A bill to be entitled
An act relating to pregnancy and parenting support;
creating s. 286.31, F.S.; providing definitions;
prohibiting use of state funds for a person to travel
to another state to receive services intended to
support an abortion; providing exceptions; amending s.
381.96, F.S.; revising definitions; requiring the
Department of Health to report to the Governor and the
Legislature specified information relating to the
Florida Pregnancy Care Network, Inc., annually;
amending s. 390.0111, F.S.; prohibiting a physician
from knowingly performing or inducing a termination of
pregnancy after a specified period of time; providing
exceptions; requiring a physician to perform or induce
a termination of pregnancy or to dispense abortion-
inducing drugs in person; repealing s. 390.01112,
F.S., relating to termination of pregnancies during
viability; amending s. 390.012, F.S.; removing a
prohibition on certain rules imposing an
unconstitutional burden on a woman's freedom to decide
whether to terminate a pregnancy; amending s. 456.47,
F.S.; prohibiting a telehealth provider from using
telehealth to provide an abortion; providing
appropriations; providing effective dates.
Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 286.31, Florida Statutes, is created to read:

286.31 Prohibited use of state funds.—

(1) As used in this section:

(a) "Educational institution" means public institutions under the control of a district school board, a charter school, a state university, a developmental research school, a Florida College System institution, the Florida School for the Deaf and the Blind, the Florida Virtual School, private school readiness programs, voluntary prekindergarten programs, private K-12 schools, and private colleges and universities.

(b) "Governmental entity" means the state or any political subdivision thereof, including the executive, legislative, and judicial branches of government; the independent establishments of the state, counties, municipalities, districts, authorities, boards, or commissions; or any agencies that are subject to ch. 286.

(2) A person, governmental entity, or educational institution may not expend state funds, as described in s. 215.31, in any way for a person to travel to another state to receive services that are intended to support an abortion, as defined in s. 390.011, unless:

(a) The person, governmental entity, or educational
in institution is required by federal law to expend state funds for such a purpose; or

(b) There is a medical necessity for legitimate emergency medical procedures for termination of the pregnancy to save the pregnant woman's life or avert a serious risk of imminent, substantial, and irreversible physical impairment of a major bodily function of the pregnant woman other than a psychological condition.

Section 2. Paragraphs (b) and (d) of subsection (1), subsection (2), and paragraphs (a), (b), and (c) of subsection (3) of section 381.96, Florida Statutes, are amended, paragraph (i) is added to subsection (3) and subsection (5) is added to that section, to read:

381.96 Pregnancy support and wellness services.—
(1) DEFINITIONS.—As used in this section, the term:
(b) "Eligible client" means all of the following:
1. A pregnant woman or a woman who suspects she is pregnant, and the family of such woman, who voluntarily seeks pregnancy support services and any woman who voluntarily seeks wellness services.

2. A woman who has given birth in the previous 12 months and her family.

3. A parent or legal guardian, and the family of such parent or guardian, for up to 12 months after the birth of a child or adoption of a child under 3 years of age.
(d) "Pregnancy and parenting support services" means services that promote and encourage childbirth, including, but not limited to:

1. Direct client services, such as pregnancy testing, counseling, referral, training, and education for pregnant women and their families. A woman and her family shall continue to be eligible to receive direct client services for up to 12 months after the birth of the child.

2. Nonmedical material assistance that improves the pregnancy or parenting situation of families, including, but not limited to, clothing, car seats, cribs, formula, and diapers.

3. Counseling or mentoring, educational materials, and classes regarding pregnancy, parenting, adoption, life skills, and employment readiness.

4. Network Program awareness activities, including a promotional campaign to educate the public about the pregnancy support services offered by the network and a website that provides information on the location of providers in the user's area and other available community resources.

5. Communication activities, including the operation and maintenance of a hotline or call center with a single statewide toll-free number that is available 24 hours a day for an eligible client to obtain the location and contact information for a pregnancy center located in the client's area.

(2) DEPARTMENT DUTIES.—The department shall contract with
the network for the management and delivery of pregnancy and parenting support and wellness services to eligible clients.

(3) CONTRACT REQUIREMENTS.—The department contract shall specify the contract deliverables, including financial reports and other reports due to the department, timeframes for achieving contractual obligations, and any other requirements the department determines are necessary, such as staffing and location requirements. The contract shall require the network to:

(a) Establish, implement, and monitor a comprehensive system of care through subcontractors to meet the pregnancy and parenting support services and wellness needs of eligible clients.

(b) Establish and manage subcontracts with a sufficient number of providers to ensure the availability of pregnancy and parenting support services and wellness services for eligible clients, and maintain and manage the delivery of such services throughout the contract period.

(c) Spend at least 85-90 percent of the contract funds on pregnancy and parenting support services and wellness services.

(i) Ensure that the department is provided with all information necessary for the report required under subsection (5).

(5) REPORT.—By July 1, 2024, and by July 1 each year thereafter, the department shall report to the Governor, the
President of the Senate, and the Speaker of the House of Representatives on the amount and types of services provided by the network; the expenditures for such services; and the number of, and demographic information for eligible clients served by the network.

Section 3. Subsections (1), (2), (10), and (13) of section 390.0111, Florida Statutes, are amended to read:

390.0111 Termination of pregnancies.—

(1) TERMINATION AFTER GESTATIONAL AGE OF 6 + 5 WEEKS; WHEN ALLOWED.—A physician may not knowingly perform or induce a termination of pregnancy if the physician determines the gestational age of the fetus is more than 6 + 5 weeks unless one of the following conditions is met:

(a) Two physicians certify in writing that, in reasonable medical judgment, the termination of the pregnancy is necessary to save the pregnant woman's life or avert a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman other than a psychological condition.

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

(c) The pregnancy has not progressed to the third trimester; fetus has not achieved viability under s. 390.01112 and two physicians certify in writing that, in reasonable medical judgment, the fetus has a fatal fetal abnormality.

(d) The pregnancy is the result of rape or incest and the gestational age of the fetus is not more than 15 weeks as determined by the physician. At the time the woman schedules or arrives for her appointment for a termination of pregnancy, she must provide a copy of a restraining order, police report, medical record, or other court order or documentation proving that she is obtaining the termination of pregnancy because she is a victim of rape or incest. If the woman is a minor, the physician must report the incident of rape or incest to the central abuse hotline as required under s. 39.201.

(2) IN-PERSON PERFORMANCE BY PHYSICIAN REQUIRED.—Only a physician may perform or induce a termination of pregnancy or dispense abortion-inducing drugs. A physician may not use telehealth, as defined in s. 456.47(1), to provide an abortion, including, but not limited to, prescribing abortion-inducing drugs. A physician must be physically present in the same room as the woman when the termination of pregnancy is performed or when dispensing abortion-inducing drugs shall be performed at any time except by a physician as defined in s. 390.011.
(10) PENALTIES FOR VIOLATION.—Except as provided in subsections (3), (7), and (12):

(a) Any person who willfully performs, or actively participates in, a termination of pregnancy in violation of the requirements of this section or s. 390.01112 commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Any person who performs, or actively participates in, a termination of pregnancy in violation of this section or s. 390.01112 which results in the death of the woman commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(13) FAILURE TO COMPLY.—Failure to comply with the requirements of this section or s. 390.01112 constitutes grounds for disciplinary action under each respective practice act and under s. 456.072.

Section 4. Section 390.01112, Florida Statutes, is repealed.

Section 5. Subsection (1) of section 390.012, Florida Statutes, is amended to read:

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

(1)(a) The agency may develop and enforce rules pursuant to ss. 390.011-390.018 and part II of chapter 408 for the health, care, and treatment of persons in abortion clinics and
The rules shall be reasonably related to the preservation of maternal health of the clients and—

(b) The rules shall be in accordance with s. 797.03 and may not impose an unconstitutional burden on a woman's freedom to decide whether to terminate her pregnancy.

(e) The rules shall provide for:

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

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

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

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

Section 6. Paragraph (f) is added to subsection (2) of section 456.47, Florida Statutes, to read:

(2) PRACTICE STANDARDS.—

(f) A telehealth provider may not use telehealth to
provide an abortion, including, but not limited to, prescribing abortion-inducing drugs.

Section 7. For the 2023-2024 fiscal year:

(1) In addition to any funds appropriated in the General Appropriations Act, the sum of $5 million in recurring funds from the General Revenue Fund is appropriated to the Department of Health for the purpose of implementing s. 381.0051(3), (4), and (6), Florida Statutes.

(2) The sum of $25 million in recurring funds from the General Revenue Fund is appropriated to the Department of Health for the purpose of implementing s. 381.96, Florida Statutes.

Section 8. Sections 1, 3, 4, 5, and 6 of this act shall take effect 30 days after any of the following occur:

(1) A decision from the Florida Supreme Court after March 7, 2023, receding, in whole or in part, from In re T.W., 551 So. 2d 1186 (Fla. 1989), North Fla. Women's Health v. State, 866 So. 2d 612 (Fla. 2003), or Gainesville Woman Care, LLC v. State, 210 So. 3d 1243 (Fla. 2017);

(2) A decision by the Florida Supreme Court holding that the right to privacy enshrined in s. 23, Article I of the State Constitution does not include a right to abortion;

(3) A decision by the Florida Supreme Court in Planned Parenthood v. State, SC2022-1050, that allows the prohibition on abortions after 15 weeks in s. 390.0111(1), Florida Statutes, to remain in effect, including a decision approving, in whole or in
part, the First District Court of Appeal decision under review or a decision discharging jurisdiction; or

(4) An amendment to the State Constitution providing that s. 23, Article I of the State Constitution does not include a right to abortion.

Section 9. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.