



26 (a) Except in the case of a medical emergency, consent to  
 27 a termination of pregnancy is voluntary and informed only if:  
 28 1. The physician who is to perform the procedure, or the  
 29 referring physician, has, at a minimum, orally, while physically  
 30 present in the same room, ~~and at least 24 hours before the~~  
 31 ~~procedure,~~ informed the woman of:  
 32 a. The nature and risks of undergoing or not undergoing  
 33 the proposed procedure that a reasonable patient would consider  
 34 material to making a knowing and willful decision of whether to  
 35 terminate a pregnancy.  
 36 b. The probable gestational age of the fetus, verified by  
 37 an ultrasound, at the time the termination of pregnancy is to be  
 38 performed.  
 39 (I) The ultrasound must be performed by the physician who  
 40 is to perform the abortion or by a person having documented  
 41 evidence that he or she has completed a course in the operation  
 42 of ultrasound equipment as prescribed by rule and who is working  
 43 in conjunction with the physician.  
 44 (II) The person performing the ultrasound must offer the  
 45 woman the opportunity to view the live ultrasound images and  
 46 hear an explanation of them. If the woman accepts the  
 47 opportunity to view the images and hear the explanation, a  
 48 physician or a registered nurse, licensed practical nurse,  
 49 advanced practice registered nurse, or physician assistant  
 50 working in conjunction with the physician must contemporaneously

HB 6023

2022

51 review and explain the images to the woman before the woman  
52 gives informed consent to having an abortion procedure  
53 performed.

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

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

HB 6023

2022

76 create a serious risk of substantial and irreversible impairment  
77 of a major bodily function if the woman delayed terminating her  
78 pregnancy.

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

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

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

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

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

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

100 3. The woman acknowledges in writing, before the

101 termination of pregnancy, that the information required to be  
 102 provided under this subsection has been provided.

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

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

- 115 ~~(a) All abortions performed by such clinics are:~~
- 116 ~~1. On fetuses that are conceived through rape or incest;~~
  - 117 ~~or~~
  - 118 ~~2. Are medically necessary to preserve the life of the~~  
 119 ~~pregnant woman or to avert a serious risk of substantial and~~  
 120 ~~irreversible physical impairment of a major bodily function of~~  
 121 ~~the pregnant woman, other than a psychological condition.~~

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

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

HB 6023

2022

126 Section 2. Paragraph (c) of subsection (1) of section  
127 390.012, Florida Statutes, is amended to read:

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

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

134 (c) The rules shall provide for:

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

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

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

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

148 Section 3. This act shall take effect July 1, 2022.