

By Senator Grall

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1                                   A bill to be entitled  
2       An act relating to pregnancy and parenting support;  
3       creating s. 286.31, F.S.; defining the terms  
4       "educational institution" and "governmental entity";  
5       prohibiting any person, governmental entity, or  
6       educational institution from expending state funds for  
7       a specified purpose; providing exceptions; amending s.  
8       381.96, F.S.; revising the definitions of the terms  
9       "eligible client" and "pregnancy and parenting support  
10      services"; requiring the Department of Health to  
11      contract for the management and delivery of parenting  
12      support services, in addition to pregnancy support  
13      services; revising the contract requirements to  
14      conform to changes made by the act; requiring the  
15      department to report specified information to the  
16      Governor and the Legislature by a specified date each  
17      year; amending s. 390.0111, F.S.; prohibiting  
18      physicians from knowingly performing or inducing a  
19      termination of pregnancy after the gestational age of  
20      the fetus is determined to be more than 6 weeks,  
21      rather than 15 weeks, with exceptions; providing an  
22      exception if the woman obtaining the abortion is doing  
23      so because she is a victim of rape or incest, subject  
24      to certain conditions; requiring physicians to report  
25      incidents of rape or incest of minors to the central  
26      abuse hotline; prohibiting any person other than a  
27      physician from inducing a termination of pregnancy;  
28      prohibiting physicians from using telehealth to  
29      perform abortions; requiring that medications intended

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30 for use in a medical abortion be dispensed in person  
 31 by a physician; prohibiting the dispensing of such  
 32 medication through the United States Postal Service or  
 33 any other courier or shipping service; conforming  
 34 provisions to changes made by the act; repealing s.  
 35 390.01112, F.S., relating to termination of  
 36 pregnancies during viability; amending s. 390.012,  
 37 F.S.; revising rules the Agency for Health Care  
 38 Administration may develop and enforce to regulate  
 39 abortion clinics; amending s. 456.47, F.S.;  
 40 prohibiting telehealth providers from using telehealth  
 41 to provide abortions; providing appropriations;  
 42 providing effective dates.

43  
 44 Be It Enacted by the Legislature of the State of Florida:

45  
 46 Section 1. Section 286.31, Florida Statutes, is created to  
 47 read:

48 286.31 Prohibited use of state funds.—

49 (1) As used in this section, the term:

50 (a) "Educational institution" means public institutions  
 51 under the control of a district school board, a charter school,  
 52 a state university, a developmental research school, a Florida  
 53 College System institution, the Florida School for the Deaf and  
 54 the Blind, the Florida Virtual School, private school readiness  
 55 programs, voluntary prekindergarten programs, private K-12  
 56 schools, and private colleges and universities.

57 (b) "Governmental entity" means the state or any political  
 58 subdivision thereof, including the executive, legislative, and

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59 judicial branches of government; the independent establishments  
60 of the state, counties, municipalities, districts, authorities,  
61 boards, or commissions; and any agencies that are subject to  
62 chapter 286.

63 (2) Any person, governmental entity, or educational  
64 institution may not expend state funds as defined in s. 215.31  
65 in any manner for a person to travel to another state to receive  
66 services that are intended to support an abortion as defined in  
67 s. 390.011, unless:

68 (a) The person, governmental entity, or educational  
69 institution is required by federal law to expend state funds for  
70 such a purpose; or

71 (b) There is a medical necessity for legitimate emergency  
72 medical procedures for termination of the pregnancy to save the  
73 pregnant woman's life or to avert a serious risk of imminent  
74 substantial and irreversible physical impairment of a major  
75 bodily function of the pregnant woman other than a psychological  
76 condition.

77 Section 2. Effective upon this act becoming a law, section  
78 381.96, Florida Statutes, is amended to read:

79 381.96 Pregnancy support and wellness services.—

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

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

82 (b) "Eligible client" means any of the following:

83 1. A pregnant woman or a woman who suspects she is  
84 pregnant, and the family of such woman, who voluntarily seeks  
85 pregnancy support services and any woman who voluntarily seeks  
86 wellness services.

87 2. A woman who has given birth in the previous 12 months

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88 and her family.

89 3. A parent or parents or a legal guardian or legal  
90 guardians, and the families of such parents and legal guardians,  
91 for up to 12 months after the birth of a child or the adoption  
92 of a child younger than 3 years of age.

93 (c) "Florida Pregnancy Care Network, Inc.," or "network"  
94 means the not-for-profit statewide alliance of pregnancy support  
95 organizations that provide pregnancy support and wellness  
96 services through a comprehensive system of care to women and  
97 their families.

98 (d) "Pregnancy and parenting support services" means  
99 services that promote and encourage childbirth, including, but  
100 not limited to:

101 1. Direct client services, such as pregnancy testing,  
102 counseling, referral, training, and education for pregnant women  
103 and their families. ~~A woman and her family shall continue to be~~  
104 ~~eligible to receive direct client services for up to 12 months~~  
105 ~~after the birth of the child.~~

106 2. Nonmedical material assistance that improves the  
107 pregnancy or parenting situation of families, including, but not  
108 limited to, clothing, car seats, cribs, formula, and diapers.

109 3. Counseling or mentoring, education materials, and  
110 classes regarding pregnancy, parenting, adoption, life skills,  
111 and employment readiness.

112 4. Network Program awareness activities, including a  
113 promotional campaign to educate the public about the pregnancy  
114 support services offered by the network and a website that  
115 provides information on the location of providers in the user's  
116 area and other available community resources.

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117       ~~5.3.~~ Communication activities, including the operation and  
118 maintenance of a hotline or call center with a single statewide  
119 toll-free number that is available 24 hours a day for an  
120 eligible client to obtain the location and contact information  
121 for a pregnancy center located in the client's area.

122       (e) "Wellness services" means services or activities  
123 intended to maintain and improve health or prevent illness and  
124 injury, including, but not limited to, high blood pressure  
125 screening, anemia testing, thyroid screening, cholesterol  
126 screening, diabetes screening, and assistance with smoking  
127 cessation.

128       (2) DEPARTMENT DUTIES.—The department shall contract with  
129 the network for the management and delivery of pregnancy and  
130 parenting support services and wellness services to eligible  
131 clients.

132       (3) CONTRACT REQUIREMENTS.—The department contract shall  
133 specify the contract deliverables, including financial reports  
134 and other reports due to the department, timeframes for  
135 achieving contractual obligations, and any other requirements  
136 the department determines are necessary, such as staffing and  
137 location requirements. The contract shall require the network  
138 to:

139       (a) Establish, implement, and monitor a comprehensive  
140 system of care through subcontractors to meet the pregnancy and  
141 parenting support and wellness needs of eligible clients.

142       (b) Establish and manage subcontracts with a sufficient  
143 number of providers to ensure the availability of pregnancy and  
144 parenting support services and wellness services for eligible  
145 clients, and maintain and manage the delivery of such services

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146 throughout the contract period.

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

150 (d) Offer wellness services through vouchers or other  
151 appropriate arrangements that allow the purchase of services  
152 from qualified health care providers.

153 (e) Require a background screening under s. 943.0542 for  
154 all paid staff and volunteers of a subcontractor if such staff  
155 or volunteers provide direct client services to an eligible  
156 client who is a minor or an elderly person or who has a  
157 disability.

158 (f) Annually monitor its subcontractors and specify the  
159 sanctions that shall be imposed for noncompliance with the terms  
160 of a subcontract.

161 (g) Subcontract only with providers that exclusively  
162 promote and support childbirth.

163 (h) Ensure that informational materials provided to an  
164 eligible client by a provider are current and accurate and cite  
165 the reference source of any medical statement included in such  
166 materials.

167 (i) Ensure that the department is provided with all  
168 information necessary for the report required under subsection  
169 (5).

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

173 (5) REPORT.—By July 1, 2024, and each year thereafter, the  
174 department shall report to the Governor, the President of the

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175 Senate, and the Speaker of the House of Representatives on the  
 176 amount and types of services provided by the network; the  
 177 expenditures for such services; and the number of, and  
 178 demographic information for, women, parents, and families served  
 179 by the network.

180 Section 3. Subsections (1), (2), (10), and (13) of section  
 181 390.0111, Florida Statutes, are amended to read:

182 390.0111 Termination of pregnancies.—

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

188 (a) Two physicians certify in writing that, in reasonable  
 189 medical judgment, the termination of the pregnancy is necessary  
 190 to save the pregnant woman's life or avert a serious risk of  
 191 substantial and irreversible physical impairment of a major  
 192 bodily function of the pregnant woman other than a psychological  
 193 condition.

194 (b) The physician certifies in writing that, in reasonable  
 195 medical judgment, there is a medical necessity for legitimate  
 196 emergency medical procedures for termination of the pregnancy to  
 197 save the pregnant woman's life or avert a serious risk of  
 198 imminent substantial and irreversible physical impairment of a  
 199 major bodily function of the pregnant woman other than a  
 200 psychological condition, and another physician is not available  
 201 for consultation.

202 (c) The pregnancy has not progressed to the third trimester  
 203 ~~fetus has not achieved viability under s. 390.01112 and two~~

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204 physicians certify in writing that, in reasonable medical  
205 judgment, the fetus has a fatal fetal abnormality.

206 (d) The pregnancy is the result of rape or incest and the  
207 gestational age of the fetus is not more than 15 weeks as  
208 determined by the physician. At the time the woman schedules or  
209 arrives for her appointment to obtain the abortion, she must  
210 provide a copy of a restraining order, police report, medical  
211 record, or other court order or documentation providing evidence  
212 that she is obtaining the termination of pregnancy because she  
213 is a victim of rape or incest. If the woman is a minor, the  
214 physician must report the incident of rape or incest to the  
215 central abuse hotline as required by s. 39.201.

216 (2) IN-PERSON PERFORMANCE BY PHYSICIAN REQUIRED.—Only a  
217 physician may perform or induce a ~~No~~ termination of pregnancy  
218 shall be performed at any time except by a physician as defined  
219 in s. ~~390.011~~. A physician may not use telehealth as defined in  
220 s. 456.47 to perform an abortion, including, but not limited to,  
221 medical abortions. Any medications intended for use in a medical  
222 abortion must be dispensed in person by a physician and may not  
223 be dispensed through the United States Postal Service or by any  
224 other courier or shipping service.

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

227 (a) Any person who willfully performs, or actively  
228 participates in, a termination of pregnancy in violation of the  
229 requirements of this section ~~or s. 390.01112~~ commits a felony of  
230 the third degree, punishable as provided in s. 775.082, s.  
231 775.083, or s. 775.084.

232 (b) Any person who performs, or actively participates in, a



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233 termination of pregnancy in violation of this section ~~or s.~~  
234 ~~390.01112~~ which results in the death of the woman commits a  
235 felony of the second degree, punishable as provided in s.  
236 775.082, s. 775.083, or s. 775.084.

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

241 Section 4. Section 390.01112, Florida Statutes, is  
242 repealed.

243 Section 5. Subsection (1) of section 390.012, Florida  
244 Statutes, is amended to read:

245 390.012 Powers of agency; rules; disposal of fetal  
246 remains.—

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

251 ~~(a) The rules must ~~shall~~ be reasonably related to the~~  
252 ~~preservation of maternal health of the clients and must.~~

253 ~~(b) The rules shall be in accordance with s. 797.03 and may~~  
254 ~~not impose an unconstitutional burden on a woman's freedom to~~  
255 ~~decide whether to terminate her pregnancy.~~

256 ~~(c) The rules shall provide for:~~

257 (a)1. The performance of pregnancy termination procedures  
258 only by a licensed physician.

259 (b)2. The making, protection, and preservation of patient  
260 records, which must ~~shall~~ be treated as medical records under  
261 chapter 458. When performing a license inspection of a clinic,

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262 the agency shall inspect at least 50 percent of patient records  
263 generated since the clinic's last license inspection.

264 ~~(c)3.~~ Annual inspections by the agency of all clinics  
265 licensed under this chapter to ensure that such clinics are in  
266 compliance with this chapter and agency rules.

267 ~~(d)4.~~ The prompt investigation of credible allegations of  
268 abortions being performed at a clinic that is not licensed to  
269 perform such procedures.

270 Section 6. Paragraph (f) is added to subsection (2) of  
271 section 456.47, Florida Statutes, to read:

272 456.47 Use of telehealth to provide services.—

273 (2) PRACTICE STANDARDS.—

274 (f) A telehealth provider may not use telehealth to perform  
275 an abortion, including, but not limited to, medical abortions as  
276 defined in s. 390.011.

277 Section 7. (1) For the 2023-2024 fiscal year:

278 (a) In addition to any funds appropriated in the General  
279 Appropriations Act, the sum of \$5 million in recurring funds  
280 from the General Revenue Fund is appropriated to the Department  
281 of Health for the purpose of implementing s. 381.0051(3), (4),  
282 and (6), Florida Statutes.

283 (b) The sum of \$25 million in recurring funds from the  
284 General Revenue Fund is appropriated to the Department of Health  
285 for the purpose of implementing s. 381.96, Florida Statutes.

286 (2) This section takes effect upon this act becoming a law.

287 Section 8. Except as otherwise expressly provided in this  
288 act and except for this section, which shall take effect upon  
289 this act becoming a law, this act shall take effect 30 days  
290 after any of the following occurs: a decision by the Florida

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291 Supreme Court holding that the right to privacy enshrined in s.  
292 23, Article I of the State Constitution does not include a right  
293 to abortion; a decision by the Florida Supreme Court in *Planned*  
294 *Parenthood v. State*, SC2022-1050, that allows the prohibition on  
295 abortions after 15 weeks in s. 390.0111(1), Florida Statutes, to  
296 remain in effect, including a decision approving, in whole or in  
297 part, the First District Court of Appeal's decision under review  
298 or a decision discharging jurisdiction; an amendment to the  
299 State Constitution clarifying that s. 23, Article I of the State  
300 Constitution does not include a right to abortion; or a decision  
301 from the Florida Supreme Court after March 7, 2023, receding, in  
302 whole or in part, from *In re T.W.*, 551 So. 2d 1186 (Fla. 1989),  
303 *North Fla. Women's Health v. State*, 866 So. 2d 612 (Fla. 2003),  
304 or *Gainesville Woman Care, LLC v. State*, 210 So. 3d 1243 (Fla.  
305 2017).