Senator Farmer moved the following:

**Senate Substitute for Amendment (909932) (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Section 390.01117, Florida Statutes, is created to read:

390.01117 Parental consent for abortion.—

(1) SHORT TITLE.—This section may be cited as the “Parental Consent for Abortion Act.”

(2) DEFINITIONS.—As used in this section, the term:
(a) “Consent” means a notarized written statement signed by a minor and either her mother, her father, or her legal guardian declaring that the minor is pregnant, that she intends to seek an abortion, and that her mother, father, or legal guardian, as applicable, consents to the abortion.

(b) “Minor” means an unemancipated person younger than 18 years of age.

(c) “Statement of veto of abortion” means a written statement signed by a minor and either her mother, her father, or her legal guardian declaring that the minor is pregnant, that she desires an abortion, and that her mother, father, or legal guardian, as applicable, objects to the abortion, including a detailed explanation by the minor’s mother, father, or legal guardian of the reasons for his or her veto of the abortion.

(3) CONSENT OF ONE PARENT OR LEGAL GUARDIAN REQUIRED.—A physician may not perform an abortion on a minor unless the physician has been presented with consent as defined in this section.

(4) EXCEPTIONS.—Consent is not required under subsection (3) if:

(a) The attending physician certifies in the minor’s medical record that a medical emergency, as defined in s. 390.01114(2)(d), exists and there is insufficient time to obtain consent;

(b) The attending physician certifies in the minor’s medical record that the minor’s parent or legal guardian has failed to fully and properly complete a statement of veto of abortion within the required time limit established in subsection (5); or
(c) Consent is waived under subsection (7).

(5) PROCEDURE FOR STATEMENT OF VETO OF ABORTION.—

(a) A minor may request written documentation of a parent’s or legal guardian’s decision to veto an abortion in the form of a statement of veto of abortion.

(b) A parent or legal guardian who vetoes a minor’s abortion must complete and sign the statement of veto of abortion within 3 days after the minor requests the statement. A parent’s or legal guardian’s failure to fully and properly complete a statement of veto of abortion within the required 3-day timeframe constitutes a waiver of the parent’s or legal guardian’s ability to veto the minor’s abortion.

(c) Forms for a statement of veto of abortion shall be made available to a minor both online and in print by all of the following entities:

1. Any abortion provider.
3. Any school counselor.
4. Any court participating in the judicial waiver process.
5. The Florida Department of Health.

(6) DUTIES AND LIABILITIES ASSOCIATED WITH STATEMENTS OF VETO OF ABORTION.—

(a) A parent or legal guardian who has completed a statement of veto of abortion is financially responsible for all medical costs associated with the continuation of a pregnancy as a result of the parent’s or legal guardian’s objection to the abortion, including, but not limited to, all of the following:

1. Medical appointments, procedures, and equipment.
2. Prescription medication.
3. Nonprescription medication.
4. Vitamins or nutritional supplements.
5. Psychological care.

(b) A parent or legal guardian who has completed a statement of veto of abortion is financially responsible for all education costs ordinarily or customarily related to a child born as a result of the parent’s or legal guardian’s objection to the abortion, including, but not limited to, all of the following:

1. Costs associated with child care, such as day care or babysitting.
2. Pre-kindergarten.
3. Private education tuition and fees.
4. Parochial education tuition and fees.
5. Educational supplies, such as notebooks, pens, pencils, and backpacks.
6. Tutoring.
7. College or university tuition at a private or public institution.
8. Special education programs.

(c) A parent or legal guardian who has completed a statement of veto of abortion is financially responsible for all costs ordinarily and customarily related to providing food and housing for a child born as a result of the parent’s or legal guardian’s veto of abortion, including, but not limited to, all of the following:

1. Rent or mortgage for a living space.
2. Disposable or reusable diapers.
3. Clothing.

4. Food.

5. Hygiene items, such as toothbrushes, toothpaste, or sanitary napkins.

(7) PROCEDURE FOR JUDICIAL WAIVER OF CONSENT.—

(a) A minor may petition any circuit court in the district in which the minor resides for a waiver of the right of the mother, father, or legal guardian to veto an abortion and may participate in proceedings on her own behalf. The petition must include a statement that the minor is pregnant and is unemancipated, that a parent or a legal guardian of the minor has vetoed her right to an abortion, and that the minor wishes to obtain an abortion regardless of the express veto of her parent or legal guardian. The circuit court shall advise the minor that she has a right to court-appointed counsel and shall provide her with counsel upon her request. The court also may appoint a guardian ad litem for the minor. A guardian ad litem appointed under this subsection must maintain the confidentiality of the minor’s identity.

(b) Court proceedings under this section shall be confidential and must ensure the anonymity of the minor. All court proceedings under this section shall be sealed. The minor may file her petition in the court using a pseudonym or using solely her initials. All documents related to this petition shall be confidential and may not be made available to the public. These proceedings shall be given precedence over other pending matters to the extent necessary to ensure that the court reaches a decision promptly. The court shall rule, and issue written findings of fact and conclusions of law, within 3
business days after the petition is filed, except that the 3-
business-day limitation may be extended at the request of the
minor.

1. If the court fails to rule within the 3-business-day
period and an extension has not been requested, the minor may
immediately petition for a hearing upon the expiration of the 3-
business-day period to the chief judge of the circuit, who must
ensure that a hearing is held within 48 hours after receipt of
the minor’s petition and that an order is entered within 24
hours after the hearing.

2. If the circuit court does not grant a judicial waiver of
consent, the minor has the right to an appeal. An appellate
court must rule within 7 days after receipt of the appeal, but a
ruling may be remanded with further instruction, in which case a
ruling must be made within 3 business days after the remand. The
reason for overturning a ruling on appeal must be based on abuse
of discretion by the court and may not be based on the weight of
the evidence presented to the circuit court, since the
proceeding is a nonadversarial proceeding.

(c) If the court finds, by clear and convincing evidence,
that the minor is sufficiently mature to decide whether to
terminate her pregnancy, the court shall issue an order
authorizing the minor to obtain an abortion without the consent
of a parent or legal guardian. If the court does not make the
finding specified in this paragraph, paragraph (d), or paragraph
(e), it must dismiss the petition. The court shall consider
whether there may be any undue influence by another on the
minor’s decision to have an abortion and all of the following
factors concerning the minor:
1. Age.
2. Overall intelligence.
3. Emotional development and stability.
4. Credibility and demeanor as a witness.
5. Ability to accept responsibility.
6. Ability to assess both the immediate and long-range consequences of her choices.
7. Ability to understand and explain the medical risks of terminating her pregnancy and to apply that understanding to her decision.

(d) If the court finds, by a preponderance of the evidence, that the petitioner is the victim of child abuse or sexual abuse, as those terms are defined in s. 390.01114(2), inflicted by one or both of her parents or her legal guardian, or finds, by clear and convincing evidence, that requiring the consent of a parent or legal guardian is not in the best interest of the petitioner, the court shall issue an order authorizing the minor to obtain an abortion without the consent of a parent or legal guardian. The best-interest standard does not include financial best interest or financial considerations or the potential financial impact on the minor or her family if she does not terminate the pregnancy. If the court finds evidence of child abuse or sexual abuse of the petitioner by any person, the court shall report the evidence of child abuse or sexual abuse of the petitioner, as provided in s. 39.201. If the court does not make the finding specified in this paragraph, paragraph (c), or paragraph (e), it must dismiss the petition.

(e) If the court finds, by a preponderance of the evidence, that a statement of veto of abortion is based predominantly on
the philosophical views of the parent or legal guardian, and not on the best interest of the minor, the court shall grant a judicial waiver of consent.

(f) A court that conducts proceedings under this section shall:

1. Provide for a written transcript of all testimony and proceedings;

2. Issue a final written order containing factual findings and legal conclusions supporting its decision, including factual findings and legal conclusions relating to the maturity of the minor as provided under paragraph (c); and

3. Order that a confidential record be maintained.

(g) All hearings under this section, including appeals, shall remain confidential and closed to the public, as provided by court rule.

(h) An expedited appeal shall be made available, as the Supreme Court provides by rule, to any minor to whom the circuit court denies a waiver of consent. An order authorizing an abortion without parental consent is not subject to appeal.

(i) Filing fees or court costs may not be required of any minor who petitions a court for a waiver of consent under this subsection at either the trial or the appellate level.

(j) A county is not required to pay the salaries, costs, or expenses of any counsel appointed by the court under this subsection.

(8) RULEMAKING.—The Supreme Court is requested to adopt rules and forms for statements of veto of abortion and for petitions for judicial waiver to ensure that proceedings under subsections (6) and (7) are handled expeditiously and in a
manner consistent with this section. The Supreme Court is also
requested to adopt rules to ensure that the hearings protect the
confidentiality of the minor’s identity and the confidentiality
of the proceedings.

(9) CRIMINAL PENALTIES AND CIVIL REMEDIES.—
(a) Any person who willfully and intentionally performs an
abortion with knowledge that, or with reckless disregard as to
whether, the minor upon whom the abortion is to be performed is
unemancipated without obtaining the required consent commits a
misdemeanor of the first degree, punishable as provided in s.
775.082 or s. 775.083. It is a defense to prosecution under this
section that the minor falsely represented her age or identity
to the physician to be at least 18 years of age by displaying an
apparently valid governmental record of identification such that
a careful and prudent person under similar circumstances would
have relied on the representation. The defense does not apply if
the physician is shown to have had independent knowledge of the
minor’s actual age or identity or failed to use due diligence in
determining her age or identity.

(b) Any person not authorized to provide consent under this
section who provides consent commits a misdemeanor of the first
degree, punishable as provided in s. 775.082 or s. 775.083.

(c) Failure to obtain consent from a person from whom
consent is required under this section is prima facie evidence
of failure to obtain consent and of interference with family
relations in appropriate civil actions. Such prima facie
evidence does not apply to any issue other than failure to
obtain consent from the parent or legal guardian and
interference with family relations in appropriate civil actions.
The civil action may be based on a claim that the act was a result of negligence, gross negligence, wantonness, willfulness, intention, or other legal standard of care. Exemplary damages may be awarded in appropriate civil actions relevant to violations of this section.

(d) Failure to comply with the requirements of this section constitutes grounds for disciplinary action under each respective practice act and under s. 456.072.

(e) An individual whose pregnancy has continued as a result of her parent’s or legal guardian’s objection to an abortion may petition a court to recover any expenses provided in subsection (6) which have not been paid directly by the parent or legal guardian who completed the statement of veto of abortion.

(f) Any legal expenses and attorney fees incurred while recovering expenses provided in subsection (6) by an individual whose pregnancy has continued as a result of her parent’s or legal guardian’s objection to an abortion shall be paid by the parent or legal guardian who completed the statement of veto of abortion.

(g) An individual whose pregnancy has continued as a result of her parent’s or legal guardian’s objection to an abortion is entitled to financial compensation from the parent or legal guardian who completed a statement of veto of abortion for any physical, emotional, psychological, or financial damage incurred as a result of the continuation of pregnancy.

(h) Any legal expenses and attorney fees incurred while pursuing compensation under paragraph (g) shall be paid by the parent or legal guardian who completed the statement of veto of abortion.
(10) CONSTRUCTION.—
   (a) This section may not be construed to create or recognize a right to abortion.
   (b) This section may not be construed to limit the common law rights of parents or legal guardians.
   (c) By enacting this section, the Legislature does not intend to make lawful an abortion that is currently unlawful.
   (d) This section may not be construed to grant a parent or legal guardian who completes a statement of veto of abortion any right to make or influence decisions regarding a child born as a result of the continuation of pregnancy.

(11) SEVERABILITY.—Any provision of this section held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding is one of utter invalidity or unenforceability, in which event such provision shall be deemed severable and may not affect the remainder hereof or the application of such provision to other persons not similarly situated or to other, dissimilar circumstances.

Section 2. This act shall take effect July 1, 2020.

=============== T I T L E   A M E N D M E N T ===============
And the title is amended as follows:
Delete everything before the enacting clause and insert:
   A bill to be entitled
   An act relating to parental consent for abortion;
   creating s. 390.01117, F.S.; providing a short title;
defining terms; prohibiting a physician from performing an abortion on a minor unless the physician has been presented with consent from the minor’s parent or legal guardian, as appropriate; providing exceptions; authorizing a minor to request a parent or legal guardian document his or her veto of an abortion in a specified form; requiring the parent or legal guardian to complete and sign the form within a specified timeframe; requiring certain entities to make the form available online and in printed format; providing duties and liabilities for a parent or legal guardian who completes the form; authorizing a minor to petition any circuit court in the district in which the minor resides for a waiver of consent required to obtain an abortion; requiring a specified statement to be included in the petition; providing for court-appointed counsel and confidentiality; requiring the court to give precedence to waiver of consent proceedings and requiring a court to rule within a specified timeframe; providing for an extension of time at the request of the minor; authorizing a minor to petition for a hearing upon the expiration of the time allowed and requiring the chief judge of the circuit to ensure that a hearing is held and that an order is entered within specified timeframes; providing for appeals within a specified timeframe; requiring the court to dismiss the petition if it does not make specified findings; requiring the court to consider undue influence on the minor’s decision and
specified factors; requiring the court to report any findings of evidence of child abuse or sexual abuse of the petitioner; requiring the court to grant a judicial waiver of consent under certain circumstances; requiring a court to provide for a written transcript of waiver of consent proceedings and to include certain findings and conclusions in its order; prohibiting filing fees or costs for a minor who petitions the court for a waiver of consent; specifying that a county is not required to pay the salaries, costs, or expenses of certain court-appointed counsel; requesting the Supreme Court to adopt certain rules and forms relating to waiver of consent proceedings; providing criminal penalties, disciplinary action, and civil remedies; providing construction and severability; providing an effective date.