

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;

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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
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,
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
 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
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,
 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
 152 extraction from the mother of a human infant, at any stage of
 153 development, who, after such expulsion or extraction, breathes
 154 or has a beating heart, or definite and voluntary movement of
 155 muscles, regardless of whether the umbilical cord has been cut

156 and regardless of whether the expulsion or extraction occurs as
 157 a 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
 164 biological development of the species homo sapiens that begins
 165 when a human egg is fertilized by a human sperm and continues to
 166 develop as a living organism. For the purposes of this chapter,
 167 the terms "human life" and "human person" may be used
 168 interchangeably.

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

176 (9) "Medical emergency" means a condition that, on the
 177 basis of a physician's good faith clinical judgment, so
 178 complicates the medical condition of a patient as to necessitate
 179 the immediate termination of her pregnancy to avert her death,
 180 or for which a delay in the termination of her pregnancy will
 181 create serious risk of substantial and irreversible impairment

182 of a major bodily function or unreasonably reduce the likelihood
 183 of successful treatment of a life-threatening disease.

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

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

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

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

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

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

204 390.01113 Abortion unlawful; termination of pregnancies;
 205 circumstances authorized.—

206 (1) INDUCED ABORTION PROHIBITED.—

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

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

217 (c) Any person who during the course of performing an
218 induced abortion on another person inflicts serious bodily
219 injury on the person which results in the death of the person
220 commits a life felony, punishable as provided in s. 775.082, s.
221 775.083, or s. 775.084.

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

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

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

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

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

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

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

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

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

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

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

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

271 c. The medical risks to the patient and fetus of carrying
272 the pregnancy to term.

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

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

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

286 b. A list of agencies that offer alternatives to
287 terminating the pregnancy.

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

291 3. The patient, or the court-appointed guardian if the
292 patient is mentally incompetent or a parent or legal guardian in
293 the case of a minor patient, has been given, in writing, the
294 address and telephone number of the Office of Adoption and Child
295 Protection within the Executive Office of the Governor and
296 informed of the existence of a statewide list of attorneys
297 available to provide volunteer legal services for adoption.

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

302 (b) In the event that a medical emergency exists and a
303 physician cannot comply with the requirements for informed
304 consent, the attending physician may terminate a pregnancy if he
305 or she has obtained at least one corroborative physician's
306 written opinion attesting to the medical necessity for emergency
307 medical procedures and to the fact that, to a reasonable degree
308 of medical certainty, the continuation of the pregnancy would

309 threaten the physical life of the patient. In the event that a
 310 second physician is not available for a corroborating written
 311 opinion before the time necessary to perform the termination of
 312 pregnancy, the physician may proceed but must document all
 313 reasons for the medical emergency and must clearly describe the
 314 details of the medical emergency in the patient's medical
 315 records as described in paragraph (3) (c).

316 (c) Violation of this subsection by a physician
 317 constitutes grounds for disciplinary action under s. 458.331 or
 318 s. 459.015. Substantial compliance or reasonable belief that
 319 complying with the requirements of informed consent would
 320 threaten the life of the patient as described in paragraph
 321 (3) (a) or would unreasonably reduce the successful treatment of
 322 an already life-threatening disease of the patient as described
 323 in paragraph (3) (b) may be raised as a defense to any action
 324 brought under this subsection.

325 (6) STANDARD OF MEDICAL CARE TO BE USED DURING VIABILITY.—

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

332 (b) If a termination of pregnancy is performed while the
 333 patient's fetus is viable, the person who performs or induces
 334 the termination of pregnancy may not fail to use that degree of

335 professional skill, care, and diligence to preserve the life and
336 health of the fetus that such person would be required to
337 exercise in order to preserve the life and health of a fetus
338 intended to be born alive. Notwithstanding this subsection, the
339 patient's life is an overriding and superior consideration to
340 the concern for the life of the fetus, and the patient's health
341 is an overriding and superior consideration to the concern for
342 the health of the fetus when such life or health concerns are in
343 conflict. For purposes of this subsection, health considerations
344 refer to medical judgment exercised in light of factors
345 exclusively described in subsection (3). Violation of this
346 subsection by a physician constitutes grounds for disciplinary
347 action under s. 458.331 or s. 459.015.

348 (c) Any physician who, once the matter of the viability or
349 nonviability of the fetus is determined within a reasonable
350 degree of medical probability, knowingly and willfully
351 misrepresents the gestational age or stage of fetal development
352 of a viable fetus in an entry into any medical record and who
353 fails to use the standard of care required under paragraph (b)
354 on any fetus determined to be viable commits a felony of the
355 first degree, punishable as provided in s. 775.082, s. 775.083,
356 or s. 775.084.

357 (7) EXPERIMENTATION ON FETUS PROHIBITED; EXCEPTION.—A
358 person may not use any live fetus or live, premature infant for
359 any type of scientific, research, laboratory, or other kind of
360 experimentation before or after any termination of pregnancy

361 procedure except as necessary to protect or preserve the life
362 and health of such fetus or premature infant. Violation of this
363 subsection by a physician constitutes grounds for disciplinary
364 action under s. 458.331 or s. 459.015.

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

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

376 (10) ADOPTION ALTERNATIVE INFORMATION.—Any physician or
377 authorized personnel of a medical facility who learns that a
378 patient wishes to obtain an induced abortion, or that a patient
379 has had a termination of pregnancy where the fetus survived,
380 shall provide the patient with information concerning the
381 availability of adoption for her unwanted child. Compliance with
382 this subsection may be accomplished by providing the patient or,
383 in the case of a mentally incompetent patient, her court-
384 appointed guardian or, in the case of a minor patient, the
385 minor's parent or legal guardian with the address and telephone
386 number of the Office of Adoption and Child Protection within the

387 Executive Office of the Governor and inform the patient or, in
 388 the case of a mentally incompetent patient, her court-appointed
 389 guardian or, in the case of a minor patient, the minor's parent
 390 or legal guardian of the existence of the statewide list of
 391 attorneys available to provide volunteer legal services for
 392 adoption.

393 (11) RULEMAKING AUTHORITY.—

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

402 (b) The department may adopt rules pursuant to ss.
 403 120.536(1) and 120.54 to administer subsection (8).

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

407 39.001 Purposes and intent; personnel standards and
 408 screening.—

409 (7) LEGISLATIVE INTENT FOR THE PREVENTION OF ABUSE,
 410 ABANDONMENT, AND NEGLECT OF CHILDREN; ADOPTION SERVICES FOR
 411 WOMEN AND MINORS WITH UNWANTED PREGNANCIES.—The incidence of
 412 known child abuse, abandonment, and neglect has increased

413 rapidly in recent ~~over the past 5~~ years. The impact that abuse,
414 abandonment, or neglect has on the victimized child, siblings,
415 family structure, and inevitably on all citizens of the state
416 has caused the Legislature to determine that the prevention of
417 child abuse, abandonment, and neglect shall be a priority of
418 this state. In addition, to provide assistance for women and
419 minors with unwanted pregnancies who would have selected
420 abortion, if lawful in this state, rather than adoption as an
421 alternative for their unborn children, the Legislature has
422 determined to offer such women and minors information regarding
423 volunteer legal services to accomplish an appropriate adoptive
424 placement for their newborn children. ~~To further this end,~~ It is
425 the intent of the Legislature that the an Office of Adoption and
426 Child Protection be maintained to accomplish these purposes
427 established.

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

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

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

435 2. Have deposited, directed, and budgeted in the full
436 amount for use by the office, in addition to funds that would
437 have or are otherwise budgeted for the office, all moneys
438 received by or otherwise awarded to the state from the Federal

439 Government, the United States Treasury, or any other federal
 440 agency as a result of efforts made by the office to provide
 441 legal services for adoption.

442 Section 6. Sections 390.011, 390.0111, 390.01114,
 443 390.01116, 390.0112, 390.012, 390.014, 390.015, 390.018,
 444 390.025, 782.30, 782.32, 782.34, and 782.36, Florida Statutes,
 445 are repealed.

446 Section 7. Paragraph (a) of subsection (6) of section
 447 27.511, Florida Statutes, is amended to read:

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

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

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

466 627.64995 Restrictions on use of state and federal funds
 467 for state exchanges.—

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

484 Section 9. Paragraph (a) of subsection (17) of section
 485 627.6699, Florida Statutes, is amended to read:

486 627.6699 Employee Health Care Access Act.—

487 (17) RESTRICTIONS ON COVERAGE.—

488 (a) A plan under which coverage is purchased in whole or
 489 in part with any state or federal funds through an exchange

490 created pursuant to the federal Patient Protection and
 491 Affordable Care Act, Pub. L. No. 111-148, may not provide
 492 coverage for an induced abortion, as defined in and prohibited
 493 under s. 390.01113 or for a termination of pregnancy in
 494 violation of s. 390.01113(3) ~~s. 390.011(1)~~, ~~except if the~~
 495 ~~pregnancy is the result of an act of rape or incest, or in the~~
 496 ~~case where a woman suffers from a physical disorder, physical~~
 497 ~~injury, or physical illness, including a life-endangering~~
 498 ~~physical condition caused by or arising from the pregnancy~~
 499 ~~itself, which would, as certified by a physician, place the~~
 500 ~~woman in danger of death unless an abortion is performed.~~
 501 Coverage is deemed to be purchased with state or federal funds
 502 if any tax credit or cost-sharing credit is applied toward the
 503 plan.

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

506 627.66996 Restrictions on use of state and federal funds
 507 for state exchanges.—

508 (1) A group, franchise, or blanket health insurance policy
 509 under which coverage is purchased in whole or in part with any
 510 state or federal funds through an exchange created pursuant to
 511 the federal Patient Protection and Affordable Care Act, Pub. L.
 512 No. 111-148, may not provide coverage for an induced abortion as
 513 defined in and prohibited under s. 390.01113 or for a
 514 termination of pregnancy in violation of s. 390.01113(3) ~~s.~~
 515 ~~390.011(1)~~, ~~except if the pregnancy is the result of an act of~~

516 ~~rape or incest, or in the case where a woman suffers from a~~
 517 ~~physical disorder, physical injury, or physical illness,~~
 518 ~~including a life-endangering physical condition caused by or~~
 519 ~~arising from the pregnancy itself, which would, as certified by~~
 520 ~~a physician, place the woman in danger of death unless an~~
 521 ~~abortion is performed.~~ Coverage is deemed to be purchased with
 522 state or federal funds if any tax credit or cost-sharing credit
 523 is applied toward the group, franchise, or blanket health
 524 insurance policy.

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

527 641.31099 Restrictions on use of state and federal funds
 528 for state exchanges.—

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

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542 Coverage is deemed to be purchased with state or federal funds
543 if any tax credit or cost-sharing credit is applied toward the
544 health maintenance contract.

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

547 743.065 Unwed pregnant minor or minor mother; consent to
548 medical services for minor or minor's child valid.—

549 (3) Nothing in this act shall affect the provisions of s.
550 390.01113 ~~s. 390.0111~~.

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

553 765.113 Restrictions on providing consent.—Unless the
554 principal expressly delegates such authority to the surrogate in
555 writing, or a surrogate or proxy has sought and received court
556 approval pursuant to rule 5.900 of the Florida Probate Rules, a
557 surrogate or proxy may not provide consent for:

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

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