

1                                   A bill to be entitled  
 2           An act relating to reproductive issues; amending s.  
 3           390.0111, F.S.; removing provisions requiring a 24-  
 4           hour delay for an abortion procedure; removing  
 5           provisions prohibiting state agencies, local  
 6           governmental entities, and Medicaid managed care plans  
 7           from expending or paying funds to or initiating or  
 8           renewing contracts under certain circumstances with  
 9           certain organizations that perform abortions; amending  
 10          s. 390.012, F.S.; removing a requirement that the  
 11          Agency for Health Care Administration review abortion  
 12          clinic patient records as a component of licensure  
 13          inspections; providing an effective date.

14  
 15   Be It Enacted by the Legislature of the State of Florida:

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 17           Section 1. Paragraph (a) of subsection (3) and subsection  
 18           (15) of section 390.0111, Florida Statutes, are amended to read:  
 19           390.0111 Termination of pregnancies.—

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

25           (a) Except in the case of a medical emergency, consent to

26 | a termination of pregnancy is voluntary and informed only if:

27 |       1. The physician who is to perform the procedure, or the  
28 | referring physician, has, at a minimum, orally, while physically  
29 | present in the same room, ~~and at least 24 hours before the~~  
30 | ~~procedure,~~ informed the woman of:

31 |       a. The nature and risks of undergoing or not undergoing  
32 | the proposed procedure that a reasonable patient would consider  
33 | material to making a knowing and willful decision of whether to  
34 | terminate a pregnancy.

35 |       b. The probable gestational age of the fetus, verified by  
36 | an ultrasound, at the time the termination of pregnancy is to be  
37 | performed.

38 |       (I) The ultrasound must be performed by the physician who  
39 | is to perform the abortion or by a person having documented  
40 | evidence that he or she has completed a course in the operation  
41 | of ultrasound equipment as prescribed by rule and who is working  
42 | in conjunction with the physician.

43 |       (II) The person performing the ultrasound must offer the  
44 | woman the opportunity to view the live ultrasound images and  
45 | hear an explanation of them. If the woman accepts the  
46 | opportunity to view the images and hear the explanation, a  
47 | physician or a registered nurse, licensed practical nurse,  
48 | advanced practice registered nurse, or physician assistant  
49 | working in conjunction with the physician must contemporaneously  
50 | review and explain the images to the woman before the woman

51 | gives informed consent to having an abortion procedure  
52 | performed.

53 |       (III) The woman has a right to decline to view and hear  
54 | the explanation of the live ultrasound images after she is  
55 | informed of her right and offered an opportunity to view the  
56 | images and hear the explanation. If the woman declines, the  
57 | woman shall complete a form acknowledging that she was offered  
58 | an opportunity to view and hear the explanation of the images  
59 | but that she declined that opportunity. The form must also  
60 | indicate that the woman's decision was not based on any undue  
61 | influence from any person to discourage her from viewing the  
62 | images or hearing the explanation and that she declined of her  
63 | own free will.

64 |       (IV) Unless requested by the woman, the person performing  
65 | the ultrasound may not offer the opportunity to view the images  
66 | and hear the explanation and the explanation may not be given  
67 | if, at the time the woman schedules or arrives for her  
68 | appointment to obtain an abortion, a copy of a restraining  
69 | order, police report, medical record, or other court order or  
70 | documentation is presented which provides evidence that the  
71 | woman is obtaining the abortion because the woman is a victim of  
72 | rape, incest, domestic violence, or human trafficking or that  
73 | the woman has been diagnosed as having a condition that, on the  
74 | basis of a physician's good faith clinical judgment, would  
75 | create a serious risk of substantial and irreversible impairment

76 | of a major bodily function if the woman delayed terminating her  
77 | pregnancy.

78 |       c. The medical risks to the woman and fetus of carrying  
79 | the pregnancy to term.

80 |

81 | ~~The physician may provide the information required in this~~  
82 | ~~subparagraph within 24 hours before the procedure if requested~~  
83 | ~~by the woman at the time she schedules or arrives for her~~  
84 | ~~appointment to obtain an abortion and if she presents to the~~  
85 | ~~physician a copy of a restraining order, police report, medical~~  
86 | ~~record, or other court order or documentation evidencing that~~  
87 | ~~she is obtaining the abortion because she is a victim of rape,~~  
88 | ~~incest, domestic violence, or human trafficking.~~

89 |       2. Printed materials prepared and provided by the  
90 | department have been provided to the pregnant woman, if she  
91 | chooses to view these materials, including:

92 |       a. A description of the fetus, including a description of  
93 | the various stages of development.

94 |       b. A list of entities that offer alternatives to  
95 | terminating the pregnancy.

96 |       c. Detailed information on the availability of medical  
97 | assistance benefits for prenatal care, childbirth, and neonatal  
98 | care.

99 |       3. The woman acknowledges in writing, before the  
100 | termination of pregnancy, that the information required to be

101 provided under this subsection has been provided.

102

103 Nothing in this paragraph is intended to prohibit a physician  
104 from providing any additional information which the physician  
105 deems material to the woman's informed decision to terminate her  
106 pregnancy.

107 ~~(15) USE OF PUBLIC FUNDS RESTRICTED. A state agency, a~~  
108 ~~local governmental entity, or a managed care plan providing~~  
109 ~~services under part IV of chapter 409 may not expend funds for~~  
110 ~~the benefit of, pay funds to, or initiate or renew a contract~~  
111 ~~with an organization that owns, operates, or is affiliated with~~  
112 ~~one or more clinics that are licensed under this chapter and~~  
113 ~~perform abortions unless one or more of the following applies:~~

114 ~~(a) All abortions performed by such clinics are:~~

115 ~~1. On fetuses that are conceived through rape or incest;~~

116 ~~or~~

117 ~~2. Are medically necessary to preserve the life of the~~  
118 ~~pregnant woman or to avert a serious risk of substantial and~~  
119 ~~irreversible physical impairment of a major bodily function of~~  
120 ~~the pregnant woman, other than a psychological condition.~~

121 ~~(b) The funds must be expended to fulfill the terms of a~~  
122 ~~contract entered into before July 1, 2016.~~

123 ~~(c) The funds must be expended as reimbursement for~~  
124 ~~Medicaid services provided on a fee-for-service basis.~~

125 Section 2. Paragraph (c) of subsection (1) of section

126 390.012, Florida Statutes, is amended to read:

127 390.012 Powers of agency; rules; disposal of fetal  
128 remains.—

129 (1) The agency may develop and enforce rules pursuant to  
130 ss. 390.011-390.018 and part II of chapter 408 for the health,  
131 care, and treatment of persons in abortion clinics and for the  
132 safe operation of such clinics.

133 (c) The rules shall provide for:

134 1. The performance of pregnancy termination procedures  
135 only by a licensed physician.

136 2. The making, protection, and preservation of patient  
137 records, which shall be treated as medical records under chapter  
138 458. ~~When performing a license inspection of a clinic, the~~  
139 ~~agency shall inspect at least 50 percent of patient records~~  
140 ~~generated since the clinic's last license inspection.~~

141 3. Annual inspections by the agency of all clinics  
142 licensed under this chapter to ensure that such clinics are in  
143 compliance with this chapter and agency rules.

144 4. The prompt investigation of credible allegations of  
145 abortions being performed at a clinic that is not licensed to  
146 perform such procedures.

147 Section 3. This act shall take effect July 1, 2019.