

1 A bill to be entitled
 2 An act relating to abortion clinic regulations;
 3 amending s. 390.0111, F.S.; removing provisions
 4 requiring a 24-hour delay for an abortion procedure;
 5 removing provisions prohibiting state agencies, local
 6 governmental entities, and Medicaid managed care plans
 7 from expending or paying funds to or initiating or
 8 renewing contracts under certain circumstances with
 9 certain organizations that perform abortions; amending
 10 s. 390.012, F.S.; removing a requirement that the
 11 Agency for Health Care Administration review abortion
 12 clinic patient records as a component of licensure
 13 inspections; providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Paragraph (a) of subsection (3) and subsection
 18 (15) of section 390.0111, Florida Statutes, are amended to read:
 19 390.0111 Termination of pregnancies.—

20 (3) CONSENTS REQUIRED.—A termination of pregnancy may not
 21 be performed or induced except with the voluntary and informed
 22 written consent of the pregnant woman or, in the case of a
 23 mental incompetent, the voluntary and informed written consent
 24 of her court-appointed guardian.

25 (a) Except in the case of a medical emergency, consent to

26 | a termination of pregnancy is voluntary and informed only if:

27 | 1. The physician who is to perform the procedure, or the
28 | referring physician, has, at a minimum, orally, while physically
29 | present in the same room, ~~and at least 24 hours before the~~
30 | ~~procedure,~~ informed the woman of:

31 | a. The nature and risks of undergoing or not undergoing
32 | the proposed procedure that a reasonable patient would consider
33 | material to making a knowing and willful decision of whether to
34 | terminate a pregnancy.

35 | b. The probable gestational age of the fetus, verified by
36 | an ultrasound, at the time the termination of pregnancy is to be
37 | performed.

38 | (I) The ultrasound must be performed by the physician who
39 | is to perform the abortion or by a person having documented
40 | evidence that he or she has completed a course in the operation
41 | of ultrasound equipment as prescribed by rule and who is working
42 | in conjunction with the physician.

43 | (II) The person performing the ultrasound must offer the
44 | woman the opportunity to view the live ultrasound images and
45 | hear an explanation of them. If the woman accepts the
46 | opportunity to view the images and hear the explanation, a
47 | physician or a registered nurse, licensed practical nurse,
48 | advanced practice registered nurse, or physician assistant
49 | working in conjunction with the physician must contemporaneously
50 | review and explain the images to the woman before the woman

51 | gives informed consent to having an abortion procedure
52 | performed.

53 | (III) The woman has a right to decline to view and hear
54 | the explanation of the live ultrasound images after she is
55 | informed of her right and offered an opportunity to view the
56 | images and hear the explanation. If the woman declines, the
57 | woman shall complete a form acknowledging that she was offered
58 | an opportunity to view and hear the explanation of the images
59 | but that she declined that opportunity. The form must also
60 | indicate that the woman's decision was not based on any undue
61 | influence from any person to discourage her from viewing the
62 | images or hearing the explanation and that she declined of her
63 | own free will.

64 | (IV) Unless requested by the woman, the person performing
65 | the ultrasound may not offer the opportunity to view the images
66 | and hear the explanation and the explanation may not be given
67 | if, at the time the woman schedules or arrives for her
68 | appointment to obtain an abortion, a copy of a restraining
69 | order, police report, medical record, or other court order or
70 | documentation is presented which provides evidence that the
71 | woman is obtaining the abortion because the woman is a victim of
72 | rape, incest, domestic violence, or human trafficking or that
73 | the woman has been diagnosed as having a condition that, on the
74 | basis of a physician's good faith clinical judgment, would
75 | create a serious risk of substantial and irreversible impairment

76 | of a major bodily function if the woman delayed terminating her
 77 | pregnancy.

78 | c. The medical risks to the woman and fetus of carrying
 79 | the pregnancy to term.

80 |
 81 | ~~The physician may provide the information required in this~~
 82 | ~~subparagraph within 24 hours before the procedure if requested~~
 83 | ~~by the woman at the time she schedules or arrives for her~~
 84 | ~~appointment to obtain an abortion and if she presents to the~~
 85 | ~~physician a copy of a restraining order, police report, medical~~
 86 | ~~record, or other court order or documentation evidencing that~~
 87 | ~~she is obtaining the abortion because she is a victim of rape,~~
 88 | ~~incest, domestic violence, or human trafficking.~~

89 | 2. Printed materials prepared and provided by the
 90 | department have been provided to the pregnant woman, if she
 91 | chooses to view these materials, including:

92 | a. A description of the fetus, including a description of
 93 | the various stages of development.

94 | b. A list of entities that offer alternatives to
 95 | terminating the pregnancy.

96 | c. Detailed information on the availability of medical
 97 | assistance benefits for prenatal care, childbirth, and neonatal
 98 | care.

99 | 3. The woman acknowledges in writing, before the
 100 | termination of pregnancy, that the information required to be

101 provided under this subsection has been provided.

102

103 Nothing in this paragraph is intended to prohibit a physician
104 from providing any additional information which the physician
105 deems material to the woman's informed decision to terminate her
106 pregnancy.

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

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

115 ~~1. On fetuses that are conceived through rape or incest;~~

116 ~~or~~

117 ~~2. Are medically necessary to preserve the life of the~~
118 ~~pregnant woman or to avert a serious risk of substantial and~~
119 ~~irreversible physical impairment of a major bodily function of~~
120 ~~the pregnant woman, other than a psychological condition.~~

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

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

125 Section 2. Paragraph (c) of subsection (1) of section

126 | 390.012, Florida Statutes, is amended to read:

127 | 390.012 Powers of agency; rules; disposal of fetal
128 | remains.—

129 | (1) The agency may develop and enforce rules pursuant to
130 | ss. 390.011-390.018 and part II of chapter 408 for the health,
131 | care, and treatment of persons in abortion clinics and for the
132 | safe operation of such clinics.

133 | (c) The rules shall provide for:

134 | 1. The performance of pregnancy termination procedures
135 | only by a licensed physician.

136 | 2. The making, protection, and preservation of patient
137 | records, which shall be treated as medical records under chapter
138 | 458. ~~When performing a license inspection of a clinic, the~~
139 | ~~agency shall inspect at least 50 percent of patient records~~
140 | ~~generated since the clinic's last license inspection.~~

141 | 3. Annual inspections by the agency of all clinics
142 | licensed under this chapter to ensure that such clinics are in
143 | compliance with this chapter and agency rules.

144 | 4. The prompt investigation of credible allegations of
145 | abortions being performed at a clinic that is not licensed to
146 | perform such procedures.

147 | Section 3. This act shall take effect July 1, 2021.