

1 A bill to be entitled

2 An act relating to abortion; creating the "Unborn
3 Viability Act"; creating s. 390.0001, F.S.; providing
4 legislative findings regarding abortion; creating s.
5 390.01117, F.S.; providing definitions; creating s.
6 390.01118, F.S.; prohibiting termination of a
7 pregnancy after a fetus has been determined to be
8 viable; providing exceptions; requiring a
9 determination of viability for women in a certain week
10 of pregnancy or later before termination may be
11 performed; requiring an ultrasound and recordkeeping;
12 providing that determination of viability and a
13 required ultrasound may not be performed by a
14 physician providing reproductive health services at an
15 abortion clinic; requiring that a termination of
16 pregnancy involving a viable fetus, when not
17 prohibited, be performed in a hospital or other
18 medical establishment; providing a standard of care
19 for a termination of pregnancy performed while a fetus
20 is viable; providing that the woman's life is a
21 superior consideration to the concern for the life of
22 the fetus and the woman's health is a superior
23 consideration to the concern for the health of the
24 fetus when such life or health concerns are in
25 conflict; prohibiting a physician's misrepresentation
26 of the gestational age or developmental stage of a

27 | viable fetus in any medical record and failure to use
28 | the prescribed standard of care on a viable fetus;
29 | providing criminal penalties; providing that only a
30 | physician may perform a termination of pregnancy;
31 | requiring voluntary and informed consent for a
32 | termination of pregnancy; providing an exception for
33 | medical emergencies; providing for documentation of a
34 | medical emergency; providing that violations may
35 | subject physicians to discipline; prohibiting
36 | experimentation on a fetus; providing an exception;
37 | providing that violations may subject physicians to
38 | discipline; requiring that fetal remains be disposed
39 | of according to specified standards; providing
40 | criminal penalties; providing that a person or
41 | facility is not required to participate in the
42 | termination of a pregnancy or be liable for such
43 | refusal; excluding specified procedures from
44 | applicability of section; prohibiting a termination of
45 | pregnancy procedure in violation of specified
46 | requirements; providing criminal penalties;
47 | prohibiting inflicting serious bodily injury on a
48 | person in the course of performing a termination of
49 | pregnancy; providing criminal penalties; providing
50 | enhanced criminal penalties if the serious bodily
51 | injury results in death; requiring physicians and
52 | personnel at a medical facility to provide certain

53 patients with information regarding adoption and a
54 statewide list of attorneys available to provide
55 volunteer legal services for adoption; providing
56 rulemaking authority to the Agency for Health Care
57 Administration and the Department of Health; providing
58 that rulemaking authority is supplemental to s.
59 390.012, F.S.; amending s. 39.001, F.S.; providing
60 legislative intent concerning adoption services for
61 women and minors with unwanted pregnancies; requiring
62 the Office of Adoption and Child Protection to create
63 and manage a statewide list of attorneys providing
64 volunteer adoption services for women and minors with
65 unwanted pregnancies who would have selected abortion,
66 if lawful, rather than adoption; providing that the
67 full amount of all federal moneys received by the
68 state as a result of efforts made by the office to
69 provide legal services for adoption are deposited,
70 directed, and budgeted for use by the office;
71 repealing ss. 390.011, 390.0111, 390.01114, 390.01116,
72 390.0112, 390.012, 390.014, 390.015, 390.018, and
73 390.025, F.S., relating to provisions regulating the
74 termination of pregnancies and definitions applying
75 thereto, the Parental Notice of Abortion Act, public
76 records exemptions for identifying information
77 regarding minors seeking a waiver of notice
78 requirements under such act, reporting requirements

79 for terminated pregnancies, the licensure and
 80 operation of abortion clinics, the disposal of fetal
 81 remains, the imposition of administrative fines for
 82 violations by abortion clinics, and provisions
 83 regulating abortion referral or counseling agencies
 84 and prescribing penalties for violations by such
 85 agencies; repealing ss. 782.30, 782.32, 782.34, and
 86 782.36, F.S., relating to the Partial-Birth Abortion
 87 Act; amending s. 27.511, F.S.; conforming language
 88 relating to court-appointed counsel for minors under
 89 the Parental Notice of Abortion Act to the repeal of
 90 s. 390.01114, F.S.; amending ss. 627.64995, 627.6699,
 91 627.66996, and 641.31099, F.S.; providing restrictions
 92 on use of state and federal funds for state exchanges
 93 that provide coverage for induced abortions and
 94 terminations of pregnancies under certain conditions;
 95 amending ss. 743.065 and 765.113, F.S.; conforming
 96 cross-references; providing an effective 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 "Unborn Viability
 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 a 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 390.01117, Florida Statutes, is created
 148 to read:

149 390.01117 Definitions.—As used in this chapter, the term:

150 (1) "Abortion" means the termination of a human pregnancy
 151 with an intention other than to produce a live birth or to
 152 remove a 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 a hospital or other medical establishment
 156 as defined in subsection (6).

157 (3) "Agency" means the Agency for Health Care
158 Administration."

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

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

168 (6) "Hospital" means a medical establishment as defined in
169 s. 395.002(12) and licensed under chapter 395 and part II of
170 chapter 408.

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

177 (8) "Induced abortion" means a medically initiated
178 termination of a human pregnancy with the intent to kill a
179 living human organism, zygote, embryo, or fetus. For purposes of
180 this subsection, the term "medically initiated" refers to the
181 ingestion or administration of pharmaceutical abortifacients by

182 any means, surgical procedures, or use of any device or
183 instrument and any combination thereof.

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

192 (10) "Patient" means the woman or minor upon whom an
193 abortion or termination of pregnancy is performed or induced.

194 (11) "Physician" means a physician licensed under chapter
195 458 or chapter 459 or a physician practicing medicine or
196 osteopathic medicine in the employment of the United States who
197 is attending to the patient.

198 (12) "Pregnancy" means the process by which one or more
199 human persons develops in a woman's body.

200 (13) "Termination of pregnancy" means the termination of a
201 human pregnancy under circumstances not prohibited by this
202 section.

203 (14) "Viability" means that stage of fetal development
204 when, in the judgment of the physician, based on the particular
205 facts of the case before him or her and in light of the most
206 advanced medical technology and information available, there is
207 a reasonable probability of sustained survival of the unborn

208 human person outside his or her mother's womb with or without
209 artificial support.

210 Section 4. Section 390.01118, Florida Statutes, is created
211 to read:

212 390.01118 Abortion unlawful beginning with 20th week of
213 pregnancy; termination of pregnancies.-

214 (1) TERMINATION AFTER VIABILITY PROHIBITED; EXCEPTION.-A
215 termination of pregnancy may not be performed on any human being
216 when it is determined, in accordance with a determination of
217 viability pursuant to subsection (2), that the fetus is viable
218 unless:

219 (a) Two physicians certify in writing to the fact that, to
220 a reasonable degree of medical certainty, the termination of
221 pregnancy is necessary to prevent the death of the patient;

222 (b) Two physicians certify in writing to the fact that, to
223 a reasonable degree of medical certainty, the termination of
224 pregnancy is necessary because to continue the pregnancy would
225 unreasonably reduce the likelihood of successful treatment of an
226 already life-threatening disease of the patient; or

227 (c) The attending physician certifies in writing that a
228 medical emergency existed as described in paragraph (a) or
229 paragraph (b) and another physician was not available for
230 consultation before the time necessary to perform the
231 termination of pregnancy. The physician's written certification
232 must clearly describe the details of the medical emergency in
233 the patient's medical records.

234 (2) DETERMINATION OF VIABILITY.—A termination of pregnancy
235 may not be induced or performed on any patient who is in the
236 20th week of pregnancy or later without first obtaining an
237 ultrasound from a physician to determine the stage of fetal
238 development. The physician shall estimate as accurately as
239 possible the stage of fetal development and shall indicate on
240 the patient's medical records the gestational age, length and
241 weight, and lung maturity of the fetus. The physician shall also
242 indicate on the patient's medical records whether, within a
243 reasonable degree of medical probability, the fetus is viable.
244 Due to the potential of an inherent conflict of interest, the
245 performance of the ultrasound and the determination of viability
246 required under this subsection may not be performed by a
247 physician or other person who provides reproductive health
248 services at an abortion clinic.

249 (3) STANDARD OF MEDICAL CARE TO BE USED DURING VIABILITY.—

250 (a) A termination of pregnancy involving a viable fetus,
251 when not prohibited under subsection (1), must be performed in a
252 hospital or other medical establishment that is capable of
253 providing all necessary lifesaving or life-sustaining medical
254 services to the viable fetus.

255 (b) If a termination of pregnancy is performed while the
256 patient's fetus is viable, the person who performs or induces
257 the termination of pregnancy may not fail to use that degree of
258 professional skill, care, and diligence to preserve the life and
259 health of the fetus which such person would be required to

260 exercise in order to preserve the life and health of any fetus
261 intended to be born alive. Notwithstanding this subsection, the
262 patient's life is an overriding and superior consideration to
263 the concern for the life of the fetus, and the patient's health
264 is an overriding and superior consideration to the concern for
265 the health of the fetus when such life or health concerns are in
266 conflict. For purposes of this subsection, health considerations
267 refer to medical judgment exercised in light of factors
268 exclusively described in subsection (1). Violation of this
269 subsection by a physician constitutes grounds for disciplinary
270 action under s. 458.331 or s. 459.015.

271 (c) Any physician who, once the matter of the viability or
272 nonviability of the fetus is determined within a reasonable
273 degree of medical probability, knowingly and willfully
274 misrepresents the gestational age or stage of fetal development
275 of a viable fetus in an entry into any medical record and who
276 fails to use the standard of care required under paragraph (b)
277 on any fetus determined to be viable commits a felony of the
278 first degree, punishable as provided in s. 775.082, s. 775.083,
279 or s. 775.084.

280 (4) PERFORMANCE BY PHYSICIAN REQUIRED.—A termination of
281 pregnancy may not, at any time, be performed by a person who is
282 not a physician.

283 (5) CONSENTS REQUIRED.—A termination of pregnancy may not
284 be performed or induced except with the voluntary and informed
285 written consent of the patient or, in the case of a mentally

286 incompetent patient, the voluntary and informed written consent
287 of her court-appointed guardian or, in the case of a minor
288 patient, notwithstanding s. 743.065, the voluntary informed
289 consent of the minor's parent or legal guardian.

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

292 1. The physician who is to perform the procedure or the
293 referring physician has personally informed the patient, or the
294 court-appointed guardian if the patient is mentally incompetent
295 or a parent or legal guardian in the case of a minor patient,
296 of:

297 a. The nature and risks of undergoing or not undergoing
298 the proposed procedure that a reasonable patient similarly
299 situated may consider relevant to making an informed decision of
300 whether to terminate a pregnancy.

301 b. The probable gestational age of the fetus at the time
302 the termination of pregnancy is to be performed.

303 c. The medical risks to the patient and fetus of carrying
304 the pregnancy to term.

305 d. All other factors, including physical, emotional,
306 psychological, and familial factors, relevant to the short-term
307 and long-term well-being of the patient, including the emotional
308 and psychological impact relating to the loss of human life
309 through voluntary termination of the pregnancy.

310 2. Printed materials prepared and provided by the
311 department have been provided to the patient, or the court-

312 appointed guardian if the patient is mentally incompetent or a
313 parent or legal guardian in the case of a minor patient,
314 including:

315 a. An accurate estimate of the stage of biological
316 development, gestational age, length, weight, and viability of
317 the unborn human person.

318 b. A list of agencies that offer alternatives to
319 terminating the pregnancy.

320 c. Detailed information on the availability of medical
321 assistance benefits for prenatal care, childbirth, and neonatal
322 care.

323 3. The patient, or the court-appointed guardian if the
324 patient is mentally incompetent or a parent or legal guardian in
325 the case of a minor patient, has been given, in writing, the
326 address and telephone number of the Office of Adoption and Child
327 Protection within the Executive Office of the Governor and
328 informed of the existence of a statewide list of attorneys
329 available to provide volunteer legal services for adoption.

330 4. The person required to give consent under this
331 subsection acknowledges in writing, before the termination of
332 the pregnancy, that the information required to be provided
333 under this paragraph has been provided.

334 (b) In the event a medical emergency exists and a
335 physician cannot comply with the requirements for informed
336 consent, the attending physician may terminate a pregnancy if he
337 or she has obtained at least one corroborative physician's

338 written opinion attesting to the medical necessity for emergency
339 medical procedures and to the fact that, to a reasonable degree
340 of medical certainty, the continuation of the pregnancy would
341 threaten the physical life of the patient. In the event that a
342 second physician is not available for a corroborating written
343 opinion before the time necessary to perform the termination of
344 pregnancy, the physician may proceed but must document all
345 reasons for the medical emergency and must clearly describe the
346 details of the medical emergency in the patient's medical
347 records as described in paragraph (1) (c).

348 (c) Violation of this subsection by a physician
349 constitutes grounds for disciplinary action under s. 458.331 or
350 s. 459.015. Substantial compliance or reasonable belief that
351 complying with the requirements of informed consent would
352 threaten the life of the patient as described in paragraph
353 (1) (a) or would unreasonably reduce the successful treatment of
354 an already life-threatening disease of the patient as described
355 in paragraph (1) (b) may be raised as a defense to any action
356 brought under this subsection.

357 (6) EXPERIMENTATION ON FETUS PROHIBITED; EXCEPTION.—A
358 person may not use any live fetus or live, premature infant for
359 any type of scientific, research, laboratory, or other kind of
360 experimentation before or after any termination of pregnancy
361 procedure except as necessary to protect or preserve the life
362 and health of such fetus or premature infant. Violation of this
363 subsection by a physician constitutes grounds for disciplinary

364 action under s. 458.331 or s. 459.015.

365 (7) FETAL REMAINS.—Fetal remains shall be disposed of in a
366 sanitary and appropriate manner and in accordance with standard
367 health practices as provided by rule of the department. A person
368 who fails to dispose of fetal remains in accordance with
369 department rules commits a felony of the third degree,
370 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

371 (8) REFUSAL TO PARTICIPATE IN TERMINATION PROCEDURE.—This
372 section does not require any hospital or other medical
373 establishment or person to participate in the termination of a
374 pregnancy and any hospital or other medical establishment or
375 person is not liable for such refusal. A person who is a member
376 of or associated with the staff of a hospital or other medical
377 establishment, or any employee of a hospital or other medical
378 establishment or physician in which or by whom the termination
379 of a pregnancy is authorized or performed, who states an
380 objection to such procedure may not be required to participate
381 in the procedure which will result in the termination of
382 pregnancy. The refusal of any such person or employee to
383 participate does not form the basis for any disciplinary or
384 other recriminatory action against such person.

385 (9) EXCLUSION FROM APPLICABILITY.—This section does not
386 apply to the performance of a procedure that terminates a
387 pregnancy in order to deliver a live child or to remove a dead
388 fetus whose demise was not the product of a termination of
389 pregnancy or an abortion, from the patient's body.

390 (10) PENALTIES FOR VIOLATION.—
 391 (a) Any person who willfully induces, performs, or assists
 392 in a termination of pregnancy procedure on another person in
 393 violation of the requirements of subsection (2), paragraph
 394 (3) (a), or subsection (4) commits a felony of the second degree,
 395 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 396 (b) Any person who willfully induces, performs, or assists
 397 in a termination of pregnancy procedure on another person in
 398 violation of subsection (1) commits a felony of the first
 399 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 400 775.084.
 401 (c) Any person who willfully induces, performs, or assists
 402 in a termination of pregnancy procedure on another person in
 403 violation of subsection (1) which results in serious bodily
 404 injury to the person commits a felony of the first degree,
 405 punishable by imprisonment for a term of years not exceeding
 406 life as provided in s. 775.082, s. 775.083, or s. 775.084.
 407 (d) Any person who induces, performs, or assists in a
 408 termination of pregnancy procedure on another person in
 409 violation of this section which results in the death of the
 410 person commits a life felony, punishable as provided in s.
 411 775.082, s. 775.083, or s. 775.084.
 412 (11) ADOPTION ALTERNATIVE INFORMATION.—Any physician or
 413 authorized personnel of a medical facility who learns that a
 414 patient wishes to obtain an induced abortion, or that a patient
 415 has had a termination of pregnancy where the fetus survived,

416 shall provide that patient with information concerning the
 417 availability of adoption for her unwanted child. Compliance with
 418 this subsection may be accomplished by providing the patient or,
 419 in the case of a mentally incompetent patient, her court-
 420 appointed guardian or, in the case of a minor patient, the
 421 minor's parent or legal guardian with the address and telephone
 422 number of the Office of Adoption and Child Protection within the
 423 Executive Office of the Governor and inform the patient or, in
 424 the case of a mentally incompetent patient, her court-appointed
 425 guardian or, in the case of a minor patient, the minor's parent
 426 or legal guardian of the existence of a statewide list of
 427 attorneys available to provide volunteer legal services for
 428 adoption.

429 (12) RULEMAKING AUTHORITY.-

430 (a) Except for subsection (7), the agency may adopt rules
 431 pursuant to ss. 120.536(1) and 120.54 to implement this section.
 432 These rules shall be for the purpose of protecting the health
 433 and safety of pregnant women and minors and unborn human
 434 persons. These rules are also for the purpose of securing
 435 compliance with the requirements of this section and to
 436 facilitate the enforcement of sanctions for those violations to
 437 which administrative penalties apply.

438 (b) The department may adopt rules pursuant to ss.
 439 120.536(1) and 120.54 to implement subsection (7).

440 (c) The rulemaking authority granted in this subsection is
 441 supplemental to the rulemaking authority provided in s. 390.012.

442 Section 5. Subsection (7) of section 39.001, Florida
 443 Statutes, is amended, and paragraph (d) is added to subsection
 444 (8) of that section, to read:

445 39.001 Purposes and intent; personnel standards and
 446 screening.—

447 (7) LEGISLATIVE INTENT FOR THE PREVENTION OF ABUSE,
 448 ABANDONMENT, AND NEGLECT OF CHILDREN; ADOPTION SERVICES FOR
 449 WOMEN AND MINORS WITH UNWANTED PREGNANCIES.—The incidence of
 450 known child abuse, abandonment, and neglect has increased
 451 rapidly in recent ~~over the past 5~~ years. The impact that abuse,
 452 abandonment, or neglect has on the victimized child, siblings,
 453 family structure, and inevitably on all citizens of the state
 454 has caused the Legislature to determine that the prevention of
 455 child abuse, abandonment, and neglect shall be a priority of
 456 this state. In addition, to provide assistance for women and
 457 minors with unwanted pregnancies who would have selected
 458 abortion, if lawful in this state, rather than adoption as an
 459 alternative for their unborn children, the Legislature has
 460 determined to offer such women and minors information regarding
 461 volunteer legal services to accomplish an appropriate adoptive
 462 placement for their newborn children. ~~To further this end,~~ It is
 463 the intent of the Legislature that the an Office of Adoption and
 464 Child Protection be maintained to accomplish these purposes
 465 established.

466 (8) OFFICE OF ADOPTION AND CHILD PROTECTION.—

467 (d) In connection with the provision of volunteer legal

468 services for women and minors with unwanted pregnancies who
469 would have selected abortion, if lawful in this state, rather
470 than adoption, the office shall:

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

473 2. Have deposited, directed, and budgeted in the full
474 amount for its use, in addition to funds that would have or are
475 otherwise budgeted for it, all moneys received by or otherwise
476 awarded to the state from the Federal Government, the United
477 States Treasury, or any other federal agency as a result of
478 efforts made by the office to provide legal services for
479 adoption.

480 Section 6. Sections 390.011, 390.0111, 390.01114,
481 390.01116, 390.0112, 390.012, 390.014, 390.015, 390.018,
482 390.025, 782.30, 782.32, 782.34, and 782.36, Florida Statutes,
483 are repealed.

484 Section 7. Paragraph (a) of subsection (6) of section
485 27.511, Florida Statutes, is amended to read:

486 27.511 Offices of criminal conflict and civil regional
487 counsel; legislative intent; qualifications; appointment;
488 duties.—

489 (6) (a) The office of criminal conflict and civil regional
490 counsel has primary responsibility for representing persons
491 entitled to court-appointed counsel under the Federal or State
492 Constitution or as authorized by general law in civil
493 proceedings, including, but not limited to, proceedings under s.

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494 393.12 and chapters 39, 392, 397, 415, 743, 744, and 984 and
495 proceedings to terminate parental rights under chapter 63.
496 ~~Private court-appointed counsel eligible under s. 27.40 have~~
497 ~~primary responsibility for representing minors who request~~
498 ~~counsel under s. 390.01114, the Parental Notice of Abortion Act;~~
499 ~~however, the office of criminal conflict and civil regional~~
500 ~~counsel may represent a minor under that section if the court~~
501 ~~finds that no private court-appointed attorney is available.~~

502 Section 8. Subsection (1) of section 627.64995, Florida
503 Statutes, is amended to read:

504 627.64995 Restrictions on use of state and federal funds
505 for state exchanges.—

506 (1) A health insurance policy under which coverage is
507 purchased in whole or in part with any state or federal funds
508 through an exchange created pursuant to the federal Patient
509 Protection and Affordable Care Act, Pub. L. No. 111-148, may not
510 provide coverage for an induced abortion as defined in and
511 prohibited under s. 390.01118 or for a termination of pregnancy
512 in violation of s. 390.01118(3) ~~s. 390.011(1), except if the~~
513 ~~pregnancy is the result of an act of rape or incest, or in the~~
514 ~~case where a woman suffers from a physical disorder, physical~~
515 ~~injury, or physical illness, including a life-endangering~~
516 ~~physical condition caused by or arising from the pregnancy~~
517 ~~itself, which would, as certified by a physician, place the~~
518 ~~woman in danger of death unless an abortion is performed.~~

519 Coverage is deemed to be purchased with state or federal funds

520 | if any tax credit or cost-sharing credit is applied toward the
 521 | health insurance policy.

522 | Section 9. Paragraph (a) of subsection (17) of section
 523 | 627.6699, Florida Statutes, is amended to read:

524 | 627.6699 Employee Health Care Access Act.—

525 | (17) RESTRICTIONS ON COVERAGE.—

526 | (a) A plan under which coverage is purchased in whole or
 527 | in part with any state or federal funds through an exchange
 528 | created pursuant to the federal Patient Protection and
 529 | Affordable Care Act, Pub. L. No. 111-148, may not provide
 530 | coverage for an induced abortion, as defined in and prohibited
 531 | under s. 390.01118 or for a termination of pregnancy in
 532 | violation of s. 390.01118(3) s. 390.011(1), except if the
 533 | pregnancy is the result of an act of rape or incest, or in the
 534 | ease where a woman suffers from a physical disorder, physical
 535 | injury, or physical illness, including a life-endangering
 536 | physical condition caused by or arising from the pregnancy
 537 | itself, which would, as certified by a physician, place the
 538 | woman in danger of death unless an abortion is performed.

539 | Coverage is deemed to be purchased with state or federal funds
 540 | if any tax credit or cost-sharing credit is applied toward the
 541 | plan.

542 | Section 10. Subsection (1) of section 627.66996, Florida
 543 | Statutes, is amended to read:

544 | 627.66996 Restrictions on use of state and federal funds
 545 | for state exchanges.—

546 (1) A group, franchise, or blanket health insurance policy
 547 under which coverage is purchased in whole or in part with any
 548 state or federal funds through an exchange created pursuant to
 549 the federal Patient Protection and Affordable Care Act, Pub. L.
 550 No. 111-148, may not provide coverage for an induced abortion as
 551 defined in and prohibited under s. 390.01118 or for a
 552 termination of pregnancy in violation of s. 390.01118(3) s.
 553 ~~390.011(1), except if the pregnancy is the result of an act of~~
 554 ~~rape or incest, or in the case where a woman suffers from a~~
 555 ~~physical disorder, physical injury, or physical illness,~~
 556 ~~including a life-endangering physical condition caused by or~~
 557 ~~arising from the pregnancy itself, which would, as certified by~~
 558 ~~a physician, place the woman in danger of death unless an~~
 559 ~~abortion is performed.~~ Coverage is deemed to be purchased with
 560 state or federal funds if any tax credit or cost-sharing credit
 561 is applied toward the group, franchise, or blanket health
 562 insurance policy.

563 Section 11. Subsection (1) of section 641.31099, Florida
 564 Statutes, is amended to read:

565 641.31099 Restrictions on use of state and federal funds
 566 for state exchanges.—

567 (1) A health maintenance contract under which coverage is
 568 purchased in whole or in part with any state or federal funds
 569 through an exchange created pursuant to the federal Patient
 570 Protection and Affordable Care Act, Pub. L. No. 111-148, may not
 571 provide coverage for an induced abortion as defined in and

572 prohibited under s. 390.01118 or for a termination of pregnancy
 573 in violation of s. 390.01118(3) ~~s. 390.011(1), except if the~~
 574 ~~pregnancy is the result of an act of rape or incest, or in the~~
 575 ~~ease where a woman suffers from a physical disorder, physical~~
 576 ~~injury, or physical illness, including a life-endangering~~
 577 ~~physical condition caused by or arising from the pregnancy~~
 578 ~~itself, which would, as certified by a physician, place the~~
 579 ~~woman in danger of death unless an abortion is performed.~~

580 Coverage is deemed to be purchased with state or federal funds
 581 if any tax credit or cost-sharing credit is applied toward the
 582 health maintenance contract.

583 Section 12. Subsection (3) of section 743.065, Florida
 584 Statutes, is amended to read:

585 743.065 Unwed pregnant minor or minor mother; consent to
 586 medical services for minor or minor's child valid.—

587 ~~(3) Nothing in this act shall affect the provisions of s.~~
 588 ~~390.0111.~~

589 Section 13. Subsection (2) of section 765.113, Florida
 590 Statutes, is amended to read:

591 765.113 Restrictions on providing consent.—Unless the
 592 principal expressly delegates such authority to the surrogate in
 593 writing, or a surrogate or proxy has sought and received court
 594 approval pursuant to rule 5.900 of the Florida Probate Rules, a
 595 surrogate or proxy may not provide consent for:

596 (2) Withholding or withdrawing life-prolonging procedures
 597 from a pregnant patient before ~~prior to~~ viability as defined in

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598 | s. 390.01118(3) ~~s. 390.0111(4)~~.

599 | Section 14. This act shall take effect July 1, 2014.