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LEGISLATIVE ACTION

Senate

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House

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03/30/2023 04:28 PM

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Senator Berman moved the following:

Senate Amendment (with title amendment)

Delete lines 74 - 200

and insert:

substantial and irreversible physical or mental impairment of a major bodily or psychological function of the pregnant woman.

Section 2. Effective upon this act becoming a law, section 381.96, Florida Statutes, is amended to read:

381.96 Pregnancy support and wellness services.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Department" means the Department of Health.



12 (b) "Eligible client" means any of the following:
13 1. A pregnant woman or a woman who suspects she is
14 pregnant, and the family of such woman, who voluntarily seeks
15 pregnancy support services and any woman who voluntarily seeks
16 wellness services.
17 2. A woman who has given birth in the previous 12 months
18 and her family.
19 3. A parent or parents or a legal guardian or legal
20 guardians, and the families of such parents and legal guardians,
21 for up to 12 months after the birth of a child or the adoption
22 of a child younger than 3 years of age.
23 (c) "Florida Pregnancy Care Network, Inc.," or "network"
24 means the not-for-profit statewide alliance of pregnancy support
25 organizations that provide pregnancy support and wellness
26 services through a comprehensive system of care to women and
27 their families.
28 (d) "Pregnancy and parenting support services" means
29 services that promote and encourage childbirth, including, but
30 not limited to:
31 1. Direct client services, such as pregnancy testing,
32 counseling, referral, training, and education for pregnant women
33 and their families. ~~A woman and her family shall continue to be~~
34 ~~eligible to receive direct client services for up to 12 months~~
35 ~~after the birth of the child.~~
36 2. Nonmedical material assistance that improves the
37 pregnancy or parenting situation of families, including, but not
38 limited to, clothing, car seats, cribs, formula, and diapers.
39 3. Counseling or mentoring, education materials, and
40 classes regarding pregnancy, parenting, adoption, life skills,



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41 and employment readiness.

42 4. Network ~~Program~~ awareness activities, including a
43 promotional campaign to educate the public about the pregnancy
44 and parenting support services offered by the network and a
45 website that provides information on the location of providers
46 in the user's area and other available community resources.

47 5.3- Communication activities, including the operation and
48 maintenance of a hotline or call center with a single statewide
49 toll-free number that is available 24 hours a day for an
50 eligible client to obtain the location and contact information
51 for a pregnancy center located in the client's area.

52 (e) "Wellness services" means services or activities
53 intended to maintain and improve health or prevent illness and
54 injury, including, but not limited to, high blood pressure
55 screening, anemia testing, thyroid screening, cholesterol
56 screening, diabetes screening, and assistance with smoking
57 cessation.

58 (2) DEPARTMENT DUTIES.—The department shall contract with
59 the network for the management and delivery of pregnancy and
60 parenting support services and wellness services to eligible
61 clients.

62 (3) CONTRACT REQUIREMENTS.—The department contract shall
63 specify the contract deliverables, including financial reports
64 and other reports due to the department, timeframes for
65 achieving contractual obligations, and any other requirements
66 the department determines are necessary, such as staffing and
67 location requirements. The contract shall require the network
68 to:

69 (a) Establish, implement, and monitor a comprehensive



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70 system of care through subcontractors to meet the pregnancy and
71 parenting support and wellness needs of eligible clients.

72 (b) Establish and manage subcontracts with a sufficient
73 number of providers to ensure the availability of pregnancy and
74 parenting support services and wellness services for eligible
75 clients, and maintain and manage the delivery of such services
76 throughout the contract period.

77 (c) Spend at least 85 ~~90~~ percent of the contract funds on
78 pregnancy and parenting support services, excluding services
79 specified in subparagraph (1)(d)4., and wellness services.

80 (d) Offer wellness services through vouchers or other
81 appropriate arrangements that allow the purchase of services
82 from qualified health care providers.

83 (e) Require a background screening under s. 943.0542 for
84 all paid staff and volunteers of a subcontractor if such staff
85 or volunteers provide direct client services to an eligible
86 client who is a minor or an elderly person or who has a
87 disability.

88 (f) Annually monitor its subcontractors and specify the
89 sanctions that shall be imposed for noncompliance with the terms
90 of a subcontract.

91 (g) Subcontract only with providers that exclusively
92 promote and support childbirth.

93 (h) Ensure that informational materials provided to an
94 eligible client by a provider are current and accurate and cite
95 the reference source of any medical statement included in such
96 materials.

97 (i) Ensure that the department is provided with all
98 information necessary for the report required under subsection



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99 (5).

100 (4) SERVICES.—Services provided pursuant to this section
101 must be provided in a noncoercive manner and may not include any
102 religious content.

103 (5) REPORT.—By July 1, 2024, and each year thereafter, the
104 department shall report to the Governor, the President of the
105 Senate, and the Speaker of the House of Representatives on the
106 amount and types of services provided by the network; the
107 expenditures for such services; and the number of, and
108 demographic information for, women, parents, and families served
109 by the network.

110 Section 3. Subsections (1), (2), (10), and (13) of section
111 390.0111, Florida Statutes, are amended to read:

112 390.0111 Termination of pregnancies.—

113 (1) TERMINATION AFTER GESTATIONAL AGE OF 6 ~~15~~ WEEKS; WHEN
114 ALLOWED.—A physician may not knowingly perform or induce a
115 termination of pregnancy if the physician determines the
116 gestational age of the fetus is more than 6 ~~15~~ weeks unless one
117 of the following conditions is met:

118 (a) Two physicians certify in writing that, in reasonable
119 medical judgment, the termination of the pregnancy is necessary
120 to save the pregnant woman's life or avert a serious risk of
121 substantial and irreversible physical or mental impairment of a
122 major bodily or psychological function of the pregnant woman
123 ~~other than a psychological condition.~~

124 (b) The physician certifies in writing that, in reasonable
125 medical judgment, there is a medical necessity for legitimate
126 emergency medical procedures for termination of the pregnancy to
127 save the pregnant woman's life or avert a serious risk of



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128 imminent substantial and irreversible physical or mental
129 impairment of a major bodily or psychological function of the
130 pregnant woman ~~other than a psychological condition,~~ and another
131 physician is not available

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133 ===== T I T L E A M E N D M E N T =====

134 And the title is amended as follows:

135 Delete line 21

136 and insert:

137 rather than 15 weeks; revising exceptions; providing

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