



685560

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2011	.	
	.	
	.	
	.	

The Committee on Health Regulation (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 74 - 123
and insert:

Section 1. Subsection (9) is added to section 390.011, Florida Statutes, to read:

390.011 Definitions.—As used in this chapter, the term:
(9) "Viability" means that stage of fetal development when the life of the unborn child may, with a reasonable degree of medical probability, be continued indefinitely outside the womb.

Section 2. Subsections (1), (2), (4), (7), and (10) of section 390.0111, Florida Statutes, are amended, and subsection



685560

13 (12) is added to that section, to read:

14 390.0111 Termination of pregnancies.—

15 (1) TERMINATION IN THIRD TRIMESTER OR AFTER VIABILITY; WHEN
16 ALLOWED.—

17 (a) A ~~No~~ termination of pregnancy may not shall be
18 performed after the period at which, in the best medical
19 judgment of the physician, the fetus has attained viability, as
20 defined in s. 390.011, or on any person human being in the third
21 trimester of pregnancy unless:

22 1.~~(a)~~ Two physicians certify in writing to the fact that,
23 to a reasonable degree of medical probability, the termination
24 of pregnancy is necessary to prevent the death of the pregnant
25 woman or the substantial and irreversible impairment of a major
26 bodily function of the pregnant woman ~~save the life or preserve~~
27 ~~the health of the pregnant woman; or~~

28 2.~~(b)~~ The physician certifies in writing to the existence
29 of a medical emergency, as defined in s. 390.01114(2)(d) medical
30 necessity for legitimate emergency medical procedures for
31 termination of pregnancy in the third trimester, and another
32 physician is not available for consultation.

33 (b) An abortion clinic must provide conspicuous notice on
34 any form or medium of advertisement that the abortion clinic is
35 prohibited from performing abortions in the third trimester or
36 after viability.

37 (2) PHYSICIAN, LOCATION, AND CLINIC LICENSURE AND OWNERSHIP
38 REQUIREMENTS PERFORMANCE BY PHYSICIAN REQUIRED.—

39 (a) A ~~No~~ termination of pregnancy may not shall be
40 performed at any time except by a physician as defined in s.
41 390.011. A physician who offers to perform or who performs



685560

42 terminations of pregnancy in an abortion clinic must annually
43 complete a minimum of 3 hours of continuing education related to
44 ethics.

45 (b) Except for procedures that must be conducted in a
46 hospital or in emergency-care situations, a termination of
47 pregnancy may not be performed in a location other than in a
48 validly licensed hospital, abortion clinic, or physician's
49 office.

50 (c) A person may not establish, conduct, manage, or operate
51 an abortion clinic without a valid current license.

52 (d) A person may not perform or assist in performing an
53 abortion on a person in the third trimester or after viability,
54 other than in a hospital.

55 (e) Other than an abortion clinic licensed before October
56 1, 2011, an abortion clinic must be wholly owned and operated by
57 a physician who has received training during residency in
58 performing a dilation-and-curettage procedure or a dilation-and-
59 evacuation procedure.

60 (f) A person who willfully violates paragraph (c),
61 paragraph (d), or paragraph (e) commits a misdemeanor of the
62 second degree, punishable as provided in s. 775.082 or s.
63 775.083.

64 (4) STANDARD OF MEDICAL CARE TO BE USED DURING VIABILITY.—
65 If a termination of pregnancy is performed during viability, no
66 person who performs or induces the termination of pregnancy
67 shall fail to use that degree of professional skill, care, and
68 diligence to preserve the life and health of the fetus which
69 such person would be required to exercise in order to preserve
70 the life and health of any fetus intended to be born and not



685560

71 ~~aborted. "Viability" means that stage of fetal development when~~
72 ~~the life of the unborn child may with a reasonable degree of~~
73 ~~medical probability be continued indefinitely outside the womb.~~
74 Notwithstanding the provisions of this subsection, the woman's
75 life and health shall constitute an overriding and superior
76 consideration to the concern for the life and health of the
77 fetus when such concerns are in conflict.

78
79 ===== T I T L E A M E N D M E N T =====

80 And the title is amended as follows:

81 Delete lines 2 - 26

82 and insert:

83 An act relating to abortions; amending s. 390.011,
84 F.S.; defining the term "viability" as it relates to
85 the termination of a pregnancy; amending s. 390.0111,
86 F.S.; restricting the circumstances in which an
87 abortion may be performed in the third trimester or
88 after viability; requiring an abortion clinic to
89 provide conspicuous notice on any form or medium of
90 advertisement that the abortion clinic is prohibited
91 from performing abortions in the third trimester or
92 after viability; providing certain physician,
93 location, and clinic licensure and ownership
94 requirements; requiring a physician who offers to
95 perform or who performs terminations of pregnancy to
96 complete continuing education related to ethics;
97 prohibiting a termination of pregnancy from being
98 performed in a location other than a validly licensed
99 hospital, abortion clinic, or physician's office;



685560

100 prohibiting a person from establishing, conducting,
101 managing, or operating an abortion clinic without a
102 valid, current license; prohibiting a person from
103 performing or assisting in performing an abortion on a
104 person in the third trimester or after viability, in a
105 location other than a hospital; requiring an abortion
106 clinic to be owned and operated by a physician who has
107 received training during residency in performing a
108 dilation-and-curettage procedure or a dilation-and-
109 evacuation procedure; providing a penalty; deleting
110 the definition of the term "viability"; providing