

By Senator Book

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1 A bill to be entitled
2 An act relating to abortion clinic regulations;
3 amending s. 390.0111, F.S.; deleting a specified
4 timeframe in which certain information must be
5 provided to a pregnant woman before a termination of
6 pregnancy may be performed; conforming a provision;
7 deleting provisions prohibiting state agencies, local
8 governmental entities, and Medicaid managed care plans
9 from expending funds for the benefit of, paying funds
10 to, or initiating or renewing contracts with certain
11 organizations that perform abortions; amending s.
12 390.012, F.S.; deleting a requirement that the Agency
13 for Health Care Administration inspect a specified
14 percentage of abortion clinic patient records as a
15 component of license inspections; providing an
16 effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Paragraph (a) of subsection (3) and subsection
21 (15) of section 390.0111, Florida Statutes, are amended to read:
22 390.0111 Termination of pregnancies.—

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

28 (a) Except in the case of a medical emergency, consent to a
29 termination of pregnancy is voluntary and informed only if:

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

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

38 b. The probable gestational age of the fetus, verified by
39 an ultrasound, at the time the termination of pregnancy is to be
40 performed.

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

46 (II) The person performing the ultrasound must offer the
47 woman the opportunity to view the live ultrasound images and
48 hear an explanation of them. If the woman accepts the
49 opportunity to view the images and hear the explanation, a
50 physician or a registered nurse, licensed practical nurse,
51 advanced practice registered nurse, or physician assistant
52 working in conjunction with the physician must contemporaneously
53 review and explain the images to the woman before the woman
54 gives informed consent to having an abortion procedure
55 performed.

56 (III) The woman has a right to decline to view and hear the
57 explanation of the live ultrasound images after she is informed
58 of her right and offered an opportunity to view the images and

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59 hear the explanation. If the woman declines, the woman shall
60 complete a form acknowledging that she was offered an
61 opportunity to view and hear the explanation of the images but
62 that she declined that opportunity. The form must also indicate
63 that the woman's decision was not based on any undue influence
64 from any person to discourage her from viewing the images or
65 hearing the explanation and that she declined of her own free
66 will.

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

81 c. The medical risks to the woman and fetus of carrying the
82 pregnancy to term.

83
84 ~~The physician may provide the information required in this~~
85 ~~subparagraph within 24 hours before the procedure if requested~~
86 ~~by the woman at the time she schedules or arrives for her~~
87 ~~appointment to obtain an abortion and if she presents to the~~

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88 ~~physician a copy of a restraining order, police report, medical~~
89 ~~record, or other court order or documentation evidencing that~~
90 ~~she is obtaining the abortion because she is a victim of rape,~~
91 ~~incest, domestic violence, or human trafficking.~~

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

95 a. A description of the fetus, including a description of
96 the various stages of development.

97 b. A list of entities that offer alternatives to
98 terminating the pregnancy.

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

102 3. The woman acknowledges in writing, before the
103 termination of pregnancy, that the information required to be
104 provided under this subsection has been provided.

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

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

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

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

119 ~~2. Are medically necessary to preserve the life of the~~

120 ~~pregnant woman or to avert a serious risk of substantial and~~

121 ~~irreversible physical impairment of a major bodily function of~~

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

123 ~~(b) The funds must be expended to fulfill the terms of a~~

124 ~~contract entered into before July 1, 2016.~~

125 ~~(c) The funds must be expended as reimbursement for~~

126 ~~Medicaid services provided on a fee-for-service basis.~~

127 Section 2. Paragraph (c) of subsection (1) of section
128 390.012, Florida Statutes, is amended to read:

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

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

135 (c) The rules shall provide for:

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

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

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

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

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