

By Senator Evers

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1 A bill to be entitled
2 An act relating to abortion; creating the "Florida for
3 Life Act"; creating s. 390.0001, F.S.; providing
4 legislative findings regarding abortion; creating s.
5 390.01112, F.S.; providing definitions; creating s.
6 390.01113, F.S.; prohibiting inducing an abortion or
7 performing, attempting to perform, or assisting in an
8 induced abortion; providing criminal penalties;
9 prohibiting inflicting serious bodily injury on a
10 person in the course of performing an abortion;
11 providing criminal penalties; providing enhanced
12 criminal penalties if the serious bodily injury
13 results in death; prohibiting operation of any
14 facility, business, or service for the purpose of
15 providing induced abortion services; providing
16 criminal penalties; prohibiting termination of a
17 pregnancy unless specified conditions are met;
18 requiring that a termination of pregnancy be performed
19 only by a physician; requiring voluntary, informed
20 consent for a termination of pregnancy; providing an
21 exception for medical emergencies; providing for
22 documentation of a medical emergency; providing that
23 violations may subject physicians to discipline under
24 specified provisions; providing a standard of medical
25 care to be used during a termination of pregnancy
26 performed while the patient's fetus is viable;
27 providing that the patient's life is a superior
28 consideration to the concern for the life of the fetus
29 and the patient's health is a superior consideration

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30 to the concern for the health of the fetus when such
31 life or health concerns are in conflict; prohibiting a
32 physician's misrepresentation of the gestational age
33 or developmental stage of a viable fetus in any
34 medical record and failing to use the prescribed
35 standard of care on a viable fetus; providing criminal
36 penalties; prohibiting fetal experimentation;
37 providing an exception; requiring that fetal remains
38 be disposed of according to specified standards;
39 providing criminal penalties; excluding specified
40 procedures from applicability of section; requiring
41 physicians and personnel at a medical facility to
42 provide certain women and minors who have been treated
43 by the facility with information regarding adoption
44 and access to a statewide list of attorneys available
45 to provide volunteer legal services for adoption;
46 authorizing the Agency for Health Care Administration
47 and the Department of Health to adopt rules; amending
48 s. 39.001, F.S.; providing legislative intent
49 concerning adoption services for women and minors with
50 unwanted pregnancies; requiring the Office of Adoption
51 and Child Protection to create and manage a statewide
52 list of attorneys providing volunteer adoption
53 services for women and minors with unwanted
54 pregnancies who would have selected abortion, if
55 lawful, rather than adoption; providing that the full
56 amount of all federal moneys received by the state as
57 a result of efforts made by the office to provide
58 legal services for adoption are deposited, directed,

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59 and budgeted for use by the office; repealing ss.
60 390.011, 390.0111, 390.01114, 390.01116, 390.0112,
61 390.012, 390.014, 390.015, 390.018, and 390.025, F.S.,
62 relating to provisions regulating the termination of
63 pregnancies and definitions applying thereto, the
64 Parental Notice of Abortion Act, public records
65 exemptions for identifying information regarding
66 minors seeking a waiver of notice requirements under
67 such act, reporting requirements for terminated
68 pregnancies, the licensure and operation of abortion
69 clinics, the disposal of fetal remains, the imposition
70 of administrative fines for violations by abortion
71 clinics, and provisions regulating abortion referral
72 or counseling agencies and prescribing penalties for
73 violations by such agencies; repealing ss. 782.30,
74 782.32, 782.34, and 782.36, F.S., relating to the
75 Partial-Birth Abortion Act and the short title,
76 definitions, criminal penalties for the intentional
77 killing of a living fetus while that fetus is
78 partially born, and exceptions to such act; amending
79 s. 27.511, F.S.; conforming language relating to
80 court-appointed counsel for minors under the Parental
81 Notice of Abortion Act to the repeal of s. 390.01114,
82 F.S.; amending ss. 627.64995, 627.6699, 627.66996, and
83 641.31099, F.S.; providing restrictions on use of
84 state and federal funds for state exchanges that
85 provide coverage for induced abortions and
86 terminations of pregnancies under certain conditions;
87 amending ss. 743.065 and 765.113, F.S.; conforming

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88 cross-references; providing an effective date.

89

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

91

92 Section 1. This act may be cited as the "Florida for Life
93 Act."

94 Section 2. Section 390.0001, Florida Statutes, is created
95 to read:

96 390.0001 Legislative findings regarding abortion.-

97 (1) The Legislature acknowledges that all persons are
98 endowed by their Creator with certain unalienable rights, and
99 that first among these is their right to life.

100 (2) The Legislature finds that all human life comes from
101 the Creator, has an inherent value that cannot be quantified by
102 man, and begins at the earliest biological development of a
103 fertilized human egg.

104 (3) The Legislature finds that the United States
105 Constitution expresses no qualification for, or limitation on,
106 the protection of human life by laws passed by state
107 legislatures which regard human life as the most fundamental
108 gift from God and deserving of paramount importance among all
109 other unalienable rights expressed or implied in the United
110 States Constitution.

111 (4) The Legislature finds that personal liberty is not a
112 license to kill or otherwise destroy any form of human life
113 under any provision of the United States Constitution.

114 (5) The Legislature finds that once human life begins,
115 there is a compelling state interest in protecting its
116 development from that moment through birth. Any act of a person

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117 detrimental to unborn human life, when not necessary in defense
118 of the life of a mother bearing such unborn human life, which
119 unnaturally terminates that unborn human life, is a deprivation
120 of that unborn human's unalienable right to life.

121 (6) The Legislature finds that the establishment of
122 viability as the point at which the state may restrict
123 abortions, as well as the "undue burden" standard of Planned
124 Parenthood of Southern Pennsylvania v. Casey, 505 U.S. 833
125 (1992), is arbitrary and provides inadequate guidance for this
126 state to enact meaningful protections for unborn human life.

127 (7) The Legislature finds that the health exception
128 required of post-viability abortion regulations inadequately
129 protects the health of women and minors seeking post-viability
130 abortions and impedes the state's protection of viable unborn
131 human life.

132 (8) The Legislature finds that the people of Florida seek
133 to protect all human life and prohibit unnecessary abortion
134 through the exercise of their right to self-government.

135 (9) The Legislature urges the United States Supreme Court
136 to overturn Roe v. Wade, 410 U.S. 113 (1973), and Planned
137 Parenthood of Southern Pennsylvania v. Casey, 505 U.S. 833
138 (1992).

139 Section 3. Section 390.01112, Florida Statutes, is created
140 to read:

141 390.01112 Definitions.—As used in this chapter, the term:

142 (1) "Abortion" means the termination of a human pregnancy
143 with an intention other than to produce a live birth or to
144 remove a fetus that has died of natural causes.

145 (2) "Abortion clinic" or "clinic" means any facility,

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146 location, or structure in which abortions are performed. The
147 term does not include a hospital or other medical establishment
148 as defined in subsection (6).

149 (3) "Agency" means the Agency for Health Care
150 Administration.

151 (4) "Born alive" means the complete expulsion or extraction
152 from the mother of a human infant, at any stage of development,
153 who, after such expulsion or extraction, breathes or has a
154 beating heart, or definite and voluntary movement of muscles,
155 regardless of whether the umbilical cord has been cut and
156 regardless of whether the expulsion or extraction occurs as a
157 result of natural or induced labor, caesarean section, induced
158 abortion, or another method.

159 (5) "Department" means the Department of Health.

160 (6) "Hospital" means a medical establishment as defined in
161 s. 395.002(12) and licensed under chapter 395 and part II of
162 chapter 408.

163 (7) "Human life" means a human person and is the biological
164 development of the species homo sapiens that begins when a human
165 egg is fertilized by a human sperm and continues to develop as a
166 living organism. For the purposes of this chapter, the terms
167 "human life" and "human person" may be used interchangeably.

168 (8) "Induced abortion" means a medically initiated
169 termination of a human pregnancy with the intent to kill a
170 living human organism, zygote, embryo, or fetus. For purposes of
171 this subsection, the term "medically initiated" means the
172 ingestion or administration of pharmaceutical abortifacients by
173 any means, surgical procedures, or use of any device or
174 instrument and any combination thereof.

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175 (9) "Medical emergency" means a condition that, on the
176 basis of a physician's good faith clinical judgment, so
177 complicates the medical condition of a patient as to necessitate
178 the immediate termination of her pregnancy to avert her death,
179 or for which a delay in the termination of her pregnancy will
180 create serious risk of substantial and irreversible impairment
181 of a major bodily function or unreasonably reduce the likelihood
182 of successful treatment of a life-threatening disease.

183 (10) "Patient" means the woman or minor upon whom an
184 abortion or termination of pregnancy is performed or induced.

185 (11) "Physician" means a physician licensed under chapter
186 458 or chapter 459 or a physician practicing medicine or
187 osteopathic medicine in the employment of the United States who
188 is attending to the patient.

189 (12) "Pregnancy" means the process by which one or more
190 human persons develop in a woman's body.

191 (13) "Termination of pregnancy" means the termination of a
192 human pregnancy under circumstances not prohibited by this
193 section.

194 (14) "Viability" means that stage of fetal development
195 when, in the judgment of the physician, based on the particular
196 facts of the case before him or her and in light of the most
197 advanced medical technology and information available, there is
198 a reasonable probability of sustained survival of the unborn
199 human person outside his or her mother's womb with or without
200 artificial support.

201 Section 4. Section 390.01113, Florida Statutes, is created
202 to read:

203 390.01113 Abortion unlawful; termination of pregnancies;

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204 circumstances authorized.—

205 (1) INDUCED ABORTION PROHIBITED.—

206 (a) Induced abortion for any purpose is unlawful. Any
207 person who induces an abortion or performs, attempts to perform,
208 or assists another in the performance of an induced abortion on
209 another person commits a felony of the first degree, punishable
210 as provided in s. 775.082, s. 775.083, or s. 775.084.

211 (b) Any person who during the course of performing an
212 induced abortion on another person inflicts serious bodily
213 injury on the person commits a felony of the first degree,
214 punishable by imprisonment for a term of years not exceeding
215 life, as provided in s. 775.082, s. 775.083, or s. 775.084.

216 (c) Any person who during the course of performing an
217 induced abortion on another person inflicts serious bodily
218 injury on the person which results in the death of the person
219 commits a life felony, punishable as provided in s. 775.082, s.
220 775.083, or s. 775.084.

221 (2) OPERATING ABORTION CLINICS AND SERVICES PROHIBITED.—A
222 person or persons who operate any facility, business, or service
223 from any location within this state for the purpose of providing
224 induced abortion services commits a felony of the first degree,
225 punishable by imprisonment for a term of years not exceeding
226 life, as provided in s. 775.082, s. 775.083, or s. 775.084.

227 (3) TERMINATION OF PREGNANCY.—A termination of pregnancy
228 may not be performed unless:

229 (a) Two physicians certify in writing to the fact that, to
230 a reasonable degree of medical certainty, the termination of
231 pregnancy is necessary to prevent the death of the patient;

232 (b) Two physicians certify in writing to the fact that, to

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233 a reasonable degree of medical certainty, the termination of
234 pregnancy is necessary because to continue the pregnancy would
235 unreasonably reduce the likelihood of successful treatment of an
236 already life-threatening disease of the patient; or

237 (c) The attending physician certifies in writing that a
238 medical emergency existed as described in paragraph (a) or
239 paragraph (b) and that another physician was not available for
240 consultation before the time necessary to perform the
241 termination of pregnancy. The physician's written certification
242 must clearly describe the details of the medical emergency in
243 the patient's medical records.

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

246 (4) PERFORMANCE BY PHYSICIAN REQUIRED.—A termination of
247 pregnancy may not, at any time, be performed by a person who is
248 not a physician.

249 (5) CONSENTS REQUIRED.—A termination of pregnancy may not
250 be performed or induced except with the voluntary and informed
251 written consent of the patient or, in the case of a mentally
252 incompetent patient, the voluntary and informed written consent
253 of her court-appointed guardian or, in the case of a minor
254 patient, notwithstanding s. 743.065, the voluntary informed
255 written consent of the minor's parent or legal guardian.

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

258 1. The physician who is to perform the procedure or the
259 referring physician has personally informed the patient, or the
260 court-appointed guardian if the patient is mentally incompetent,
261 or a parent or legal guardian in the case of a minor patient,

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262 of:

263 a. The nature and risks of undergoing or not undergoing the
264 proposed procedure that a reasonable patient similarly situated
265 may consider relevant to making an informed decision of whether
266 to terminate a pregnancy.

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

269 c. The medical risks to the patient and fetus of carrying
270 the pregnancy to term.

271 d. All other factors, including physical, emotional,
272 psychological, and familial factors, relevant to the short-term
273 and long-term well-being of the patient, including the emotional
274 and psychological impact relating to the loss of human life
275 through voluntary termination of the pregnancy.

276 2. Printed materials prepared and provided by the
277 department have been provided to the patient, or the court-
278 appointed guardian if the patient is mentally incompetent, or a
279 parent or legal guardian in the case of a minor patient,
280 including:

281 a. An accurate estimate of the stage of biological
282 development, gestational age, length, weight, and viability of
283 the unborn human person.

284 b. A list of agencies that offer alternatives to
285 terminating the pregnancy.

286 c. Detailed information on the availability of medical
287 assistance benefits for prenatal care, childbirth, and neonatal
288 care.

289 3. The patient, or the court-appointed guardian if the
290 patient is mentally incompetent, or a parent or legal guardian

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291 in the case of a minor patient, has been given, in writing, the
292 address and telephone number of the Office of Adoption and Child
293 Protection within the Executive Office of the Governor and has
294 been informed of the existence of a statewide list of attorneys
295 available to provide volunteer legal services for adoption.

296 4. The person required to give consent under this
297 subsection acknowledges in writing, before the termination of
298 pregnancy, that the information required to be provided under
299 this paragraph has been provided.

300 (b) In the event that a medical emergency exists and a
301 physician cannot comply with the requirements for informed
302 consent, the attending physician may terminate a pregnancy if he
303 or she has obtained at least one corroborative physician's
304 written opinion attesting to the medical necessity for emergency
305 medical procedures and to the fact that, to a reasonable degree
306 of medical certainty, the continuation of the pregnancy would
307 threaten the physical life of the patient. If a second physician
308 is not available for a corroborating written opinion before the
309 time necessary to perform the termination of pregnancy, the
310 physician may proceed but must document all reasons for the
311 medical emergency and must clearly describe the details of the
312 medical emergency in the patient's medical records as described
313 in paragraph (3) (c).

314 (c) Violation of this subsection by a physician constitutes
315 grounds for disciplinary action under s. 458.331 or s. 459.015.
316 Substantial compliance or reasonable belief that complying with
317 the requirements of informed consent would threaten the life of
318 the patient as described in paragraph (3) (a) or would
319 unreasonably reduce the successful treatment of an already life-

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320 threatening disease of the patient as described in paragraph
321 (3)(b) may be raised as a defense to any action brought under
322 this subsection.

323 (6) STANDARD OF MEDICAL CARE TO BE USED DURING VIABILITY.-

324 (a) A termination of pregnancy involving a viable fetus,
325 when not prohibited under subsection (3), must be performed in a
326 hospital or other medical establishment as defined in s.
327 390.01112(6) that is capable of providing all necessary
328 lifesaving and life-sustaining medical services to the viable
329 fetus.

330 (b) If a termination of pregnancy is performed while the
331 patient's fetus is viable, the person who performs or induces
332 the termination of pregnancy may not fail to use that degree of
333 professional skill, care, and diligence to preserve the life and
334 health of the fetus that such person would be required to
335 exercise in order to preserve the life and health of a fetus
336 intended to be born alive. Notwithstanding this subsection, the
337 patient's life is an overriding and superior consideration to
338 the concern for the life of the fetus, and the patient's health
339 is an overriding and superior consideration to the concern for
340 the health of the fetus when such life or health concerns are in
341 conflict. For purposes of this subsection, health considerations
342 refer to medical judgment exercised in light of factors
343 exclusively described in subsection (3). Violation of this
344 subsection by a physician constitutes grounds for disciplinary
345 action under s. 458.331 or s. 459.015.

346 (c) Any physician who, once the matter of the viability or
347 nonviability of the fetus is determined within a reasonable
348 degree of medical probability, knowingly and willfully

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349 misrepresents the gestational age or stage of fetal development
350 of a viable fetus in an entry into any medical record and who
351 fails to use the standard of care required under paragraph (b)
352 on any fetus determined to be viable commits a felony of the
353 first degree, punishable as provided in s. 775.082, s. 775.083,
354 or s. 775.084.

355 (7) EXPERIMENTATION ON FETUS PROHIBITED; EXCEPTION.—A
356 person may not use any live fetus or live, premature infant for
357 any type of scientific, research, laboratory, or other kind of
358 experimentation before or after any termination of pregnancy
359 procedure except as necessary to protect or preserve the life
360 and health of such fetus or premature infant. Violation of this
361 subsection by a physician constitutes grounds for disciplinary
362 action under s. 458.331 or s. 459.015.

363 (8) FETAL REMAINS.—Fetal remains shall be disposed of in a
364 sanitary and appropriate manner and in accordance with standard
365 health practices, as provided by rule of the department. A
366 person who fails to dispose of fetal remains in accordance with
367 department rules commits a felony of the third degree,
368 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

369 (9) EXCLUSION FROM APPLICABILITY.—This section does not
370 apply to the performance of a procedure that terminates a
371 pregnancy in order to deliver a live child or to remove a dead
372 child whose demise was not the result of a termination of
373 pregnancy or an induced abortion from the patient's body.

374 (10) ADOPTION ALTERNATIVE INFORMATION.—Any physician or
375 authorized personnel of a medical facility who learns that a
376 patient wishes to obtain an induced abortion, or that a patient
377 has had a termination of pregnancy where the fetus survived,

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378 shall provide the patient with information concerning the
379 availability of adoption for her unwanted child. Compliance with
380 this subsection may be accomplished by providing the patient or,
381 in the case of a mentally incompetent patient, her court-
382 appointed guardian or, in the case of a minor patient, the
383 minor's parent or legal guardian with the address and telephone
384 number of the Office of Adoption and Child Protection within the
385 Executive Office of the Governor and informing the patient or,
386 in the case of a mentally incompetent patient, her court-
387 appointed guardian or, in the case of a minor patient, the
388 minor's parent or legal guardian of the existence of the
389 statewide list of attorneys available to provide volunteer legal
390 services for adoption.

391 (11) RULEMAKING AUTHORITY.-

392 (a) Except for subsection (8), the agency may adopt rules
393 pursuant to ss. 120.536(1) and 120.54 to administer this
394 section. These rules must be for the purpose of protecting the
395 health and safety of pregnant women and minors and unborn human
396 persons. These rules are also for the purpose of securing
397 compliance with the requirements of this section and to
398 facilitate the enforcement of sanctions for those violations to
399 which administrative penalties apply.

400 (b) The department may adopt rules pursuant to ss.
401 120.536(1) and 120.54 to administer subsection (8).

402 Section 5. Subsection (7) of section 39.001, Florida
403 Statutes, is amended, and paragraph (d) is added to subsection
404 (8) of that section, to read:

405 39.001 Purposes and intent; personnel standards and
406 screening.-

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407 (7) LEGISLATIVE INTENT FOR THE PREVENTION OF ABUSE,
408 ABANDONMENT, AND NEGLECT OF CHILDREN; ADOPTION SERVICES FOR
409 WOMEN AND MINORS WITH UNWANTED PREGNANCIES.—The incidence of
410 known child abuse, abandonment, and neglect has increased
411 rapidly in recent ~~over the past 5~~ years. The impact that abuse,
412 abandonment, or neglect has on the victimized child, siblings,
413 family structure, and inevitably on all citizens of the state
414 has caused the Legislature to determine that the prevention of
415 child abuse, abandonment, and neglect shall be a priority of
416 this state. In addition, to provide assistance for women and
417 minors with unwanted pregnancies who would have selected
418 abortion, if lawful in this state, rather than adoption as an
419 alternative for their unborn children, the Legislature has
420 determined to offer such women and minors information regarding
421 volunteer legal services to accomplish an appropriate adoptive
422 placement for their newborn children. ~~To further this end,~~ It is
423 the intent of the Legislature that the an Office of Adoption and
424 Child Protection be maintained to accomplish these purposes
425 established.

426 (8) OFFICE OF ADOPTION AND CHILD PROTECTION.—

427 (d) In connection with the provision of volunteer legal
428 services for women and minors with unwanted pregnancies who
429 would have selected abortion, if lawful in this state, rather
430 than adoption, the office shall:

431 1. Create and manage a statewide list of attorneys that
432 provide volunteer adoption services for such women and minors.

433 2. Have deposited, directed, and budgeted in the full
434 amount for use by the office, in addition to funds that would
435 have been or are otherwise budgeted for the office, all moneys

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436 received by or otherwise awarded to the state from the Federal
437 Government, the United States Treasury, or any other federal
438 agency as a result of efforts made by the office to provide
439 legal services for adoption.

440 Section 6. Sections 390.011, 390.0111, 390.01114,
441 390.01116, 390.0112, 390.012, 390.014, 390.015, 390.018,
442 390.025, 782.30, 782.32, 782.34, and 782.36, Florida Statutes,
443 are repealed.

444 Section 7. Paragraph (a) of subsection (6) of section
445 27.511, Florida Statutes, is amended to read:

446 27.511 Offices of criminal conflict and civil regional
447 counsel; legislative intent; qualifications; appointment;
448 duties.—

449 (6) (a) The office of criminal conflict and civil regional
450 counsel has primary responsibility for representing persons
451 entitled to court-appointed counsel under the Federal or State
452 Constitution or as authorized by general law in civil
453 proceedings, including, but not limited to, proceedings under s.
454 393.12 and chapters 39, 392, 397, 415, 743, 744, and 984 and
455 proceedings to terminate parental rights under chapter 63.
456 ~~Private court-appointed counsel eligible under s. 27.40 have~~
457 ~~primary responsibility for representing minors who request~~
458 ~~counsel under s. 390.01114, the Parental Notice of Abortion Act;~~
459 ~~however, the office of criminal conflict and civil regional~~
460 ~~counsel may represent a minor under that section if the court~~
461 ~~finds that no private court-appointed attorney is available.~~

462 Section 8. Subsection (1) of section 627.64995, Florida
463 Statutes, is amended to read:

464 627.64995 Restrictions on use of state and federal funds

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465 for state exchanges.—

466 (1) A health insurance policy under which coverage is
467 purchased in whole or in part with any state or federal funds
468 through an exchange created pursuant to the federal Patient
469 Protection and Affordable Care Act, Pub. L. No. 111-148, may not
470 provide coverage for an induced abortion as defined in and
471 prohibited under s. 390.01113 or for a termination of pregnancy
472 in violation of s. 390.01113(3) s. 390.011(1), ~~except if the~~
473 ~~pregnancy is the result of an act of rape or incest, or in the~~
474 ~~case where a woman suffers from a physical disorder, physical~~
475 ~~injury, or physical illness, including a life-endangering~~
476 ~~physical condition caused by or arising from the pregnancy~~
477 ~~itself, which would, as certified by a physician, place the~~
478 ~~woman in danger of death unless an abortion is performed.~~
479 Coverage is deemed to be purchased with state or federal funds
480 if any tax credit or cost-sharing credit is applied toward the
481 health insurance policy.

482 Section 9. Paragraph (a) of subsection (17) of section
483 627.6699, Florida Statutes, is amended to read:

484 627.6699 Employee Health Care Access Act.—

485 (17) RESTRICTIONS ON COVERAGE.—

486 (a) A plan under which coverage is purchased in whole or in
487 part with any state or federal funds through an exchange created
488 pursuant to the federal Patient Protection and Affordable Care
489 Act, Pub. L. No. 111-148, may not provide coverage for an
490 induced abortion, as defined in and prohibited under s.
491 390.01113 or for a termination of pregnancy in violation of s.
492 390.01113(3) s. 390.011(1), ~~except if the pregnancy is the~~
493 ~~result of an act of rape or incest, or in the case where a woman~~

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494 ~~suffers from a physical disorder, physical injury, or physical~~
495 ~~illness, including a life-endangering physical condition caused~~
496 ~~by or arising from the pregnancy itself, which would, as~~
497 ~~certified by a physician, place the woman in danger of death~~
498 ~~unless an abortion is performed.~~ Coverage is deemed to be
499 purchased with state or federal funds if any tax credit or cost-
500 sharing credit is applied toward the plan.

501 Section 10. Subsection (1) of section 627.66996, Florida
502 Statutes, is amended to read:

503 627.66996 Restrictions on use of state and federal funds
504 for state exchanges.—

505 (1) A group, franchise, or blanket health insurance policy
506 under which coverage is purchased in whole or in part with any
507 state or federal funds through an exchange created pursuant to
508 the federal Patient Protection and Affordable Care Act, Pub. L.
509 No. 111-148, may not provide coverage for an induced abortion as
510 defined in and prohibited under s. 390.01113 or for a
511 termination of pregnancy in violation of s. 390.01113(3) s.
512 ~~390.011(1), except if the pregnancy is the result of an act of~~
513 ~~rape or incest, or in the case where a woman suffers from a~~
514 ~~physical disorder, physical injury, or physical illness,~~
515 ~~including a life-endangering physical condition caused by or~~
516 ~~arising from the pregnancy itself, which would, as certified by~~
517 ~~a physician, place the woman in danger of death unless an~~
518 ~~abortion is performed.~~ Coverage is deemed to be purchased with
519 state or federal funds if any tax credit or cost-sharing credit
520 is applied toward the group, franchise, or blanket health
521 insurance policy.

522 Section 11. Subsection (1) of section 641.31099, Florida

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523 Statutes, is amended to read:

524 641.31099 Restrictions on use of state and federal funds
525 for state exchanges.—

526 (1) A health maintenance contract under which coverage is
527 purchased in whole or in part with any state or federal funds
528 through an exchange created pursuant to the federal Patient
529 Protection and Affordable Care Act, Pub. L. No. 111-148, may not
530 provide coverage for an induced abortion as defined in and
531 prohibited under s. 390.01113 or for a termination of pregnancy
532 in violation of s. 390.01113(3) ~~s. 390.011(1), except if the~~
533 ~~pregnancy is the result of an act of rape or incest, or in the~~
534 ~~case where a woman suffers from a physical disorder, physical~~
535 ~~injury, or physical illness, including a life-endangering~~
536 ~~physical condition caused by or arising from the pregnancy~~
537 ~~itself, which would, as certified by a physician, place the~~
538 ~~woman in danger of death unless an abortion is performed.~~
539 Coverage is deemed to be purchased with state or federal funds
540 if any tax credit or cost-sharing credit is applied toward the
541 health maintenance contract.

542 Section 12. Subsection (3) of section 743.065, Florida
543 Statutes, is amended to read:

544 743.065 Unwed pregnant minor or minor mother; consent to
545 medical services for minor or minor's child valid.—

546 (3) Nothing in this act shall affect the provisions of s.
547 390.01113 ~~s. 390.0111~~.

548 Section 13. Subsection (2) of section 765.113, Florida
549 Statutes, is amended to read:

550 765.113 Restrictions on providing consent.—Unless the
551 principal expressly delegates such authority to the surrogate in

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552 writing, or a surrogate or proxy has sought and received court
553 approval pursuant to rule 5.900 of the Florida Probate Rules, a
554 surrogate or proxy may not provide consent for:

555 (2) Withholding or withdrawing life-prolonging procedures
556 from a pregnant patient before ~~prior to~~ viability as defined in
557 s. 390.01113 ~~390.0111(4)~~.

558 Section 14. This act shall take effect July 1, 2014.