88 consent, a physician may terminate a pregnancy if he or she has
89 obtained at least one corroborative medical opinion attesting to
90 the medical necessity for emergency medical procedures and to
91 the fact that to a reasonable degree of medical certainty the
92 continuation of the pregnancy would threaten the life of the
93 pregnant woman. If a ~~In the event no~~ second physician is not
94 available for a corroborating opinion, the physician may proceed
95 but shall document reasons for the medical necessity in the
96 patient's medical records.

97 (c) Violation of this subsection by a physician constitutes
98 grounds for disciplinary action under s. 458.331 or s. 459.015.
99 Substantial compliance or reasonable belief that complying with
100 the requirements of informed consent would threaten the life or



858676

101 health of the patient is a defense to any action brought under
102 this paragraph.

103 (12) DISCIPLINARY ACTION.—Failure to comply with the
104 requirements of this section shall constitute grounds for
105 disciplinary action under each respective practice act and under
106 s. 456.072.

107 (13) RULES.—The applicable boards, or the department where
108 there is no board, shall adopt rules necessary to administer the
109 provisions of this section.

110 Section 2. Paragraph (d) of subsection (3) of section
111 390.012, Florida Statutes, is amended to read:

112 390.012 Powers of agency; rules; disposal of fetal
113 remains.—

114 (3) For clinics that perform or claim to perform abortions
115 after the first trimester of pregnancy, the agency shall adopt
116 rules pursuant to ss. 120.536(1) and 120.54 to implement the
117 provisions of this chapter, including the following:

118 (d) Rules relating to the medical screening and evaluation
119 of each abortion clinic patient. At a minimum, these rules shall
120 require:

121 1. A medical history including reported allergies to
122 medications, antiseptic solutions, or latex; past surgeries; and
123 an obstetric and gynecological history.

124 2. A physical examination, including a bimanual examination
125 estimating uterine size and palpation of the adnexa.

126 3. The appropriate laboratory tests, including:

127 a. ~~For an abortion in which an ultrasound examination is~~
128 ~~not performed before the abortion procedure,~~ Urine or blood
129 tests for pregnancy performed before the abortion procedure.



858676

130 b. A test for anemia.

131 c. Rh typing, unless reliable written documentation of
132 blood type is available.

133 d. Other tests as indicated from the physical examination.

134 4. An ultrasound evaluation for all patients ~~who elect to~~
135 ~~have an abortion after the first trimester.~~ The rules shall
136 require that if a person who is not a physician performs an
137 ultrasound examination, that person shall have documented
138 evidence that he or she has completed a course in the operation
139 of ultrasound equipment as prescribed in rule. The rules shall
140 require clinics to ensure compliance with s. 390.0111. The
141 ~~physician, registered nurse, licensed practical nurse, advanced~~
142 ~~registered nurse practitioner, or physician assistant shall~~
143 ~~review, at the request of the patient, the ultrasound evaluation~~
144 ~~results, including an estimate of the probable gestational age~~
145 ~~of the fetus, with the patient before the abortion procedure is~~
146 ~~performed.~~

147 5. That the physician is responsible for estimating the
148 gestational age of the fetus based on the ultrasound examination
149 and obstetric standards in keeping with established standards of
150 care regarding the estimation of fetal age as defined in rule
151 and shall write the estimate in the patient's medical history.
152 The physician shall keep original prints of each ultrasound
153 examination of a patient in the patient's medical history file.

154 Section 3. If any provision of this act or the application
155 thereof to any person or circumstance is held invalid, the
156 invalidity does not affect other provisions or applications of
157 the act which can be given effect without the invalid provision
158 or application, and to this end the provisions of this act are



858676

159 severable.

160 Section 4. This act shall take effect July 1, 2011.

161

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

163 And the title is amended as follows:

164 Delete everything before the enacting clause

165 and insert:

166 A bill to be entitled

167 An act relating to abortions; amending s. 390.0111,

168 F.S.; requiring that an ultrasound be performed on a

169 woman obtaining an abortion; specifying who must

170 perform an ultrasound; requiring that the ultrasound

171 be reviewed with the patient before the woman gives

172 informed consent for the abortion procedure;

173 specifying who must review the ultrasound with the

174 patient; requiring that the woman certify in writing

175 that she declined to review the ultrasound and did so

176 of her own free will and without undue influence;

177 providing an exemption from the requirement to view

178 the ultrasound for women who are the victims of rape,

179 incest, domestic violence, or human trafficking or for

180 women who have a serious medical condition

181 necessitating the abortion; revising requirements for

182 written materials; providing that failure to comply

183 with the requirements of the act are grounds for

184 disciplinary action; requiring rulemaking; amending s.

185 390.012, F.S.; requiring an ultrasound for all

186 patients regardless of when the abortion is performed;

187 requiring that live ultrasound images be reviewed and



858676

188 explained to the patient; requiring the agency to
189 adopt rules requiring clinics to ensure compliance
190 with s. 390.0111, F.S.; providing for severability;
191 providing an effective date.