Representative Eskamani offered the following:

**Substitute Amendment for Amendment (805415) (with title amendment)**

Between lines 306 and 307, insert:

Section 5. Section 390.011151, Florida Statutes, is created to read:

390.011151 Parental notice of and consent for pregnancy of a minor.—

(1) NOTIFICATION REQUIRED.—

(a) Actual notice shall be provided by any physician who provides medical care to a minor who is pregnant. The notice may be given by a referring physician. The physician who provides
medical care to a pregnant minor must receive the written
statement of the referring physician certifying that the
referring physician has given notice. If actual notice is not
possible after a reasonable effort has been made, the physician
providing medical care for the pregnant minor or the referring
physician must give constructive notice. Notice given under this
subsection by the physician providing care for the pregnant
minor must include the name and address of the facility
providing such medical care and the name of the physician
providing notice. Notice given under this subsection by a
referring physician must include the name and address of the
facility where he or she is referring the minor and the name of
the physician providing notice. If actual notice is provided by
telephone, the physician must actually speak with the parent or
guardian, and must record in the minor's medical file the name
of the parent or guardian provided notice, the phone number
dialed, and the date and time of the call. If constructive
notice is given, the physician must document that notice by
placing copies of any document related to the constructive
notice, including, but not limited to, a copy of the letter and
the return receipt, in the minor's medical file. Actual notice
given by telephone shall be confirmed in writing, signed by the
physician, and mailed to the last known address of the parent or
legal guardian of the minor, by first-class mail and by
certified mail, return receipt requested, with delivery restricted to the parent or legal guardian.

(b) Notice is not required if:

1. Notice is waived in writing by the person who is entitled to notice and such waiver is notarized, dated not more than 30 days before the medical care for the pregnant minor, and contains a specific waiver of the right of the parent or legal guardian to notice of the pregnant minor's medical care;

2. Notice is waived by the minor who is or has been married or has had the disability of nonage removed under s. 743.015 or a similar statute of another state;

3. Notice is waived by the patient because the patient has a minor child dependent on her; or

4. Notice is waived under subsection (3).

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

(2) PARENTAL CONSENT REQUIRED.—

(a) A physician must obtain written consent from a parent or legal guardian before providing medical care to a pregnant minor.

1. The consenting parent or legal guardian shall provide to the physician a copy of a government-issued proof of identification. The parent or legal guardian shall certify in a signed, dated, and notarized document, initialed on each page,
that he or she consents to the medical care of the pregnant minor. The document must include the following statement, which must precede the signature of the parent or guardian: "I, (insert name of parent or legal guardian), am the (select "parent" or "legal guardian," as appropriate) of (insert name of minor) and give consent for (insert name of physician) to provide medical care for her. Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated in it are true." A copy of the parent's or legal guardian's government-issued proof of identification must be attached to the notarized document.

2. The physician shall keep a copy of the proof of identification of the parent or legal guardian and the certified statement in the medical file of the minor for 5 years after the minor reaches the age of 18 years, but in no event less than 7 years.

3. A physician receiving consent from a parent or guardian under this section shall execute for inclusion in the medical record of the minor an affidavit stating: "I, (insert name of physician), certify that, according to my best information and belief, a reasonable person under similar circumstances would rely on the information presented by both the minor and her parent or legal guardian as sufficient evidence of identity."

(b) The consent of a parent or guardian is not required if:
1. Notification is not required as provided in subparagraph (1)(b)1., subparagraph (1)(b)3., subparagraph (1)(b)4., or subparagraph (1)(b)5.;

2. Notification is not required due to the existence of a waiver as provided in subparagraph (1)(b)2., if that waiver is signed by the minor's parent or legal guardian, is notarized, is dated within 30 days before medical care is provided to the pregnant minor, contains a specific waiver of the right of the parent or legal guardian to consent to the pregnant minor's medical care, and a copy of the parent's or legal guardian's government-issued proof of identification is attached to the waiver;

3. Consent is waived under subsection (3); or

4. In the physician's good faith clinical judgment, a medical emergency exists and there is insufficient time for the attending physician to comply with the consent requirement. If a medical emergency exists, the physician must make reasonable attempts, whenever possible, and without endangering the minor, to contact the parent or legal guardian of the minor, and may proceed, but must document reasons for the medical necessity in the minor patient's medical records. The physician shall inform the parent or legal guardian, in person or by telephone, within 24 hours after providing medical care to the pregnant minor, including details of the medical emergency that necessitated such medical care without the parent's or legal guardian's
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consent. The physician shall also provide this information in writing to the parent or legal guardian at his or her last known address, by first-class mail or by certified mail, return receipt requested, with delivery restricted to the parent or legal guardian.

(c)1. A physician who intentionally or recklessly provides medical care to a pregnant minor without obtaining the required consent pursuant to this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A penalty may not be assessed against the minor upon whom such medical care is provided.

2. It is a defense to prosecution that a minor misrepresented her age or identity to a physician by displaying a driver license or identification card issued by the state or another state which indicated that the minor was 18 years of age or older and that the appearance of the minor was such that a reasonably prudent person would believe that the minor was not under 18 years of age. To use the defense, a physician must provide a copy of the driver license or identification card used by the minor. The defense does not apply if the physician is shown to have had independent knowledge of the minor's actual age or identity or to have failed to use due diligence in determining the minor's age or identity.

(3) PROCEDURE FOR JUDICIAL WAIVER.—
(a) A minor may petition any circuit court in which the
minor resides for a waiver of the requirements of this section
and may participate in proceedings on her own behalf. The
petition may be filed under a pseudonym or through the use of
initials, as provided by court rule. The petition must include a
statement that the petitioner is pregnant and that the
requirements of this section have not been waived. The court
shall advise the minor that she has a right to court-appointed
counsel at no cost to the minor. The court shall, upon request,
provide counsel for the minor at least 24 hours before the court
proceeding.

(b) 1. Court proceedings under this section must 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. 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 a hearing is held within 48 hours after receipt
of the minor's petition and an order is entered within 24 hours
after the hearing.
2. If the circuit court does not grant judicial waiver of the requirements of this section, the minor has the right to appeal. An appellate court must rule within 7 days after receipt of appeal, but a ruling may be remanded with further instruction for a ruling 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 continue with her pregnancy, the court shall issue an order authorizing the minor to consent to the medical care provided for her pregnancy. If the court does not make the finding specified in this paragraph or paragraph (d), it must dismiss the petition. Factors the court shall consider include:

1. The minor's:
   a. Age.
   b. Overall intelligence.
   c. Emotional development and stability.
   d. Credibility and demeanor as a witness.
   e. Ability to accept responsibility.
   f. Ability to assess both the immediate and long-range consequences of the minor's choices.
g. Ability to understand and explain the medical risks of continuing her pregnancy and to apply that understanding to her decision.

2. Whether there may be any undue influence by another on the minor's decision to have continue with her pregnancy.

(d) If the court finds, by a preponderance of the evidence, that the petitioner is the victim of child abuse or sexual abuse inflicted by one or both of her parents or her guardian, or by clear and convincing evidence that the requirements of this section are not in the best interest of the petitioner, the court shall issue an order authorizing the minor to consent to the provision of medical care for her pregnancy.

The best-interest standard does not include financial best interest or financial considerations or the potential financial impact on the minor or the minor's family if the minor continues her pregnancy. If the court finds evidence of child abuse or sexual abuse of the minor 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 or paragraph (c), it must dismiss the petition.

(e) 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, as required under s. 390.01116.

(f) All hearings under this section, including appeals, shall remain confidential and closed to the public, as provided by court rule. Subject to a judge's availability as required under s. 26.20, hearings held under this section must be held in chambers or in a similarly private and informal setting within the courthouse.

(g) 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 the requirements of this section. An order authorizing the medical care for the pregnant minor under this subsection is not subject to appeal.

(h) Filing fees or court costs may not be required of any pregnant minor who petitions a court for a waiver of the requirements of this section at either the trial or the appellate level.

(i) A county is not obligated to pay the salaries, costs, or expenses of any counsel appointed by the court under this subsection.
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(4) PROCEEDINGS.—The Supreme Court is requested to adopt rules and forms for petitions to ensure that proceedings under subsection (3) are handled expeditiously and in a manner consistent with this act. The Supreme Court is also requested to adopt rules to ensure that the hearings protect the pregnant minor's confidentiality and the confidentiality of the proceedings.

(5) REPORT.—The Supreme Court, through the Office of the State Courts Administrator, shall report by February 1 of each year to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the number of petitions filed under subsection (3) for the preceding year, and the timing and manner of disposal of such petitions by each circuit court. For each petition resulting in a waiver of the requirements of this section, the reason for the waiver shall be included in the report.

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T I T L E  A M E N D M E N T

Remove lines 2-21 and insert:
An act relating to the pregnancy of a minor; amending s. 390.0111, F.S.; reclassifying the criminal offense for a specified violation; amending s. 390.01114, F.S.; revising the short title; prohibiting physicians from performing or inducing the termination of the
pregnancy of a minor unless specified requirements are satisfied; requiring a physician to obtain written consent from a minor's parent or legal guardian before performing or inducing a termination of the pregnancy of a minor; requiring the consenting parent or legal guardian to provide specified proof of identification and a specified document to the physician; providing requirements for the document; providing exceptions to such consent requirement; providing criminal penalties for physicians; revising provisions relating to the procedures for judicial waiver to conform to changes made by the act; amending s. 27.511, F.S.; conforming a provision to changes made by the act; amending s. 743.065, F.S.; conforming a provision to changes made by the act; creating s. 390.011151, F.S.; providing notice and consent requirements for the provision of medical care to a pregnant minor; providing exceptions; providing certain prohibitions and penalties for physicians; providing procedures for petitions for judicial waiver of the notice and consent requirements; requesting that the Supreme Court adopt rules and forms for such petitions and to ensure the confidentiality of the pregnant minor; requiring the Supreme Court, through the Office of the State Courts Administrator, to report annually to the
Governor and the Legislature by a specified date;
providing requirements for such report; providing
severability; providing an