

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;  
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,  
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.

88  
 89 Be It Enacted by the Legislature of the State of Florida:

90  
 91 Section 1. This act may be cited as the "Florida for Life  
 92 Act."

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

95 390.0001 Legislative findings regarding abortion.—

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

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

103 (3) The Legislature finds that the United States  
 104 Constitution expresses no qualification for, or limitation on,

105 the protection of human life by laws passed by state  
106 legislatures which regard human life as the most fundamental  
107 gift from God and deserving of paramount importance among all  
108 other unalienable rights expressed or implied in the United  
109 States Constitution.

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

113 (5) The Legislature finds that once human life begins,  
114 there is a compelling state interest in protecting its  
115 development from that moment through birth. Any act of a person  
116 detrimental to unborn human life, when not necessary in defense  
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  
 139 to 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  
 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  
 154 extraction from the mother of a human infant, at any stage of  
 155 development, who, after such expulsion or extraction, breathes  
 156 or has a beating heart, or definite and voluntary movement of

157 muscles, regardless of whether the umbilical cord has been cut  
158 and regardless of whether the expulsion or extraction occurs as  
159 a 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  
166 biological development of the species homo sapiens that begins  
167 when a human egg is fertilized by a human sperm and continues to  
168 develop as a living organism. For the purposes of this chapter,  
169 the terms "human life" and "human person" may be used  
170 interchangeably.

171 (8) "Induced abortion" means a medically initiated  
172 termination of a human pregnancy with the intent to kill a  
173 living human organism, zygote, embryo, or fetus. For purposes of  
174 this subsection, the term "medically initiated" means the  
175 ingestion or administration of pharmaceutical abortifacients by  
176 any means, performance of a surgical procedure, or use of any  
177 device or instrument and any combination thereof.

178 (9) "Medical emergency" means a condition that, on the  
179 basis of a physician's good faith clinical judgment, so  
180 complicates the medical condition of a patient as to necessitate  
181 the immediate termination of her pregnancy to avert her death,  
182 or for which a delay in the termination of her pregnancy will

183 create serious risk of substantial and irreversible impairment  
184 of a major bodily function or unreasonably reduce the likelihood  
185 of successful treatment of a life-threatening disease.

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

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

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

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

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

203 (15)-(10) "Standard medical measure" means the medical care  
204 that a physician would provide based on the particular facts of  
205 the pregnancy, the information available to the physician, and  
206 the technology reasonably available in a hospital, as defined in  
207 s. 395.002, with an obstetrical department, to preserve the life  
208 and health of the fetus, with or without temporary artificial

209 life-sustaining support, if the fetus were born at the same  
 210 stage of fetal development.

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

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

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

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

226 390.01112 Termination of pregnancies during viability.-

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

231 (a) Two physicians certify in writing that, in their  
 232 reasonable medical judgments ~~judgment~~, the termination of the  
 233 pregnancy is necessary to save the pregnant woman's life or  
 234 avert a serious risk of substantial and irreversible physical

HB 247

2015

235 impairment of a major bodily function of the pregnant woman  
236 other than a psychological condition; or

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

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

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

261 preserving the life and health of the fetus conflicts with  
262 preserving the life and health of the woman, the physician must  
263 consider preserving the woman's life and health the overriding  
264 and superior concern. Violation of this subsection by a  
265 physician constitutes grounds for disciplinary action under s.  
266 458.331 or s. 459.015.

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

272 (5) A physician who, once the matter of the viability or  
273 nonviability of the fetus is determined within a reasonable  
274 degree of medical probability, knowingly and willfully  
275 misrepresents the gestational age or stage of fetal development  
276 of a viable fetus in an entry into any medical record and who  
277 fails to use the standard of care required under subsection (3)  
278 on any fetus determined to be viable commits a felony of the  
279 first degree, punishable as provided in s. 775.082, s. 775.083,  
280 or s. 775.084.

281 Section 5. Section 390.01113, Florida Statutes, is created  
282 to read:

283 390.01113 Abortion unlawful; termination of pregnancies;  
284 circumstances authorized.—

285 (1) INDUCED ABORTION PROHIBITED.—

286 (a) Induced abortion for any purpose is unlawful, except  
287 as provided in s. 390.01112. Any person who induces an abortion  
288 or performs, attempts to perform, or assists another in the  
289 performance of an induced abortion on another person commits a  
290 felony of the first degree, punishable as provided in s.  
291 775.082, s. 775.083, or s. 775.084.

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

297 (c) Any person who during the course of performing an  
298 induced abortion on another person inflicts serious bodily  
299 injury on the person which results in the death of the person  
300 commits a life felony, punishable as provided in s. 775.082, s.  
301 775.083, or s. 775.084.

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

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

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

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

318 (c) The attending physician certifies in writing that a  
319 medical emergency existed as described in paragraph (a) or  
320 paragraph (b) and another physician was not available for  
321 consultation before the time necessary to perform the  
322 termination of pregnancy. The physician's written certification  
323 must clearly describe the details of the medical emergency in  
324 the patient's medical records.

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

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

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

336 patient, notwithstanding s. 743.065, the voluntary informed  
337 written consent of the minor's parent or legal guardian.

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

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

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

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

351 c. The medical risks to the patient and fetus of carrying  
352 the pregnancy to term.

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

358 2. Printed materials prepared and provided by the  
359 department have been provided to the patient, or the court-  
360 appointed guardian if the patient is mentally incompetent or a

361 parent or legal guardian in the case of a minor patient,  
362 including:

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

366 b. A list of agencies that offer alternatives to  
367 terminating the pregnancy.

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

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

378 4. The person required to give consent under this  
379 subsection acknowledges in writing, before the termination of  
380 pregnancy, that the information required to be provided under  
381 this paragraph has been provided.

382 (b) In the event that a medical emergency exists and a  
383 physician cannot comply with the requirements for informed  
384 consent, the attending physician may terminate a pregnancy if he  
385 or she has obtained at least one physician's corroborating  
386 written opinion attesting to the medical necessity for emergency

387 medical procedures and to the fact that, to a reasonable degree  
388 of medical certainty, the continuation of the pregnancy would  
389 threaten the physical life of the patient. In the event that a  
390 second physician is not available for a corroborating written  
391 opinion before the time necessary to perform the termination of  
392 pregnancy, the physician may proceed but must document all  
393 reasons for the medical emergency and must clearly describe the  
394 details of the medical emergency in the patient's medical  
395 records as described in paragraph (3) (c).

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

405 (6) EXPERIMENTATION ON FETUS PROHIBITED; EXCEPTION.—A  
406 person may not use a live fetus or live, premature infant for  
407 any type of scientific, laboratory, or other kind of research or  
408 experimentation before or after any termination of pregnancy  
409 procedure except as necessary to protect or preserve the life  
410 and health of such fetus or premature infant. Violation of this  
411 subsection by a physician constitutes grounds for disciplinary  
412 action under s. 458.331 or s. 459.015.

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

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

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

439 attorneys available to provide volunteer legal services for  
 440 adoption.

441 (10) RULEMAKING AUTHORITY.—

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

450 (b) The department may adopt rules pursuant to ss.  
 451 120.536(1) and 120.54 to administer subsection (7).

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

455 39.001 Purposes and intent; personnel standards and  
 456 screening.—

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

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

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

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

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

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

490           Section 7. Sections 390.01114, 390.01116, 390.0112,  
 491 390.012, 390.014, 390.015, 390.018, 390.025, 782.30, 782.32,  
 492 782.34, and 782.36, Florida Statutes, are repealed.

493           Section 8. Paragraph (a) of subsection (6) of section  
 494 27.511, Florida Statutes, is amended to read:

495           27.511 Offices of criminal conflict and civil regional  
 496 counsel; legislative intent; qualifications; appointment;  
 497 duties.—

498           (6) (a) The office of criminal conflict and civil regional  
 499 counsel has primary responsibility for representing persons  
 500 entitled to court-appointed counsel under the Federal or State  
 501 Constitution or as authorized by general law in civil  
 502 proceedings, including, but not limited to, proceedings under s.  
 503 393.12 and chapters 39, 392, 397, 415, 743, 744, and 984 and  
 504 proceedings to terminate parental rights under chapter 63.  
 505 ~~Private court-appointed counsel eligible under s. 27.40 have~~  
 506 ~~primary responsibility for representing minors who request~~  
 507 ~~counsel under s. 390.01114, the Parental Notice of Abortion Act;~~  
 508 ~~however, the office of criminal conflict and civil regional~~  
 509 ~~counsel may represent a minor under that section if the court~~  
 510 ~~finds that no private court-appointed attorney is available.~~

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

513           627.64995 Restrictions on use of state and federal funds  
 514 for state exchanges.—

515           (1) A health insurance policy under which coverage is

516 purchased in whole or in part with any state or federal funds  
 517 through an exchange created pursuant to the federal Patient  
 518 Protection and Affordable Care Act, Pub. L. No. 111-148, may not  
 519 provide coverage for an induced abortion as defined in s.  
 520 390.011 and prohibited under s. 390.01113, or for a termination  
 521 of pregnancy in violation of s. 390.01113(3) 390.011(1), except  
 522 ~~if the pregnancy is the result of an act of rape or incest, or~~  
 523 ~~in the case where a woman suffers from a physical disorder,~~  
 524 ~~physical injury, or physical illness, including a life-~~  
 525 ~~endangering physical condition caused by or arising from the~~  
 526 ~~pregnancy itself, which would, as certified by a physician,~~  
 527 ~~place the woman in danger of death unless an abortion is~~  
 528 ~~performed.~~ Coverage is deemed to be purchased with state or  
 529 federal funds if any tax credit or cost-sharing credit is  
 530 applied toward the health insurance policy.

531 Section 10. Paragraph (a) of subsection (17) of section  
 532 627.6699, Florida Statutes, is amended to read:

533 627.6699 Employee Health Care Access Act.—

534 (17) RESTRICTIONS ON COVERAGE.—

535 (a) A plan under which coverage is purchased in whole or  
 536 in part with any state or federal funds through an exchange  
 537 created pursuant to the federal Patient Protection and  
 538 Affordable Care Act, Pub. L. No. 111-148, may not provide  
 539 coverage for an induced abortion, as defined in s. 390.011 and  
 540 prohibited under s. 390.01113, or for a termination of pregnancy  
 541 in violation of s. 390.01113(3) 390.011(1), except if the

542 ~~pregnancy is the result of an act of rape or incest, or in the~~  
 543 ~~case where a woman suffers from a physical disorder, physical~~  
 544 ~~injury, or physical illness, including a life-endangering~~  
 545 ~~physical condition caused by or arising from the pregnancy~~  
 546 ~~itself, which would, as certified by a physician, place the~~  
 547 ~~woman in danger of death unless an abortion is performed.~~

548 Coverage is deemed to be purchased with state or federal funds  
 549 if any tax credit or cost-sharing credit is applied toward the  
 550 plan.

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

553 627.66996 Restrictions on use of state and federal funds  
 554 for state exchanges.—

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

HB 247

2015

568 ~~abortion is performed.~~ Coverage is deemed to be purchased with  
569 state or federal funds if any tax credit or cost-sharing credit  
570 is applied toward the group, franchise, or blanket health  
571 insurance policy.

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

574 641.31099 Restrictions on use of state and federal funds  
575 for state exchanges.—

576 (1) A health maintenance contract under which coverage is  
577 purchased in whole or in part with any state or federal funds  
578 through an exchange created pursuant to the federal Patient  
579 Protection and Affordable Care Act, Pub. L. No. 111-148, may not  
580 provide coverage for an induced abortion as defined in s.  
581 390.011 and prohibited under s. 390.01113, or for a termination  
582 of pregnancy in violation of s. 390.01113(3) ~~390.011(1), except~~  
583 ~~if the pregnancy is the result of an act of rape or incest, or~~  
584 ~~in the case where a woman suffers from a physical disorder,~~  
585 ~~physical injury, or physical illness, including a life-~~  
586 ~~endangering physical condition caused by or arising from the~~  
587 ~~pregnancy itself, which would, as certified by a physician,~~  
588 ~~place the woman in danger of death unless an abortion is~~  
589 ~~performed.~~ Coverage is deemed to be purchased with state or  
590 federal funds if any tax credit or cost-sharing credit is  
591 applied toward the health maintenance contract.

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

594 743.065 Unwed pregnant minor or minor mother; consent to  
 595 medical services for minor or minor's child valid.—

596 (3) Nothing in this act shall affect the provisions of s.  
 597 390.0111, s. 390.0112, or s. 390.0113.

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

600 743.067 Unaccompanied homeless youths.—

601 ~~(4) This section does not affect the requirements of s.~~  
 602 ~~390.0114.~~

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

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

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

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