

1 A bill to be entitled
2 An act relating to termination of pregnancies;
3 repealing s. 4 of chapter 2023-21, Laws of Florida,
4 relating to termination of pregnancy; amending s.
5 390.0111, F.S.; prohibiting physicians from knowingly
6 performing or inducing a termination of pregnancy
7 after the gestational age of the fetus is determined
8 to be more than 12 weeks, rather than 15 weeks, with
9 exceptions; providing an exception if the woman
10 obtaining the abortion is doing so because she is a
11 victim of rape, incest, or human trafficking, subject
12 to certain conditions; requiring physicians to report
13 known or suspected human trafficking of adults to
14 local law enforcement; requiring physicians to report
15 incidents of rape, incest, or human trafficking of
16 minors to the central abuse hotline; prohibiting any
17 person other than a physician from inducing a
18 termination of pregnancy; prohibiting physicians from
19 using telehealth to perform abortions; requiring that
20 medications intended for use in a medical abortion be
21 dispensed in person by a physician; prohibiting the
22 dispensing of such medication through the United
23 States Postal Service or any other courier or shipping
24 service; conforming provisions to changes made by the
25 act; providing an effective date.

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

Section 1. Section 4 of chapter 2023-21, Laws of Florida,
is repealed.

Section 2. 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 12 ~~15~~ 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 12 ~~15~~ 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

51 | psychological condition, and another physician is not available
52 | for consultation.

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

57 | (d) The pregnancy is the result of rape, incest, or human
58 | trafficking and the gestational age of the fetus is not more
59 | than 15 weeks as determined by the physician. At the time the
60 | woman schedules or arrives for her appointment to obtain the
61 | abortion, she must provide a copy of a restraining order, police
62 | report, medical record, or other court order or documentation
63 | providing evidence that she is obtaining the termination of
64 | pregnancy because she is a victim of rape, incest, or human
65 | trafficking. If the woman is 18 years of age or older, the
66 | physician must report any known or suspected human trafficking
67 | to a local law enforcement agency. If the woman is a minor, the
68 | physician must report the incident of rape, incest, or human
69 | trafficking to the central abuse hotline as required by s.
70 | 39.201.

71 | (2) IN-PERSON PERFORMANCE BY PHYSICIAN REQUIRED.—Only a
72 | physician may perform or induce a ~~No~~ termination of pregnancy
73 | ~~shall be performed at any time except by a physician as defined~~
74 | ~~in s. 390.011. A physician may not use telehealth as defined in~~
75 | s. 456.47(1) to perform an abortion, including, but not limited

76 to, medical abortions. Any medications intended for use in a
77 medical abortion must be dispensed in person by a physician and
78 may not be dispensed through the United States Postal Service or
79 by any other courier or shipping service.

80 (10) PENALTIES FOR VIOLATION.—Except as provided in
81 subsections (3), (7), and (12):

82 (a) Any person who willfully performs, or actively
83 participates in, a termination of pregnancy in violation of the
84 requirements of this section ~~or s. 390.01112~~ commits a felony of
85 the third degree, punishable as provided in s. 775.082, s.
86 775.083, or s. 775.084.

87 (b) Any person who performs, or actively participates in,
88 a termination of pregnancy in violation of this section ~~or s.~~
89 ~~390.01112~~ which results in the death of the woman commits a
90 felony of the second degree, punishable as provided in s.
91 775.082, s. 775.083, or s. 775.084.

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

96 Section 3. This act shall take effect upon becoming a law.