



735932

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: 11/F/2R

.

03/30/2023 05:48 PM

.

.

---

Senator Book moved the following:

**Senate Amendment (with title amendment)**

Delete lines 216 - 242

and insert:

(e) The pregnant woman is a minor, and the gestational age of the fetus is not more than 15 weeks as determined by a physician.

(2) IN-PERSON PERFORMANCE BY PHYSICIAN REQUIRED.—Only a physician may perform or induce a ~~No~~ termination of pregnancy shall be performed at any time except by a physician as defined in s. 390.011. A physician may not use telehealth as defined in



735932

12 s. 456.47 to perform an abortion, including, but not limited to,  
13 medical abortions. Any medications intended for use in a medical  
14 abortion must be dispensed in person by a physician and may not  
15 be dispensed through the United States Postal Service or by any  
16 other courier or shipping service.

17 (10) PENALTIES FOR VIOLATION.—Except as provided in  
18 subsections (3), (7), and (12):

19 (a) Any person who willfully performs, or actively  
20 participates in, a termination of pregnancy in violation of the  
21 requirements of this section ~~or s. 390.01112~~ commits a felony of  
22 the third degree, punishable as provided in s. 775.082, s.  
23 775.083, or s. 775.084.

24 (b) Any person who performs, or actively participates in, a  
25 termination of pregnancy in violation of this section ~~or s.~~  
26 ~~390.01112~~ which results in the death of the woman commits a  
27 felony of the second degree, punishable as provided in s.  
28 775.082, s. 775.083, or s. 775.084.

29 (13) FAILURE TO COMPLY.—Failure to comply with the  
30 requirements of this section ~~or s. 390.01112~~ constitutes grounds  
31 for disciplinary action under each respective practice act and  
32 under s. 456.072.

33 Section 4. Section 390.01112, Florida Statutes, is  
34 repealed.

35 Section 5. Paragraph (b) of subsection (4) and paragraph  
36 (b) of subsection (5) of section 390.01114, Florida Statutes,  
37 are amended to read:

38 390.01114 Parental Notice of and Consent for Abortion Act.—

39 (4) NOTIFICATION REQUIRED.—

40 (b) Notice is not required if:



735932

41           1. In the physician's good faith clinical judgment, a  
42 medical emergency exists and there is insufficient time for the  
43 attending physician to comply with the notification  
44 requirements. If a medical emergency exists, the physician shall  
45 make reasonable attempts, whenever possible, without endangering  
46 the minor, to contact the parent or legal guardian, and may  
47 proceed, but must document reasons for the medical necessity in  
48 the patient's medical records. The physician shall provide  
49 notice directly, in person or by telephone, to the parent or  
50 legal guardian, including details of the medical emergency and  
51 any additional risks to the minor. If the parent or legal  
52 guardian has not been notified within 24 hours after the  
53 termination of the pregnancy, the physician shall provide notice  
54 in writing, including details of the medical emergency and any  
55 additional risks to the minor, signed by the physician, to the  
56 last known address of the parent or legal guardian of the minor,  
57 by first-class mail and by certified mail, return receipt  
58 requested, with delivery restricted to the parent or legal  
59 guardian;

60           2. Notice is waived in writing by the person who is  
61 entitled to notice and such waiver is notarized, dated not more  
62 than 30 days before the termination of pregnancy, and contains a  
63 specific waiver of the right of the parent or legal guardian to  
64 notice of the minor's termination of pregnancy;

65           3. Notice is waived by the minor who is or has been married  
66 or has had the disability of nonage removed under s. 743.015 or  
67 a similar statute of another state;

68           4. Notice is waived by the patient because the patient has  
69 a minor child dependent on her; ~~or~~



735932

70           5. The gestational age of the fetus is 6 weeks or less; or  
71           6. Notice is waived under subsection (6).  
72           (5) PARENTAL CONSENT REQUIRED.—  
73           (b) The consent of a parent or guardian is not required if:  
74           1. Notification is not required as provided in subparagraph  
75           (4) (b)1., subparagraph (4) (b)3., subparagraph (4) (b)4., ~~or~~  
76           subparagraph (4) (b)5., or subparagraph (4) (b)6.;  
77           2. Notification is not required due to the existence of a  
78           waiver as provided in subparagraph (4) (b)2., if that waiver is  
79           signed by the minor's parent or legal guardian, is notarized, is  
80           dated within 30 days before the termination of the pregnancy,  
81           contains a specific waiver of the right of the parent or legal  
82           guardian to consent to the minor's termination of pregnancy, and  
83           a copy of the parent's or legal guardian's government-issued  
84           proof of identification is attached to the waiver;  
85           3. Consent is waived under subsection (6); ~~or~~  
86           4. The gestational age of the fetus is 6 weeks or less; or  
87           5. In the physician's good faith clinical judgment, a  
88           medical emergency exists and there is insufficient time for the  
89           attending physician to comply with the consent requirement. If a  
90           medical emergency exists, the physician must make reasonable  
91           attempts, whenever possible, and without endangering the minor,  
92           to contact the parent or legal guardian of the minor, and may  
93           proceed, but must document reasons for the medical necessity in  
94           the minor patient's medical records. The physician shall inform  
95           the parent or legal guardian, in person or by telephone, within  
96           24 hours after the termination of the pregnancy of the minor,  
97           including details of the medical emergency that necessitated the  
98           termination of the pregnancy without the parent's or legal



735932

99 guardian's consent. The physician shall also provide this  
100 information in writing to the parent or legal guardian at his or  
101 her last known address, by first-class mail or by certified  
102 mail, return receipt requested, with delivery restricted to the  
103 parent or legal guardian.

104  
105 ===== T I T L E A M E N D M E N T =====

106 And the title is amended as follows:

107 Delete lines 26 - 36

108 and insert:

109 abuse hotline; providing an exception for minors under  
110 certain circumstances; prohibiting any person other  
111 than a physician from inducing a termination of  
112 pregnancy; prohibiting physicians from using  
113 telehealth to perform abortions; requiring that  
114 medications intended for use in a medical abortion be  
115 dispensed in person by a physician; prohibiting the  
116 dispensing of such medication through the United  
117 States Postal Service or any other courier or shipping  
118 service; conforming provisions to changes made by the  
119 act; repealing s. 390.01112, F.S., relating to  
120 termination of pregnancies during viability; amending  
121 s. 390.01114, F.S.; exempting minors from parental  
122 notification and consent requirements if the  
123 gestational age of the fetus is 6 weeks or less;  
124 amending s. 390.012,