

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Antone offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsections (1), (2), and (10) of section
6 390.0111, Florida Statutes, are amended, and subsections (16)
7 and (17) are added to that section, to read:

8 390.0111 Termination of pregnancies.—

9 (1) TERMINATION AFTER GESTATIONAL AGE OF 16 ~~15~~ WEEKS; WHEN
10 ALLOWED.—A physician may not knowingly perform or induce a
11 termination of pregnancy if the physician determines the
12 gestational age of the fetus is more than 16 ~~15~~ weeks unless one
13 of the following conditions is met:

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14 (a) Two physicians certify in writing that, in reasonable
15 medical judgment, the termination of the pregnancy is necessary
16 to save the pregnant woman's life or avert a serious risk of
17 substantial and irreversible physical impairment of a major
18 bodily function of the pregnant woman other than a psychological
19 condition.

20 (b) The physician certifies in writing that, in reasonable
21 medical judgment, there is a medical necessity for legitimate
22 emergency medical procedures for termination of the pregnancy to
23 save the pregnant woman's life or avert a serious risk of
24 imminent substantial and irreversible physical impairment of a
25 major bodily function of the pregnant woman other than a
26 psychological condition, and another physician is not available
27 for consultation.

28 (c) The pregnancy has not progressed to the third
29 trimester ~~fetus has not achieved viability under s. 390.01112~~
30 and two physicians certify in writing that, in reasonable
31 medical judgment, the fetus has a fatal fetal abnormality.

32 (d) The pregnancy is the result of rape, incest, or human
33 trafficking and the gestational age of the fetus is not more
34 than 16 weeks as determined by the physician.

35 (2) PERFORMANCE BY PHYSICIAN REQUIRED.—

36 (a) A ~~No~~ termination of pregnancy may not ~~shall~~ be
37 performed at any time except by a physician as defined in s.
38 390.011.

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39 (b) A termination of pregnancy must be performed in a
40 hospital, by a licensed doctor, or at a licensed abortion
41 clinic.

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

44 (a) Any person who willfully performs, or actively
45 participates in, a termination of pregnancy in violation of the
46 requirements of this section or s. 390.01112 commits a felony of
47 the third degree, punishable as provided in s. 775.082, s.
48 775.083, or s. 775.084.

49 (b) Any person who performs, or actively participates in,
50 a termination of pregnancy in violation of this section or s.
51 390.01112 which results in the death of the woman commits a
52 felony of the second degree, punishable as provided in s.
53 775.082, s. 775.083, or s. 775.084.

54 (c) Any person or clinic that performs, or actively
55 participates in, a termination of pregnancy in violation of this
56 section may be sentenced up to 1 year in jail and fined \$10,000
57 per violation.

58 (d) A healthcare provider or facility that performs, or
59 actively participates in, a termination of pregnancy in
60 violation of this section is subject to suspension or revocation
61 of their license.

62 (16) VOLUNTARY COUNSELING.—Counseling related to a
63 termination of pregnancy is optional and may not be mandatory.

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64 (17) ABORTION MEDICAL PANEL.—

65 (a) An abortion medical panel shall be established. The
66 membership of the panel shall consist of licensed physicians and
67 surgeons appointed as follows:

68 1. One appointed by the Governor.

69 2. Two members appointed by the Speaker of the House of
70 Representatives.

71 3. Two members appointed by the President of the Senate.

72 4. Two members appointed by the Senate Minority Leader.

73 5. Two members appointed by the House Minority Leader.

74 (b) The panel shall determine any special rules and
75 procedures for determining the permissibility of making
76 exceptions for rape, incest, and the mental and physical health
77 of a pregnant woman. The exceptions shall include, but not be
78 limited to the following:

79 1. The pregnancy poses a threat to the pregnant woman's
80 physical and mental health.

81 2. A minor who has been raped or who is pregnant and is a
82 victim of incest.

83 3. To prevent requiring a pregnant woman to carry a fetus
84 to full term with the knowledge that the fetus is dead, will be
85 stillborn, will endanger the mother's health and life, or will
86 be severely deformed, mentally or physically, after birth.

87 Section 2. This act shall take effect January 1, 2024.

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

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to termination of pregnancy; amending s.
390.0111, F.S.; prohibiting physicians from knowingly performing
or inducing a termination of pregnancy after the gestational age
of the fetus is determined to be more than 16 weeks, rather than
15 weeks, with exceptions; providing an exception if the woman
obtaining the abortion is doing so because she is a victim of
rape, incest, or human trafficking; requiring a termination of
pregnancy to be performed by physicians and at specified
locations; providing penalties; providing for voluntary
counseling; creating an abortion medical panel; providing the
purpose and membership of the panel; providing an effective
date.

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