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LEGISLATIVE ACTION

Senate

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House

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04/24/2014 11:37 AM

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Senator Sobel moved the following:

Senate Amendment

Delete lines 69 - 134

and insert:

(c) The physician certifies in writing that the fetus has a fetal anomaly incompatible with sustainable life.

(4) STANDARD OF MEDICAL CARE TO BE USED IN THIRD TRIMESTER DURING VIABILITY.-If a termination of pregnancy is performed in the third trimester under paragraph(1)(a) or paragraph (1)(b), the physician performing during viability, no person who performs or induces the termination of pregnancy must exercise



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12 ~~the same shall fail to use that~~ degree of professional skill,
13 care, and diligence to preserve the life and health of the fetus
14 which ~~the physician such person~~ would be required to exercise in
15 order to preserve the life and health of a any fetus intended to
16 be born and not aborted. However, if preserving the life and
17 health of the fetus conflicts with preserving the life and
18 health of the pregnant woman, the physician must consider
19 preserving the woman's life and health the overriding and
20 superior concern "Viability" ~~means that stage of fetal~~
21 ~~development when the life of the unborn child may with a~~
22 ~~reasonable degree of medical probability be continued~~
23 ~~indefinitely outside the womb. Notwithstanding the provisions of~~
24 ~~this subsection, the woman's life and health shall constitute an~~
25 ~~overriding and superior consideration to the concern for the~~
26 ~~life and health of the fetus when such concerns are in conflict.~~

27 (10) PENALTIES FOR VIOLATION.—Except as provided in
28 subsections (3), (7), and (12):

29 (a) Any person who willfully performs, or actively
30 participates in, a termination of pregnancy ~~procedure~~ in
31 violation of the requirements of this section or s. 390.01112
32 commits a felony of the third degree, punishable as provided in
33 s. 775.082, s. 775.083, or s. 775.084.

34 (b) Any person who performs, or actively participates in, a
35 termination of pregnancy ~~procedure~~ in violation of ~~the~~
36 ~~provisions of~~ this section or s. 390.01112 which results in the
37 death of the woman commits a felony of the second degree,
38 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

39 (13) FAILURE TO COMPLY.—Failure to comply with the
40 requirements of this section or s. 390.01112 constitutes grounds



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41 for disciplinary action under each respective practice act and
42 under s. 456.072.

43 Section 3. Section 390.01112, Florida Statutes, is created
44 to read:

45 390.01112 Termination of pregnancies during viability.-

46 (1) No termination of pregnancy shall be performed on any
47 human being if the physician determines that, in reasonable
48 medical judgment, the fetus has achieved viability, unless:

49 (a) Two physicians certify in writing that, in reasonable
50 medical judgment, the termination of the pregnancy is necessary
51 to save the pregnant woman's life or avert a serious risk of
52 substantial and irreversible physical impairment of a major
53 bodily function of the pregnant woman other than a psychological
54 condition;

55 (b) The physician certifies in writing that, in reasonable
56 medical judgment, there is a medical necessity for legitimate
57 emergency medical procedures for termination of the pregnancy to
58 save the pregnant woman's life or avert a serious risk of
59 imminent substantial and irreversible physical impairment of a
60 major bodily function of the pregnant woman other than a
61 psychological condition, and another physician is not available
62 for consultation; or

63 (c) The physician certifies in writing that the fetus has a
64 fetal anomaly incompatible with sustainable life.

65 (2) Before performing a termination of pregnancy, a
66 physician must determine if the fetus is viable by, at a
67 minimum, performing a medical examination of the pregnant woman
68 and, to the maximum extent possible through reasonably available
69 tests and the ultrasound required under s. 390.0111(3), an



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70 examination of the fetus. The physician must document in the
71 pregnant woman's medical file the physician's determination and
72 the method, equipment, fetal measurements, and any other
73 information used to determine the viability of the fetus.

74 (3) If a termination of pregnancy is performed during
75 viability under paragraph (1)(a) or paragraph (1)(b), the
76 physician performing the termination of pregnancy