

By Senator Clemens

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1 A bill to be entitled
 2 An act relating to the termination of pregnancies;
 3 amending s. 390.0111, F.S.; removing a restriction on
 4 the use of public funds for the termination of
 5 pregnancies; amending s. 390.012, F.S.; removing a
 6 requirement that the Agency for Health Care
 7 Administration adopt a rule requiring it, when
 8 performing a license inspection of a clinic, to
 9 inspect at least a certain percentage of patient
 10 records generated since the clinic's last inspection;
 11 providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

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 15 Section 1. Subsection (15) of section 390.0111, Florida
 16 Statutes, is amended to read:

17 390.0111 Termination of pregnancies.—

18 ~~(15) USE OF PUBLIC FUNDS RESTRICTED. A state agency, a~~
 19 ~~local governmental entity, or a managed care plan providing~~
 20 ~~services under part IV of chapter 409 may not expend funds for~~
 21 ~~the benefit of, pay funds to, or initiate or renew a contract~~
 22 ~~with an organization that owns, operates, or is affiliated with~~
 23 ~~one or more clinics that are licensed under this chapter and~~
 24 ~~perform abortions unless one or more of the following applies:~~

25 ~~(a) All abortions performed by such clinics are:~~

- 26 ~~1. On fetuses that are conceived through rape or incest; or~~
 27 ~~2. Are medically necessary to preserve the life of the~~
 28 ~~pregnant woman or to avert a serious risk of substantial and~~
 29 ~~irreversible physical impairment of a major bodily function of~~

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30 ~~the pregnant woman, other than a psychological condition.~~

31 ~~(b) The funds must be expended to fulfill the terms of a~~
32 ~~contract entered into before July 1, 2016.~~

33 ~~(c) The funds must be expended as reimbursement for~~
34 ~~Medicaid services provided on a fee for service basis.~~

35 Section 2. Paragraph (c) of subsection (1) of section
36 390.012, Florida Statutes, is amended to read:

37 390.012 Powers of agency; rules; disposal of fetal
38 remains.—

39 (1) The agency may develop and enforce rules pursuant to
40 ss. 390.011-390.018 and part II of chapter 408 for the health,
41 care, and treatment of persons in abortion clinics and for the
42 safe operation of such clinics.

43 (c) The rules shall provide for:

44 1. The performance of pregnancy termination procedures only
45 by a licensed physician.

46 2. The making, protection, and preservation of patient
47 records, which shall be treated as medical records under chapter
48 458. ~~When performing a license inspection of a clinic, the~~
49 ~~agency shall inspect at least 50 percent of patient records~~
50 ~~generated since the clinic's last license inspection.~~

51 3. Annual inspections by the agency of all clinics licensed
52 under this chapter to ensure that such clinics are in compliance
53 with this chapter and agency rules.

54 4. The prompt investigation of credible allegations of
55 abortions being performed at a clinic that is not licensed to
56 perform such procedures.

57 Section 3. This act shall take effect July 1, 2017.