

By Senator Evers

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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. 390.01112, F.S.; providing grounds for
7 disciplinary action against a physician performing a
8 termination of pregnancy during viability under
9 certain circumstances; specifying where a termination
10 of pregnancy during viability may be performed;
11 prohibiting misrepresentation of the gestational age
12 or developmental stage of a viable fetus in any
13 medical record or failure to use the prescribed
14 standard of care on a viable fetus by a physician;
15 providing criminal penalties; creating s. 390.01113,
16 F.S.; prohibiting inducing an abortion or performing,
17 attempting to perform, or assisting in an induced
18 abortion; providing criminal penalties; prohibiting
19 inflicting serious bodily injury on a person in the
20 course of performing an abortion; providing criminal
21 penalties; providing enhanced criminal penalties if
22 the serious bodily injury results in death;
23 prohibiting operation of any facility, business, or
24 service for the purpose of providing induced abortion
25 services; providing criminal penalties; prohibiting
26 termination of a pregnancy unless specified conditions
27 are met; requiring that a termination of pregnancy be
28 performed only by a physician; requiring voluntary,
29 informed consent for a termination of pregnancy;

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30 providing an exception for medical emergencies;
31 providing for documentation of a medical emergency;
32 providing that violations may subject physicians to
33 discipline under specified provisions; prohibiting
34 fetal experimentation; providing an exception;
35 requiring that fetal remains be disposed of according
36 to specified standards; providing criminal penalties;
37 excluding specified procedures from applicability of
38 section; requiring physicians and personnel at a
39 medical facility to provide certain women and minors
40 who have been treated by the facility with information
41 regarding adoption and access to a statewide list of
42 attorneys available to provide volunteer legal
43 services for adoption; authorizing the Agency for
44 Health Care Administration and the Department of
45 Health to adopt rules; amending s. 39.001, F.S.;
46 providing legislative intent concerning adoption
47 services for women and minors with unwanted
48 pregnancies; requiring the Office of Adoption and
49 Child Protection to create and manage a statewide list
50 of attorneys providing volunteer adoption services for
51 women and minors with unwanted pregnancies who would
52 have selected abortion, if lawful, rather than
53 adoption; providing that the full amount of all
54 federal moneys received by the state as a result of
55 efforts made by the office to provide legal and other
56 services for adoption are deposited, directed, and
57 budgeted for use by the office; repealing ss.
58 390.01114, 390.01116, 390.0112, 390.012, 390.014,

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59 390.015, 390.018, and 390.025, F.S., relating to
60 provisions regulating the termination of pregnancies
61 and definitions applying thereto, the Parental Notice
62 of Abortion Act, public records exemptions for
63 identifying information regarding minors seeking a
64 waiver of notice requirements under such act,
65 reporting requirements for terminated pregnancies, the
66 licensure and operation of abortion clinics, the
67 disposal of fetal remains, the imposition of
68 administrative fines for violations by abortion
69 clinics, and provisions regulating abortion referral
70 or counseling agencies and prescribing penalties for
71 violations by such agencies; repealing ss. 782.30,
72 782.32, 782.34, and 782.36, F.S., relating to the
73 Partial-Birth Abortion Act and the short title,
74 definitions, criminal penalties for the intentional
75 killing of a living fetus while that fetus is
76 partially born, and exceptions to such act; amending
77 s. 27.511, F.S.; conforming language relating to
78 court-appointed counsel for minors under the Parental
79 Notice of Abortion Act to the repeal of s. 390.01114,
80 F.S.; amending ss. 627.64995, 627.6699, 627.66996, and
81 641.31099, F.S.; providing restrictions on use of
82 state and federal funds for state exchanges that
83 provide coverage for induced abortions and
84 terminations of pregnancies under certain conditions;
85 amending ss. 743.065, 743.067, and 765.113, F.S.;

86 conforming cross-references; providing an effective
87 date.

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

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

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

390.0001 Legislative findings regarding abortion.—

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

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

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

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

(5) The Legislature finds that once human life begins, there is a compelling state interest in protecting its development from that moment through birth. Any act of a person detrimental to unborn human life, when not necessary in defense

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117 of the life of the mother bearing such unborn human life, which
 118 unnaturally terminates that unborn human life is a deprivation
 119 of that unborn human's unalienable right to life.

120 (6) The Legislature finds that the establishment of
 121 viability as the point at which the state may restrict
 122 abortions, as well as the "undue burden" standard of Planned
 123 Parenthood of Southern Pennsylvania v. Casey, 505 U.S. 833
 124 (1992) is arbitrary and provides inadequate guidance for this
 125 state to enact meaningful protections for unborn human life.

126 (7) The Legislature finds that the health exception
 127 required of post-viability abortion regulations inadequately
 128 protects the health of women and minors seeking post-viability
 129 abortions and impedes the state's protection of viable unborn
 130 human life.

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

134 (9) The Legislature urges the United States Supreme Court
 135 to overturn Roe v. Wade, 410 U.S. 113 (1973), and Planned
 136 Parenthood of Southern Pennsylvania v. Casey, 505 U.S. 833
 137 (1992).

138 Section 3. Section 390.011, Florida Statutes, is amended to
 139 read:

140 390.011 Definitions.—As used in this chapter, the term:

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

144 (2) "Abortion clinic" or "clinic" means any facility,
 145 location, or structure in which abortions are performed. The

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146 term does not include:

147 ~~(a)~~ a hospital or medical establishment, as defined in
148 subsection (6); or

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

151 (3) "Agency" means the Agency for Health Care
152 Administration.

153 (4) "Born alive" means the complete expulsion or extraction
154 from the mother of a human infant, at any stage of development,
155 who, after such expulsion or extraction, breathes or has a
156 beating heart, or definite and voluntary movement of muscles,
157 regardless of whether the umbilical cord has been cut and
158 regardless of whether the expulsion or extraction occurs as a
159 result of natural or induced labor, caesarean section, induced
160 abortion, or other method.

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

162 (6) "Hospital" means a medical establishment facility as
163 defined in s. 395.002(12) and licensed under chapter 395 and
164 part II of chapter 408.

165 (7) "Human life" means a human person and is the biological
166 development of the species Homo sapiens that begins when a human
167 egg is fertilized by a human sperm and continues to develop as a
168 living organism. For the purposes of this chapter, the terms
169 "human life" and "human person" may be used interchangeably.

170 (8) "Induced abortion" means a medically initiated
171 termination of a human pregnancy with the intent to kill a
172 living human organism, zygote, embryo, or fetus. For purposes of
173 this subsection, the term "medically initiated" means the
174 ingestion or administration of pharmaceutical abortifacients by

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175 any means, performance of a surgical procedure, or use of any
176 device or instrument and any combination thereof.

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

185 (10)~~(7)~~ "Partial-birth abortion" means a termination of
186 pregnancy in which the physician performing the termination of
187 pregnancy partially vaginally delivers a living fetus and then
188 kills before killing the fetus before and completing the
189 delivery.

190 (11) "Patient" means the woman or minor upon whom an
191 abortion or termination of pregnancy is performed or induced.

192 (12)~~(8)~~ "Physician" means a physician licensed under
193 chapter 458 or chapter 459 or a physician practicing medicine or
194 osteopathic medicine in the employment of the United States who
195 is attending to the patient.

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

198 (14)~~(9)~~ "Reasonable medical judgment" means a medical
199 judgment ~~that would be made by a~~ practicing ~~reasonably prudent~~
200 physician, knowledgeable about the case and the treatment
201 possibilities with respect to the medical conditions involved.

202 (15)~~(10)~~ "Standard medical measure" means the medical care
203 that a physician would provide based on the particular facts of

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204 the pregnancy, the information available to the physician, and
205 the technology reasonably available in a hospital, as defined in
206 s. 395.002, with an obstetrical department, to preserve the life
207 and health of the fetus, with or without temporary artificial
208 life-sustaining support, if the fetus were born at the same
209 stage of fetal development.

210 (16) "Termination of pregnancy" means the termination of a
211 human pregnancy under circumstances not prohibited by this
212 chapter.

213 (17)~~(11)~~ "Third trimester" means the weeks of pregnancy
214 after the 24th week of pregnancy.

215 (18)~~(12)~~ "Viable" or "viability" means the stage of fetal
216 development when, in the judgment of the physician, based on the
217 particular facts of the case before him or her and in light of
218 the most advanced medical technology and information available,
219 there is a reasonable probability of sustained survival of the
220 unborn human person outside his or her mother's womb with or
221 without artificial support ~~the life of a fetus is sustainable~~
222 ~~outside the womb through standard medical measures.~~

223 Section 4. Section 390.01112, Florida Statutes, is amended
224 to read:

225 390.01112 Termination of pregnancies during viability.—

226 (1) A ~~No~~ termination of pregnancy may not ~~shall~~ be
227 performed on any human being if the physician determines that,
228 in reasonable medical judgment, the fetus has achieved
229 viability, unless:

230 (a) Two physicians certify in writing that, in their
231 reasonable medical judgments ~~judgment~~, the termination of the
232 pregnancy is necessary to save the pregnant woman's life or

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233 avert a serious risk of substantial and irreversible physical
234 impairment of a major bodily function of the pregnant woman
235 other than a psychological condition; or

236 (b) The physician certifies in writing that, in his or her
237 reasonable medical judgment, there is a medical necessity for
238 legitimate emergency medical procedures for termination of the
239 pregnancy to save the pregnant woman's life or avert a serious
240 risk of imminent substantial and irreversible physical
241 impairment of a major bodily function of the pregnant woman
242 other than a psychological condition, and another physician is
243 not available for consultation.

244 (2) Before performing a termination of pregnancy, a
245 physician must determine if the fetus is viable by, at a
246 minimum, performing a medical examination of the pregnant woman
247 and, to the maximum extent possible through reasonably available
248 tests and the ultrasound required under s. 390.0111(3), an
249 examination of the fetus. The physician must document in the
250 pregnant woman's medical file the physician's determination and
251 the method, equipment, fetal measurements, and any other
252 information used to determine the viability of the fetus.

253 (3) If a termination of pregnancy is performed while the
254 patient's fetus is viable ~~during viability~~, the physician
255 performing the termination of pregnancy must exercise the same
256 degree of professional skill, care, and diligence to preserve
257 the life and health of the fetus that the physician would be
258 required to exercise in order to preserve the life and health of
259 a fetus intended to be born and not aborted. However, if
260 preserving the life and health of the fetus conflicts with
261 preserving the life and health of the woman, the physician must

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262 consider preserving the woman's life and health the overriding
263 and superior concern. Violation of this subsection by a
264 physician constitutes grounds for disciplinary action under s.
265 458.331 or s. 459.015.

266 (4) A termination of pregnancy involving a viable fetus,
267 when not prohibited under s. 390.01113(3), must be performed in
268 a hospital or other medical establishment as defined in s.
269 390.011(6) that is capable of providing all necessary lifesaving
270 and life-sustaining medical services to the viable fetus.

271 (5) A 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 subsection (3)
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 Section 5. Section 390.01113, Florida Statutes, is created
281 to read:

282 390.01113 Abortion unlawful; termination of pregnancies;
283 circumstances authorized.-

284 (1) INDUCED ABORTION PROHIBITED.-

285 (a) Induced abortion for any purpose is unlawful, except as
286 provided in s. 390.01112. Any person who induces an abortion or
287 performs, attempts to perform, or assists another in the
288 performance of an induced abortion on another person commits a
289 felony of the first degree, punishable as provided in s.
290 775.082, s. 775.083, or s. 775.084.

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

296 (c) Any person who during the course of performing an
297 induced abortion on another person inflicts serious bodily
298 injury on the person which results in the death of the person
299 commits a life felony, punishable as provided in s. 775.082, s.
300 775.083, or s. 775.084.

301 (2) OPERATING ABORTION CLINICS AND SERVICES PROHIBITED.—A
302 person or persons who operate any facility, business, or service
303 from any location within this state for the purpose of providing
304 induced abortion services commits a felony of the first degree,
305 punishable by imprisonment for a term of years not exceeding
306 life, as provided in s. 775.082, s. 775.083, or s. 775.084.

307 (3) TERMINATION OF PREGNANCY.—A termination of pregnancy
308 may not be performed unless:

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

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

317 (c) The attending physician certifies in writing that a
318 medical emergency existed as described in paragraph (a) or
319 paragraph (b) and another physician was not available for

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320 consultation before the time necessary to perform the
321 termination of pregnancy. The physician's written certification
322 must clearly describe the details of the medical emergency in
323 the patient's medical records.

324 (d) Violation of this subsection by a physician constitutes
325 grounds for disciplinary action under s. 458.331 or s. 459.015.

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

329 (5) CONSENT REQUIRED.—A termination of pregnancy may not be
330 performed or induced except with the voluntary and informed
331 written consent of the patient or, in the case of a mentally
332 incompetent patient, the voluntary and informed written consent
333 of her court-appointed guardian or, in the case of a minor
334 patient, notwithstanding s. 743.065, the voluntary informed
335 written consent of the minor's parent or legal guardian.

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

338 1. The physician who is to perform the procedure or the
339 referring physician has personally informed the patient, or the
340 court-appointed guardian if the patient is mentally incompetent
341 or a parent or legal guardian in the case of a minor patient,
342 of:

343 a. The nature and risks of undergoing or not undergoing the
344 proposed procedure that a reasonable patient similarly situated
345 may consider relevant to making an informed decision of whether
346 to terminate a pregnancy.

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

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349 c. The medical risks to the patient and fetus of carrying
350 the pregnancy to term.

351 d. All other factors, including physical, emotional,
352 psychological, and familial factors, relevant to the short-term
353 and long-term well-being of the patient, including the emotional
354 and psychological impact of the loss of human life through
355 voluntary termination of the pregnancy.

356 2. Printed materials prepared and provided by the
357 department have been provided to the patient, or the court-
358 appointed guardian if the patient is mentally incompetent or a
359 parent or legal guardian in the case of a minor patient,
360 including:

361 a. An accurate estimate of the stage of biological
362 development, gestational age, length, weight, and viability of
363 the unborn human person.

364 b. A list of agencies that offer alternatives to
365 terminating the pregnancy.

366 c. Detailed information on the availability of medical
367 assistance benefits for prenatal care, childbirth, and neonatal
368 care.

369 3. The patient, or the court-appointed guardian if the
370 patient is mentally incompetent or a parent or legal guardian in
371 the case of a minor patient, has been given, in writing, the
372 address and telephone number of the Office of Adoption and Child
373 Protection within the Executive Office of the Governor and
374 informed of the existence of a statewide list of attorneys
375 available to provide volunteer legal services for adoption.

376 4. The person required to give consent under this
377 subsection acknowledges in writing, before the termination of

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378 pregnancy, that the information required to be provided under
379 this paragraph has been provided.

380 (b) In the event that a medical emergency exists and a
381 physician cannot comply with the requirements for informed
382 consent, the attending physician may terminate a pregnancy if he
383 or she has obtained at least one physician's corroborating
384 written opinion attesting to the medical necessity for emergency
385 medical procedures and to the fact that, to a reasonable degree
386 of medical certainty, the continuation of the pregnancy would
387 threaten the physical life of the patient. In the event that a
388 second physician is not available for a corroborating written
389 opinion before the time necessary to perform the termination of
390 pregnancy, the physician may proceed but must document all
391 reasons for the medical emergency and must clearly describe the
392 details of the medical emergency in the patient's medical
393 records as described in paragraph (3) (c).

394 (c) Violation of this subsection by a physician constitutes
395 grounds for disciplinary action under s. 458.331 or s. 459.015.
396 Substantial compliance or reasonable belief that complying with
397 the requirements of informed consent would threaten the life of
398 the patient as described in paragraph (3) (a) or would
399 unreasonably reduce the successful treatment of an already life-
400 threatening disease of the patient as described in paragraph
401 (3) (b) may be raised as a defense to any action brought under
402 this subsection.

403 (6) EXPERIMENTATION ON FETUS PROHIBITED; EXCEPTION.—A
404 person may not use a live fetus or live, premature infant for
405 any type of scientific, laboratory, or other kind of research or
406 experimentation before or after any termination of pregnancy

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407 procedure except as necessary to protect or preserve the life
408 and health of such fetus or premature infant. Violation of this
409 subsection by a physician constitutes grounds for disciplinary
410 action under s. 458.331 or s. 459.015.

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

417 (8) EXCLUSION FROM APPLICABILITY.—This section does not
418 apply to the performance of a procedure that terminates a
419 pregnancy in order to deliver a live child or to remove a dead
420 fetus whose demise was not the result of a termination of
421 pregnancy or an induced abortion from the patient's body.

422 (9) ADOPTION ALTERNATIVE INFORMATION.—Any physician or
423 authorized personnel of a medical facility who learns that a
424 patient wishes to obtain an induced abortion, or that a patient
425 has had a termination of pregnancy where the fetus survived,
426 shall provide the patient with information concerning the
427 availability of adoption for her unwanted child. Compliance with
428 this subsection may be accomplished by providing the patient or,
429 in the case of a mentally incompetent patient, her court-
430 appointed guardian or, in the case of a minor patient, the
431 minor's parent or legal guardian with the address and telephone
432 number of the Office of Adoption and Child Protection within the
433 Executive Office of the Governor and inform the patient or, in
434 the case of a mentally incompetent patient, her court-appointed
435 guardian or, in the case of a minor patient, the minor's parent

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436 or legal guardian of the existence of the statewide list of
437 attorneys available to provide volunteer legal services for
438 adoption.

439 (10) RULEMAKING AUTHORITY.—

440 (a) Except for subsection (7), the agency may adopt rules
441 pursuant to ss. 120.536(1) and 120.54 to administer this
442 section. These rules must be for the purpose of protecting the
443 health and safety of pregnant women and minors and unborn human
444 persons. These rules are also for the purpose of securing
445 compliance with the requirements of this section and to
446 facilitate the enforcement of sanctions for those violations to
447 which administrative penalties apply.

448 (b) The department may adopt rules pursuant to ss.
449 120.536(1) and 120.54 to administer subsection (7).

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

453 39.001 Purposes and intent; personnel standards and
454 screening.—

455 (8) LEGISLATIVE INTENT FOR THE PREVENTION OF ABUSE,
456 ABANDONMENT, AND NEGLECT OF CHILDREN; ADOPTION SERVICES FOR
457 WOMEN AND MINORS WITH UNWANTED PREGNANCIES.—The incidence of
458 known child abuse, abandonment, and neglect has increased
459 rapidly in recent ~~over the past~~ 5 years. The impact that abuse,
460 abandonment, or neglect has on the victimized child, siblings,
461 family structure, and inevitably on all citizens of the state
462 has caused the Legislature to determine that the prevention of
463 child abuse, abandonment, and neglect shall be a priority of
464 this state. In addition, to provide assistance for women and

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465 minors with unwanted pregnancies who would have selected
466 abortion, if lawful in this state, rather than adoption as an
467 alternative for their unborn children, the Legislature has
468 determined to offer such women and minors information regarding
469 volunteer legal services to accomplish an appropriate adoptive
470 placement for their newborn children. ~~To further this end,~~ It is
471 the intent of the Legislature that ~~the an~~ Office of Adoption and
472 Child Protection be established and maintained to accomplish
473 these purposes established.

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

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

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

481 2. Have deposited, directed, and budgeted in the full
482 amount for use by the office, in addition to funds that would
483 have or are otherwise budgeted for the office, all moneys
484 received by or otherwise awarded to the state from the Federal
485 Government, the United States Treasury, or any other federal
486 agency as a result of efforts made by the office to provide
487 legal or other services for adoption.

488 Section 7. Sections 390.01114, 390.01116, 390.0112,
489 390.012, 390.014, 390.015, 390.018, 390.025, 782.30, 782.32,
490 782.34, and 782.36, Florida Statutes, are repealed.

491 Section 8. Paragraph (a) of subsection (6) of section
492 27.511, Florida Statutes, is amended to read:

493 27.511 Offices of criminal conflict and civil regional

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494 counsel; legislative intent; qualifications; appointment;
495 duties.-

496 (6) (a) The office of criminal conflict and civil regional
497 counsel has primary responsibility for representing persons
498 entitled to court-appointed counsel under the Federal or State
499 Constitution or as authorized by general law in civil
500 proceedings, including, but not limited to, proceedings under s.
501 393.12 and chapters 39, 392, 397, 415, 743, 744, and 984 and
502 proceedings to terminate parental rights under chapter 63.

503 ~~Private court-appointed counsel eligible under s. 27.40 have~~
504 ~~primary responsibility for representing minors who request~~
505 ~~counsel under s. 390.01114, the Parental Notice of Abortion Act;~~
506 ~~however, the office of criminal conflict and civil regional~~
507 ~~counsel may represent a minor under that section if the court~~
508 ~~finds that no private court-appointed attorney is available.~~

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

511 627.64995 Restrictions on use of state and federal funds
512 for state exchanges.-

513 (1) A health insurance policy under which coverage is
514 purchased in whole or in part with any state or federal funds
515 through an exchange created pursuant to the federal Patient
516 Protection and Affordable Care Act, Pub. L. No. 111-148, may not
517 provide coverage for an induced abortion as defined in s.
518 390.011 and prohibited under s. 390.01113, or for a termination
519 of pregnancy in violation of s. 390.01113(3) ~~390.011(1), except~~
520 ~~if the pregnancy is the result of an act of rape or incest, or~~
521 ~~in the case where a woman suffers from a physical disorder,~~
522 ~~physical injury, or physical illness, including a life-~~

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523 ~~endangering physical condition caused by or arising from the~~
524 ~~pregnancy itself, which would, as certified by a physician,~~
525 ~~place the woman in danger of death unless an abortion is~~
526 ~~performed.~~ Coverage is deemed to be purchased with state or
527 federal funds if any tax credit or cost-sharing credit is
528 applied toward the health insurance policy.

529 Section 10. Paragraph (a) of subsection (17) of section
530 627.6699, Florida Statutes, is amended to read:

531 627.6699 Employee Health Care Access Act.—

532 (17) RESTRICTIONS ON COVERAGE.—

533 (a) A plan under which coverage is purchased in whole or in
534 part with any state or federal funds through an exchange created
535 pursuant to the federal Patient Protection and Affordable Care
536 Act, Pub. L. No. 111-148, may not provide coverage for an
537 induced abortion, as defined in s. 390.011 and prohibited under
538 s. 390.01113, or for a termination of pregnancy in violation of
539 s. 390.01113(3) 390.011(1), ~~except if the pregnancy is the~~
540 ~~result of an act of rape or incest, or in the case where a woman~~
541 ~~suffers from a physical disorder, physical injury, or physical~~
542 ~~illness, including a life-endangering physical condition caused~~
543 ~~by or arising from the pregnancy itself, which would, as~~
544 ~~certified by a physician, place the woman in danger of death~~
545 ~~unless an abortion is performed.~~ Coverage is deemed to be
546 purchased with state or federal funds if any tax credit or cost-
547 sharing credit is applied toward the plan.

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

550 627.66996 Restrictions on use of state and federal funds
551 for state exchanges.—

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552 (1) A group, franchise, or blanket health insurance policy
 553 under which coverage is purchased in whole or in part with any
 554 state or federal funds through an exchange created pursuant to
 555 the federal Patient Protection and Affordable Care Act, Pub. L.
 556 No. 111-148, may not provide coverage for an induced abortion as
 557 defined in s. 390.011 and prohibited under s. 390.01113, or for
 558 a termination of pregnancy in violation of s. 390.01113(3)
 559 ~~390.011(1), except if the pregnancy is the result of an act of~~
 560 ~~rape or incest, or in the case where a woman suffers from a~~
 561 ~~physical disorder, physical injury, or physical illness,~~
 562 ~~including a life-endangering physical condition caused by or~~
 563 ~~arising from the pregnancy itself, which would, as certified by~~
 564 ~~a physician, place the woman in danger of death unless an~~
 565 ~~abortion is performed.~~ Coverage is deemed to be purchased with
 566 state or federal funds if any tax credit or cost-sharing credit
 567 is applied toward the group, franchise, or blanket health
 568 insurance policy.

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

571 641.31099 Restrictions on use of state and federal funds
 572 for state exchanges.—

573 (1) A health maintenance contract under which coverage is
 574 purchased in whole or in part with any state or federal funds
 575 through an exchange created pursuant to the federal Patient
 576 Protection and Affordable Care Act, Pub. L. No. 111-148, may not
 577 provide coverage for an induced abortion as defined in s.
 578 390.011 and prohibited under s. 390.01113, or for a termination
 579 of pregnancy in violation of s. 390.01113(3) ~~390.011(1), except~~
 580 ~~if the pregnancy is the result of an act of rape or incest, or~~

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581 ~~in the case where a woman suffers from a physical disorder,~~
 582 ~~physical injury, or physical illness, including a life-~~
 583 ~~endangering physical condition caused by or arising from the~~
 584 ~~pregnancy itself, which would, as certified by a physician,~~
 585 ~~place the woman in danger of death unless an abortion is~~
 586 ~~performed.~~ Coverage is deemed to be purchased with state or
 587 federal funds if any tax credit or cost-sharing credit is
 588 applied toward the health maintenance contract.

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

591 743.065 Unwed pregnant minor or minor mother; consent to
 592 medical services for minor or minor's child valid.—

593 (3) Nothing in this act shall affect the provisions of s.
 594 390.0111, s. 390.01112, or s. 390.01113.

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

597 743.067 Unaccompanied homeless youths.—

598 ~~(4) This section does not affect the requirements of s.~~
 599 ~~390.01114.~~

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

602 765.113 Restrictions on providing consent.—Unless the
 603 principal expressly delegates such authority to the surrogate in
 604 writing, or a surrogate or proxy has sought and received court
 605 approval pursuant to rule 5.900 of the Florida Probate Rules, a
 606 surrogate or proxy may not provide consent for:

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

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Section 16. This act shall take effect July 1, 2015.