

By Senator Evers

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1                   A bill to be entitled  
2       An act relating to abortion; creating the "Unborn  
3       Viability Act"; creating s. 390.0001, F.S.; providing  
4       legislative findings regarding abortion; creating s.  
5       390.01117, F.S.; providing definitions; creating s.  
6       390.01118, F.S.; prohibiting termination of a  
7       pregnancy after a fetus has been determined to be  
8       viable; providing exceptions; requiring a  
9       determination of viability for women in a certain week  
10      of pregnancy or later before termination may be  
11      performed; requiring an ultrasound and recordkeeping;  
12      providing that determination of viability and a  
13      required ultrasound may not be performed by a  
14      physician providing reproductive health services at an  
15      abortion clinic; requiring that a termination of  
16      pregnancy involving a viable fetus, when not  
17      prohibited, be performed in a hospital or other  
18      medical establishment; providing a standard of care  
19      for a termination of pregnancy performed while a fetus  
20      is viable; providing that the woman's life is a  
21      superior consideration to the concern for the life of  
22      the fetus and the woman's health is a superior  
23      consideration to the concern for the health of the  
24      fetus when such life or health concerns are in  
25      conflict; prohibiting a physician's misrepresentation  
26      of the gestational age or developmental stage of a  
27      viable fetus in any medical record and failure to use  
28      the prescribed standard of care on a viable fetus;  
29      providing criminal penalties; providing that only a

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30 physician may perform a termination of pregnancy;  
31 requiring voluntary and informed consent for a  
32 termination of pregnancy; providing an exception for  
33 medical emergencies; providing for documentation of a  
34 medical emergency; providing that violations may  
35 subject physicians to discipline; prohibiting  
36 experimentation on a fetus; providing an exception;  
37 providing that violations may subject physicians to  
38 discipline; requiring that fetal remains be disposed  
39 of according to specified standards; providing  
40 criminal penalties; providing that a person or  
41 facility is not required to participate in the  
42 termination of a pregnancy or be liable for such  
43 refusal; excluding specified procedures from  
44 applicability of section; prohibiting a termination of  
45 pregnancy procedure in violation of specified  
46 requirements; providing criminal penalties;  
47 prohibiting inflicting serious bodily injury on a  
48 person in the course of performing a termination of  
49 pregnancy; providing criminal penalties; providing  
50 enhanced criminal penalties if the serious bodily  
51 injury results in death; requiring physicians and  
52 personnel at a medical facility to provide certain  
53 patients with information regarding adoption and a  
54 statewide list of attorneys available to provide  
55 volunteer legal services for adoption; providing  
56 rulemaking authority to the Agency for Health Care  
57 Administration and the Department of Health; providing  
58 that rulemaking authority is supplemental to s.

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59 390.012, F.S.; amending s. 39.001, F.S.; providing  
60 legislative intent concerning adoption services for  
61 women and minors with unwanted pregnancies; requiring  
62 the Office of Adoption and Child Protection to create  
63 and manage a statewide list of attorneys providing  
64 volunteer adoption services for women and minors with  
65 unwanted pregnancies who would have selected abortion,  
66 if lawful, rather than adoption; providing that the  
67 full amount of all federal moneys received by the  
68 state as a result of efforts made by the office to  
69 provide legal services for adoption are deposited,  
70 directed, and budgeted for use by the office;  
71 repealing ss. 390.011, 390.0111, 390.01114, 390.01116,  
72 390.0112, 390.012, 390.014, 390.015, 390.018, and  
73 390.025, F.S., relating to provisions regulating the  
74 termination of pregnancies and definitions applying  
75 thereto, the Parental Notice of Abortion Act, public  
76 records exemptions for identifying information  
77 regarding minors seeking a waiver of notice  
78 requirements under such act, reporting requirements  
79 for terminated pregnancies, the licensure and  
80 operation of abortion clinics, the disposal of fetal  
81 remains, the imposition of administrative fines for  
82 violations by abortion clinics, and provisions  
83 regulating abortion referral or counseling agencies  
84 and prescribing penalties for violations by such  
85 agencies; repealing ss. 782.30, 782.32, 782.34, and  
86 782.36, F.S., relating to the Partial-Birth Abortion  
87 Act; amending s. 27.511, F.S.; conforming language

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88 relating to court-appointed counsel for minors under  
89 the Parental Notice of Abortion Act to the repeal of  
90 s. 390.01114, F.S.; amending ss. 627.64995, 627.6699,  
91 627.66996, and 641.31099, F.S.; providing restrictions  
92 on use of state and federal funds for state exchanges  
93 that provide coverage for induced abortions and  
94 terminations of pregnancies under certain conditions;  
95 amending ss. 743.065 and 765.113, F.S.; conforming  
96 cross-references; providing an effective date.

97

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

99

100 Section 1. This act may be cited as the "Unborn Viability  
101 Act."

102 Section 2. Section 390.0001, Florida Statutes, is created  
103 to read:

104 390.0001 Legislative findings regarding abortion.—

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

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

112 (3) The Legislature finds that the United States  
113 Constitution expresses no qualification for, or limitation on,  
114 the protection of human life by laws passed by state  
115 legislatures which regard human life as the most fundamental  
116 gift from God and deserving of paramount importance among all

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117 other unalienable rights expressed or implied in the United  
118 States Constitution.

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

122 (5) The Legislature finds that once human life begins,  
123 there is a compelling state interest in protecting its  
124 development from that moment through birth. Any act of a person  
125 detrimental to unborn human life, when not necessary in defense  
126 of the life of a mother bearing such unborn human life, which  
127 unnaturally terminates that unborn human life, is a deprivation  
128 of that unborn human's unalienable right to life.

129 (6) The Legislature finds that the establishment of  
130 viability as the point at which the state may restrict  
131 abortions, as well as the "undue burden" standard of *Planned*  
132 *Parenthood of Southern Pennsylvania v. Casey*, 505 U.S. 833  
133 (1992) is arbitrary and provides inadequate guidance for this  
134 state to enact meaningful protections for unborn human life.

135 (7) The Legislature finds that the health exception  
136 required of post-viability abortion regulations inadequately  
137 protects the health of women and minors seeking post-viability  
138 abortions and impedes the state's protection of viable unborn  
139 human life.

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

143 (9) The Legislature urges the United States Supreme Court  
144 to overturn *Roe v. Wade*, 410 U.S. 113 (1973), and *Planned*  
145 *Parenthood of Southern Pennsylvania v. Casey*, 505 U.S. 833

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146 (1992).

147 Section 3. Section 390.01117, Florida Statutes, is created  
148 to read:

149 390.01117 Definitions.—As used in this chapter, the term:

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

153 (2) "Abortion clinic" or "clinic" means any facility,  
154 location, or structure in which abortions are performed. The  
155 term does not include a hospital or other medical establishment  
156 as defined in subsection (6).

157 (3) "Agency" means the Agency for Health Care  
158 Administration.

159 (4) "Born alive" means the complete expulsion or extraction  
160 from the mother of a human infant, at any stage of development,  
161 who, after such expulsion or extraction, breathes or has a  
162 beating heart or definite and voluntary movement of muscles,  
163 regardless of whether the umbilical cord has been cut and  
164 regardless of whether the expulsion or extraction occurs as a  
165 result of natural or induced labor, caesarean section, induced  
166 abortion, or another method.

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

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

171 (7) "Human life" means a human person and is the biological  
172 development of the species homo sapiens that begins when a human  
173 egg is fertilized by a human sperm and continues to develop as a  
174 living organism. For the purposes of this chapter, the terms

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175 "human life" and "human person" may be used interchangeably.

176 (8) "Induced abortion" means a medically initiated  
177 termination of a human pregnancy with the intent to kill a  
178 living human organism, zygote, embryo, or fetus. For purposes of  
179 this subsection, the term "medically initiated" refers to the  
180 ingestion or administration of pharmaceutical abortifacients by  
181 any means, surgical procedures, or use of any device or  
182 instrument and any combination thereof.

183 (9) "Medical emergency" means a condition that, on the  
184 basis of a physician's good faith clinical judgment, so  
185 complicates the medical condition of a patient as to necessitate  
186 the immediate termination of her pregnancy to avert her death,  
187 or for which a delay in the termination of her pregnancy will  
188 create serious risk of substantial and irreversible impairment  
189 of a major bodily function or unreasonably reduce the likelihood  
190 of successful treatment of a life-threatening disease.

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

193 (11) "Physician" means a physician licensed under chapter  
194 458 or chapter 459 or a physician practicing medicine or  
195 osteopathic medicine in the employment of the United States who  
196 is attending to the patient.

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

199 (13) "Termination of pregnancy" means the termination of a  
200 human pregnancy under circumstances not prohibited by this  
201 section.

202 (14) "Viability" means that stage of fetal development  
203 when, in the judgment of the physician, based on the particular

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204 facts of the case before him or her and in light of the most  
205 advanced medical technology and information available, there is  
206 a reasonable probability of sustained survival of the unborn  
207 human person outside his or her mother's womb with or without  
208 artificial support.

209 Section 4. Section 390.01118, Florida Statutes, is created  
210 to read:

211 390.01118 Abortion unlawful beginning with 20th week of  
212 pregnancy; termination of pregnancies.-

213 (1) TERMINATION AFTER VIABILITY PROHIBITED; EXCEPTION.-A  
214 termination of pregnancy may not be performed on any human being  
215 when it is determined, in accordance with a determination of  
216 viability pursuant to subsection (2), that the fetus is viable  
217 unless:

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

221 (b) Two physicians certify in writing to the fact that, to  
222 a reasonable degree of medical certainty, the termination of  
223 pregnancy is necessary because to continue the pregnancy would  
224 unreasonably reduce the likelihood of successful treatment of an  
225 already life-threatening disease of the patient; or

226 (c) The attending physician certifies in writing that a  
227 medical emergency existed as described in paragraph (a) or  
228 paragraph (b) and another physician was not available for  
229 consultation before the time necessary to perform the  
230 termination of pregnancy. The physician's written certification  
231 must clearly describe the details of the medical emergency in  
232 the patient's medical records.

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233       (2) DETERMINATION OF VIABILITY.—A termination of pregnancy  
234 may not be induced or performed on any patient who is in the  
235 20th week of pregnancy or later without first obtaining an  
236 ultrasound from a physician to determine the stage of fetal  
237 development. The physician shall estimate as accurately as  
238 possible the stage of fetal development and shall indicate on  
239 the patient’s medical records the gestational age, length, and  
240 weight, and lung maturity of the fetus. The physician shall also  
241 indicate on the patient’s medical records whether, within a  
242 reasonable degree of medical probability, the fetus is viable.  
243 Due to the potential of an inherent conflict of interest, the  
244 performance of the ultrasound and the determination of viability  
245 required under this subsection may not be performed by a  
246 physician or other person who provides reproductive health  
247 services at an abortion clinic.

248       (3) STANDARD OF MEDICAL CARE TO BE USED DURING VIABILITY.—

249       (a) A termination of pregnancy involving a viable fetus,  
250 when not prohibited under subsection (1), must be performed in a  
251 hospital or other medical establishment that is capable of  
252 providing all necessary lifesaving or life-sustaining medical  
253 services to the viable fetus.

254       (b) If a termination of pregnancy is performed while the  
255 patient’s fetus is viable, the person who performs or induces  
256 the termination of pregnancy may not fail to use that degree of  
257 professional skill, care, and diligence to preserve the life and  
258 health of the fetus which such person would be required to  
259 exercise in order to preserve the life and health of any fetus  
260 intended to be born alive. Notwithstanding this subsection, the  
261 patient’s life is an overriding and superior consideration to

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262 the concern for the life of the fetus, and the patient's health  
263 is an overriding and superior consideration to the concern for  
264 the health of the fetus when such life or health concerns are in  
265 conflict. For purposes of this subsection, health considerations  
266 refer to medical judgment exercised in light of factors  
267 exclusively described in subsection (1). Violation of this  
268 subsection by a physician constitutes grounds for disciplinary  
269 action under s. 458.331 or s. 459.015.

270 (c) Any physician who, once the matter of the viability or  
271 nonviability of the fetus is determined within a reasonable  
272 degree of medical probability, knowingly and willfully  
273 misrepresents the gestational age or stage of fetal development  
274 of a viable fetus in an entry into any medical record and who  
275 fails to use the standard of care required under paragraph (b)  
276 on any fetus determined to be viable commits a felony of the  
277 first degree, punishable as provided in s. 775.082, s. 775.083,  
278 or s. 775.084.

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

282 (5) CONSENTS REQUIRED.—A termination of pregnancy may not  
283 be performed or induced except with the voluntary and informed  
284 written consent of the patient or, in the case of a mentally  
285 incompetent patient, the voluntary and informed written consent  
286 of her court-appointed guardian or, in the case of a minor  
287 patient, notwithstanding s. 743.065, the voluntary and informed  
288 consent of the minor's parent or legal guardian.

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

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291       1. The physician who is to perform the procedure or the  
292 referring physician has personally informed the patient, or the  
293 court-appointed guardian if the patient is mentally incompetent  
294 or a parent or legal guardian in the case of a minor patient,  
295 of:

296           a. The nature and risks of undergoing or not undergoing the  
297 proposed procedure that a reasonable patient similarly situated  
298 may consider relevant to making an informed decision of whether  
299 to terminate a pregnancy.

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

302           c. The medical risks to the patient and fetus of carrying  
303 the pregnancy to term.

304           d. All other factors, including physical, emotional,  
305 psychological, and familial factors relevant to the short-term  
306 and long-term well-being of the patient, including the emotional  
307 and psychological impact relating to the loss of human life  
308 through voluntary termination of the pregnancy.

309       2. Printed materials prepared and provided by the  
310 department have been provided to the patient, or the court-  
311 appointed guardian if the patient is mentally incompetent or a  
312 parent or legal guardian in the case of a minor patient,  
313 including:

314           a. An accurate estimate of the stage of biological  
315 development, gestational age, length, weight, and viability of  
316 the unborn human person.

317           b. A list of agencies that offer alternatives to  
318 terminating the pregnancy.

319           c. Detailed information on the availability of medical

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320 assistance benefits for prenatal care, childbirth, and neonatal  
321 care.

322 3. The patient, or the court-appointed guardian if the  
323 patient is mentally incompetent or a parent or legal guardian in  
324 the case of a minor patient, has been given, in writing, the  
325 address and telephone number of the Office of Adoption and Child  
326 Protection within the Executive Office of the Governor and  
327 informed of the existence of a statewide list of attorneys  
328 available to provide volunteer legal services for adoption.

329 4. The person required to give consent under this  
330 subsection acknowledges in writing, before the termination of  
331 the pregnancy, that the information required to be provided  
332 under this paragraph has been provided.

333 (b) In the event a medical emergency exists and a physician  
334 cannot comply with the requirements for informed consent, the  
335 attending physician may terminate a pregnancy if he or she has  
336 obtained at least one corroborative physician's written opinion  
337 attesting to the medical necessity for emergency medical  
338 procedures and to the fact that, to a reasonable degree of  
339 medical certainty, the continuation of the pregnancy would  
340 threaten the physical life of the patient. In the event that a  
341 second physician is not available for a corroborating written  
342 opinion before the time necessary to perform the termination of  
343 pregnancy, the physician may proceed but must document all  
344 reasons for the medical emergency and must clearly describe the  
345 details of the medical emergency in the patient's medical  
346 records as described in paragraph (1) (c).

347 (c) Violation of this subsection by a physician constitutes  
348 grounds for disciplinary action under s. 458.331 or s. 459.015.

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349 Substantial compliance or reasonable belief that complying with  
350 the requirements of informed consent would threaten the life of  
351 the patient as described in paragraph (1) (a) or would  
352 unreasonably reduce the successful treatment of an already life-  
353 threatening disease of the patient as described in paragraph  
354 (1) (b) may be raised as a defense to any action brought under  
355 this subsection.

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

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

370 (8) REFUSAL TO PARTICIPATE IN TERMINATION PROCEDURE.—This  
371 section does not require any hospital or other medical  
372 establishment or person to participate in the termination of a  
373 pregnancy and any hospital or other medical establishment or  
374 person is not liable for such refusal. A person who is a member  
375 of or associated with the staff of a hospital or other medical  
376 establishment, or any employee of a hospital or other medical  
377 establishment or physician in which or by whom the termination

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378 of a pregnancy is authorized or performed, who states an  
379 objection to such procedure may not be required to participate  
380 in the procedure which will result in the termination of  
381 pregnancy. The refusal of any such person or employee to  
382 participate does not form the basis for any disciplinary or  
383 other recriminatory action against such person.

384 (9) EXCLUSION FROM APPLICABILITY.—This section does not  
385 apply to the performance of a procedure that terminates a  
386 pregnancy in order to deliver a live child or to remove a dead  
387 fetus, whose demise was not the product of a termination of  
388 pregnancy or an abortion, from the patient's body.

389 (10) PENALTIES FOR VIOLATION.—

390 (a) Any person who willfully induces, performs, or assists  
391 in a termination of pregnancy procedure on another person in  
392 violation of the requirements of subsection (2), paragraph  
393 (3) (a), or subsection (4) commits a felony of the second degree,  
394 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

395 (b) Any person who willfully induces, performs, or assists  
396 in a termination of pregnancy procedure on another person in  
397 violation of subsection (1) commits a felony of the first  
398 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
399 775.084.

400 (c) Any person who willfully induces, performs, or assists  
401 in a termination of pregnancy procedure on another person in  
402 violation of subsection (1) which results in serious bodily  
403 injury to the person commits a felony of the first degree,  
404 punishable by imprisonment for a term of years not exceeding  
405 life as provided in s. 775.082, s. 775.083, or s. 775.084.

406 (d) Any person who induces, performs, or assists in a

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407 termination of pregnancy procedure on another person in  
408 violation of this section which results in the death of the  
409 person commits a life felony, punishable as provided in s.  
410 775.082, s. 775.083, or s. 775.084.

411 (11) ADOPTION ALTERNATIVE INFORMATION.—Any physician or  
412 authorized personnel of a medical facility who learns that a  
413 patient wishes to obtain an induced abortion, or that a patient  
414 has had a termination of pregnancy where the fetus survived,  
415 shall provide that patient with information concerning the  
416 availability of adoption for her unwanted child. Compliance with  
417 this subsection may be accomplished by providing the patient or,  
418 in the case of a mentally incompetent patient, her court-  
419 appointed guardian or, in the case of a minor patient, the  
420 minor's parent or legal guardian with the address and telephone  
421 number of the Office of Adoption and Child Protection within the  
422 Executive Office of the Governor and inform the patient or, in  
423 the case of a mentally incompetent patient, her court-appointed  
424 guardian or, in the case of a minor patient, the minor's parent  
425 or legal guardian of the existence of a statewide list of  
426 attorneys available to provide volunteer legal services for  
427 adoption.

428 (12) RULEMAKING AUTHORITY.—

429 (a) Except for subsection (7), the agency may adopt rules  
430 pursuant to ss. 120.536(1) and 120.54 to implement this section.  
431 These rules shall be for the purpose of protecting the health  
432 and safety of pregnant women and minors and unborn human  
433 persons. These rules are also for the purpose of securing  
434 compliance with the requirements of this section and to  
435 facilitate the enforcement of sanctions for those violations to

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436 which administrative penalties apply.

437 (b) The department may adopt rules pursuant to ss.  
438 120.536(1) and 120.54 to implement subsection (7).

439 (c) The rulemaking authority granted in this subsection is  
440 supplemental to the rulemaking authority provided in s. 390.012.

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

444 39.001 Purposes and intent; personnel standards and  
445 screening.—

446 (7) LEGISLATIVE INTENT FOR THE PREVENTION OF ABUSE,  
447 ABANDONMENT, AND NEGLECT OF CHILDREN; ADOPTION SERVICES FOR  
448 WOMEN AND MINORS WITH UNWANTED PREGNANCIES.—The incidence of  
449 known child abuse, abandonment, and neglect has increased  
450 rapidly in recent ~~over the past 5~~ years. The impact that abuse,  
451 abandonment, or neglect has on the victimized child, siblings,  
452 family structure, and inevitably on all citizens of the state  
453 has caused the Legislature to determine that the prevention of  
454 child abuse, abandonment, and neglect shall be a priority of  
455 this state. In addition, to provide assistance for women and  
456 minors with unwanted pregnancies who would have selected  
457 abortion, if lawful in this state, rather than adoption as an  
458 alternative for their unborn children, the Legislature has  
459 determined to offer such women and minors information regarding  
460 volunteer legal services to accomplish an appropriate adoptive  
461 placement for their newborn children. ~~To further this end,~~ It is  
462 the intent of the Legislature that the ~~an~~ Office of Adoption and  
463 Child Protection be maintained to accomplish these purposes  
464 ~~established.~~

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

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

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

472 2. Have deposited, directed, and budgeted in the full  
473 amount for its use, in addition to funds that would have or are  
474 otherwise budgeted for it, all moneys received by or otherwise  
475 awarded to the state from the Federal Government, the United  
476 States Treasury, or any other federal agency as a result of  
477 efforts made by the office to provide legal services for  
478 adoption.

479 Section 6. Sections 390.011, 390.0111, 390.01114,  
480 390.01116, 390.0112, 390.012, 390.014, 390.015, 390.018,  
481 390.025, 782.30, 782.32, 782.34, and 782.36, Florida Statutes,  
482 are repealed.

483 Section 7. Paragraph (a) of subsection (6) of section  
484 27.511, Florida Statutes, is amended to read:

485 27.511 Offices of criminal conflict and civil regional  
486 counsel; legislative intent; qualifications; appointment;  
487 duties.—

488 (6) (a) The office of criminal conflict and civil regional  
489 counsel has primary responsibility for representing persons  
490 entitled to court-appointed counsel under the Federal or State  
491 Constitution or as authorized by general law in civil  
492 proceedings, including, but not limited to, proceedings under s.  
493 393.12 and chapters 39, 392, 397, 415, 743, 744, and 984 and

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494 proceedings to terminate parental rights under chapter 63.  
495 ~~Private court-appointed counsel eligible under s. 27.40 have~~  
496 ~~primary responsibility for representing minors who request~~  
497 ~~counsel under s. 390.01114, the Parental Notice of Abortion Act;~~  
498 ~~however, the office of criminal conflict and civil regional~~  
499 ~~counsel may represent a minor under that section if the court~~  
500 ~~finds that no private court-appointed attorney is available.~~

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

503 627.64995 Restrictions on use of state and federal funds  
504 for state exchanges.—

505 (1) A health insurance policy under which coverage is  
506 purchased in whole or in part with any state or federal funds  
507 through an exchange created pursuant to the federal Patient  
508 Protection and Affordable Care Act, Pub. L. No. 111-148, may not  
509 provide coverage for an induced abortion as defined in s.  
510 390.01117 and prohibited under s. 390.01118 or for a termination  
511 of pregnancy in violation of s. 390.01118(3) s. 390.011(1),  
512 ~~except if the pregnancy is the result of an act of rape or~~  
513 ~~incest, or in the case where a woman suffers from a physical~~  
514 ~~disorder, physical injury, or physical illness, including a~~  
515 ~~life-endangering physical condition caused by or arising from~~  
516 ~~the pregnancy itself, which would, as certified by a physician,~~  
517 ~~place the woman in danger of death unless an abortion is~~  
518 ~~performed.~~ Coverage is deemed to be purchased with state or  
519 federal funds if any tax credit or cost-sharing credit is  
520 applied toward the health insurance policy.

521 Section 9. Paragraph (a) of subsection (17) of section  
522 627.6699, Florida Statutes, is amended to read:

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523 627.6699 Employee Health Care Access Act.—

524 (17) RESTRICTIONS ON COVERAGE.—

525 (a) A plan under which coverage is purchased in whole or in  
 526 part with any state or federal funds through an exchange created  
 527 pursuant to the federal Patient Protection and Affordable Care  
 528 Act, Pub. L. No. 111-148, may not provide coverage for an  
 529 induced abortion, as defined in s. 390.01117 and prohibited  
 530 under s. 390.01118 or for a termination of pregnancy in  
 531 violation of s. 390.01118(3) ~~s. 390.011(1)~~, ~~except if the~~  
 532 ~~pregnancy is the result of an act of rape or incest, or in the~~  
 533 ~~case where a woman suffers from a physical disorder, physical~~  
 534 ~~injury, or physical illness, including a life-endangering~~  
 535 ~~physical condition caused by or arising from the pregnancy~~  
 536 ~~itself, which would, as certified by a physician, place the~~  
 537 ~~woman in danger of death unless an abortion is performed.~~  
 538 Coverage is deemed to be purchased with state or federal funds  
 539 if any tax credit or cost-sharing credit is applied toward the  
 540 plan.

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

543 627.66996 Restrictions on use of state and federal funds  
 544 for state exchanges.—

545 (1) A group, franchise, or blanket health insurance policy  
 546 under which coverage is purchased in whole or in part with any  
 547 state or federal funds through an exchange created pursuant to  
 548 the federal Patient Protection and Affordable Care Act, Pub. L.  
 549 No. 111-148, may not provide coverage for an induced abortion as  
 550 defined in s. 390.01117 and prohibited under s. 390.01118 or for  
 551 a termination of pregnancy in violation of s. 390.01118(3) ~~s.~~

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552 ~~390.011(1), except if the pregnancy is the result of an act of~~  
553 ~~rape or incest, or in the case where a woman suffers from a~~  
554 ~~physical disorder, physical injury, or physical illness,~~  
555 ~~including a life-endangering physical condition caused by or~~  
556 ~~arising from the pregnancy itself, which would, as certified by~~  
557 ~~a physician, place the woman in danger of death unless an~~  
558 ~~abortion is performed. Coverage is deemed to be purchased with~~  
559 ~~state or federal funds if any tax credit or cost-sharing credit~~  
560 ~~is applied toward the group, franchise, or blanket health~~  
561 ~~insurance policy.~~

562 Section 11. Subsection (1) of section 641.31099, Florida  
563 Statutes, is amended to read:

564 641.31099 Restrictions on use of state and federal funds  
565 for state exchanges.—

566 (1) A health maintenance contract under which coverage is  
567 purchased in whole or in part with any state or federal funds  
568 through an exchange created pursuant to the federal Patient  
569 Protection and Affordable Care Act, Pub. L. No. 111-148, may not  
570 provide coverage for an induced abortion as defined in s.  
571 390.01117 and prohibited under s. 390.01118 or for a termination  
572 of pregnancy in violation of s. 390.01118(3) s. 390.011(1),  
573 ~~except if the pregnancy is the result of an act of rape or~~  
574 ~~incest, or in the case where a woman suffers from a physical~~  
575 ~~disorder, physical injury, or physical illness, including a~~  
576 ~~life-endangering physical condition caused by or arising from~~  
577 ~~the pregnancy itself, which would, as certified by a physician,~~  
578 ~~place the woman in danger of death unless an abortion is~~  
579 ~~performed. Coverage is deemed to be purchased with state or~~  
580 ~~federal funds if any tax credit or cost-sharing credit is~~

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581 applied toward the health maintenance contract.

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

584 743.065 Unwed pregnant minor or minor mother; consent to  
585 medical services for minor or minor's child valid.—

586 ~~(3) Nothing in this act shall affect the provisions of s.~~  
587 ~~390.0111.~~

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

590 765.113 Restrictions on providing consent.—Unless the  
591 principal expressly delegates such authority to the surrogate in  
592 writing, or a surrogate or proxy has sought and received court  
593 approval pursuant to rule 5.900 of the Florida Probate Rules, a  
594 surrogate or proxy may not provide consent for:

595 (2) Withholding or withdrawing life-prolonging procedures  
596 from a pregnant patient before ~~prior to~~ viability as defined in  
597 s. 390.01117 ~~s. 390.0111(4)~~.

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