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CHAMBER ACTION

Senate

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House

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1 Senators Bennett, Rich, King, Dockery, Deutch, Margolis, and
2 Joyner moved the following **substitute for amendment (386098)**:

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4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause
6 and insert:

7 Section 1. Subsections (1) and (3) of section 390.0111,
8 Florida Statutes, are amended to read:

9 390.0111 Termination of pregnancies.--

10 (1) TERMINATION IN THIRD TRIMESTER; WHEN ALLOWED.--

11 (a) No termination of pregnancy shall be performed on any
12 human being in the third trimester of pregnancy unless:

13 1.(a) The abortion is performed in a hospital; and

14 2.a. Two physicians certify in writing to the fact that, to
15 a reasonable degree of medical probability, the termination of
16 pregnancy is necessary to save the life or preserve the health of
17 the pregnant woman; or



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18 ~~b.-(b)~~ The physician certifies in writing to the medical
19 necessity for legitimate emergency medical procedures for
20 termination of pregnancy in the third trimester, and another
21 physician is not available for consultation.

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

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

29 (a) Except in the case of a medical emergency, consent to a
30 termination of pregnancy is voluntary and informed only if:

31 1. The physician who is to perform the procedure, or the
32 referring physician, has, at a minimum, orally, in person,
33 informed the woman of:

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

38 b. The probable gestational age of the fetus at the time
39 the termination of pregnancy is to be performed.

40 c. The medical risks to the woman and fetus of carrying the
41 pregnancy to term.

42 2. Printed materials prepared and provided by the
43 department have been provided to the pregnant woman, if she
44 chooses to view these materials, including:

45 a. A description of the fetus.

46 b. A list of agencies that offer alternatives to
47 terminating the pregnancy.



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48 c. Detailed information on the availability of medical
49 assistance benefits for prenatal care, childbirth, and neonatal
50 care.

51 3. The woman acknowledges in writing, before the
52 termination of pregnancy, that the information required to be
53 provided under this subsection has been provided.

54
55 Nothing in this paragraph is intended to prohibit a physician
56 from providing any additional information which the physician
57 deems material to the woman's informed decision to terminate her
58 pregnancy.

59 (b) In the event a medical emergency exists and a physician
60 cannot comply with the requirements for informed consent, a
61 physician may terminate a pregnancy if he or she has obtained at
62 least one corroborative medical opinion attesting to the medical
63 necessity for emergency medical procedures and to the fact that
64 to a reasonable degree of medical certainty the continuation of
65 the pregnancy would threaten the life of the pregnant woman. In
66 the event no second physician is available for a corroborating
67 opinion, the physician may proceed but shall document reasons for
68 the medical necessity in the patient's medical records.

69 (c) If an ultrasound is performed at any time before an
70 abortion is performed or the physician or health care
71 professional working in conjunction with the physician determines
72 that an ultrasound will be performed as part of the abortion
73 procedure, such physician or health care professional working in
74 conjunction with the physician shall offer the woman the
75 opportunity to view a live ultrasound image and, upon the request
76 of the woman, contemporaneously review and explain the live
77 ultrasound images.

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78 1. The ultrasound must be performed by the physician who is
79 to perform the abortion or by a health care professional under
80 such physician's supervision.

81 2. The woman has the right to decline to view the
82 ultrasound images after she is informed of her right and offered
83 the opportunity to view such ultrasound images.

84 3. The requirements in this paragraph must be performed at
85 no additional charge to the pregnant woman.

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87 This paragraph does not apply if the woman is a victim of rape or
88 incest or if the woman has been diagnosed as having a condition
89 that, on the basis of the physician's good faith clinical
90 judgment, so threatens the health or life of the pregnant woman
91 as to necessitate the immediate termination of her pregnancy.

92 (d) ~~(e)~~ Violation of this subsection by a physician
93 constitutes grounds for disciplinary action under s. 458.331 or
94 s. 459.015. Substantial compliance or reasonable belief that
95 complying with the requirements of informed consent would
96 threaten the life or health of the patient is a defense to any
97 action brought under this paragraph.

98 Section 2. If any provision of this act or the application
99 thereof to any person or circumstance is held invalid, the
100 invalidity does not affect other provisions or applications of
101 the act which can be given effect without the invalid provision
102 or application, and to this end the provisions of this act are
103 declared severable.

104 Section 3. This act shall take effect July 1, 2008.

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

107 And the title is amended as follows:



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109 Delete everything before the enacting clause
110 and insert:

111 A bill to be entitled
112 An act relating to abortion; amending s. 390.0111, F.S.;
113 requiring a physician or health care professional to offer
114 a pregnant woman the opportunity to view a live ultrasound
115 image and, upon request, review and explain the images
116 under certain circumstances; requiring that the ultrasound
117 be performed by the physician or health care professional
118 who will perform the abortion; providing for the right to
119 decline an opportunity to view the ultrasound images;
120 requiring that the services be performed at no additional
121 charge; providing an exception if the woman is a victim of
122 rape or incest or has been diagnosed as having a condition
123 that necessitates the immediate termination of the
124 pregnancy; providing for severability; providing an
125 effective date.