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LEGISLATIVE ACTION

Senate

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House

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Floor: 7/F/2R

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01/29/2020 04:38 PM

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Senator Berman moved the following:

**Senate Amendment**

Delete lines 69 - 129

and insert:

2. A licensed mental health counselor, a licensed psychologist, or a licensed psychiatrist certifies in the minor's medical record that abortion is in the best interest of the minor's mental health;

3. Notice is waived in writing by the person who is entitled to notice and such waiver is notarized, dated not more than 30 days before the termination of pregnancy, and contains a



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12 specific waiver of the right of the parent or legal guardian to  
13 notice of the minor's termination of pregnancy;

14 ~~4.3.~~ Notice is waived by the minor who is or has been  
15 married or has had the disability of nonage removed under s.  
16 743.015 or a similar statute of another state;

17 ~~5.4.~~ Notice is waived by the patient because the patient  
18 has a minor child dependent on her; or

19 ~~6.5.~~ Notice is waived under subsection (6) ~~(4)~~.

20 (5) PARENTAL CONSENT REQUIRED.—

21 (a) A physician must obtain written consent from a parent  
22 or legal guardian before performing or inducing the termination  
23 of a pregnancy of a minor.

24 1. The consenting parent or legal guardian shall provide to  
25 the physician a copy of a government-issued proof of  
26 identification and written documentation establishing that he or  
27 she is the lawful parent or legal guardian of the minor. The  
28 parent or legal guardian shall certify in a signed, dated, and  
29 notarized document, initialed on each page, that he or she  
30 consents to the termination of the pregnancy of the minor. The  
31 document must include the following statement, which must  
32 precede the signature of the parent or guardian: "I, (insert  
33 name of parent or legal guardian), am the (select "parent" or  
34 "legal guardian," as appropriate) of (insert name of minor) and  
35 give consent for (insert name of physician) to perform or induce  
36 a termination of pregnancy on her. Under penalties of perjury, I  
37 declare that I have read the foregoing statement and that the  
38 facts stated in it are true." A copy of the parent's or legal  
39 guardian's government-issued proof of identification  
40 establishing that he or she is the minor's lawful parent or



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41 legal guardian must be attached to the notarized document.

42 2. The physician shall keep a copy of the proof of  
43 identification of the parent or legal guardian and the certified  
44 statement in the medical file of the minor for 5 years after the  
45 minor reaches the age of 18 years, but in no event less than 7  
46 years.

47 3. A physician receiving consent from a parent or guardian  
48 under this section shall execute for inclusion in the medical  
49 record of the minor an affidavit stating: "I, (insert name of  
50 physician), certify that, according to my best information and  
51 belief, a reasonable person under similar circumstances would  
52 rely on the information presented by both the minor and her  
53 parent or legal guardian as sufficient evidence of identity."

54 (b) The consent of a parent or guardian is not required if:

55 1. Notification is not required as provided in subparagraph  
56 (4) (b) 1., subparagraph (4) (b) 3., subparagraph (4) (b) 4., or  
57 subparagraph (4) (b) 5.;

58 2. Notification is not required due to the existence of a  
59 waiver as provided in subparagraph (4) (b) 2., if that waiver is  
60 signed by the minor's parent or legal guardian, is notarized, is  
61 dated within 30 days before the termination of the pregnancy,  
62 contains a specific waiver of the right of the parent or legal  
63 guardian to consent to the minor's termination of pregnancy, and  
64 a copy of a government-issued proof of identification and  
65 written documentation establishing that the person who signed  
66 the waiver is the lawful parent or legal guardian, as  
67 applicable, of the minor is attached to the waiver;

68 3. Consent is waived under subsection (6);

69 4. A licensed mental health counselor, a licensed



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70 psychologist, or a licensed psychiatrist certifies in the  
71 minor's medical record that abortion is in the best interest of  
72 the minor's mental health; or  
73 5. In the physician's good faith clinical judgment, a