

1 A bill to be entitled
2 An act relating to pregnancy and parenting support;
3 creating s. 286.31, F.S.,; providing definitions;
4 prohibiting use of state funds for a person to travel
5 to another state to receive services intended to
6 support an abortion; providing exceptions; amending s.
7 381.96, F.S.; revising definitions; requiring the
8 Department of Health to report to the Governor and the
9 Legislature specified information relating to the
10 Florida Pregnancy Care Network, Inc., annually;
11 amending s. 390.0111, F.S.; prohibiting a physician
12 from knowingly performing or inducing a termination of
13 pregnancy after a specified period of time; providing
14 exceptions; requiring a physician to perform or induce
15 a termination of pregnancy or to dispense abortion-
16 inducing drugs in person; repealing s. 390.01112,
17 F.S., relating to termination of pregnancies during
18 viability; amending s. 390.012, F.S.; removing a
19 prohibition on certain rules imposing an
20 unconstitutional burden on a woman's freedom to decide
21 whether to terminate a pregnancy; amending s. 456.47,
22 F.S.; prohibiting a telehealth provider from using
23 telehealth to provide an abortion; providing
24 appropriations; providing effective dates.
25

26 Be It Enacted by the Legislature of the State of Florida:

27
 28 Section 1. Section 286.31, Florida Statutes, is created to
 29 read:

30 286.31 Prohibited use of state funds.-

31 (1) As used in this section:

32 (a) "Educational institution" means public institutions
 33 under the control of a district school board, a charter school,
 34 a state university, a developmental research school, a Florida
 35 College System institution, the Florida School for the Deaf and
 36 the Blind, the Florida Virtual School, private school readiness
 37 programs, voluntary prekindergarten programs, private K-12
 38 schools, and private colleges and universities.

39 (b) "Governmental entity" means the state or any political
 40 subdivision thereof, including the executive, legislative, and
 41 judicial branches of government; the independent establishments
 42 of the state, counties, municipalities, districts, authorities,
 43 boards, or commissions; or any agencies that are subject to ch.
 44 286.

45 (2) A person, governmental entity, or educational
 46 institution may not expend state funds, as described in s.
 47 215.31, in any way for a person to travel to another state to
 48 receive services that are intended to support an abortion, as
 49 defined in s. 390.011, unless:

50 (a) The person, governmental entity, or educational

51 institution is required by federal law to expend state funds for
52 such a purpose; or

53 (b) There is a medical necessity for legitimate emergency
54 medical procedures for termination of the pregnancy to save the
55 pregnant woman's life or avert a serious risk of imminent,
56 substantial, and irreversible physical impairment of a major
57 bodily function of the pregnant woman other than a psychological
58 condition.

59 Section 2. Paragraphs (b) and (d) of subsection (1),
60 subsection (2), and paragraphs (a), (b), and (c) of subsection
61 (3) of section 381.96, Florida Statutes, are amended, paragraph
62 (i) is added to subsection (3) and subsection (5) is added to
63 that section, to read:

64 381.96 Pregnancy support and wellness services.—

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

66 (b) "Eligible client" means all of the following:

67 1. A pregnant woman or a woman who suspects she is
68 pregnant, and the family of such woman, who voluntarily seeks
69 pregnancy support services and any woman who voluntarily seeks
70 wellness services.

71 2. A woman who has given birth in the previous 12 months
72 and her family.

73 3. A parent or legal guardian, and the family of such
74 parent or guardian, for up to 12 months after the birth of a
75 child or adoption of a child under 3 years of age.

76 (d) "Pregnancy and parenting support services" means
77 services that promote and encourage childbirth, including, but
78 not limited to:

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

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

87 3. Counseling or mentoring, educational materials, and
88 classes regarding pregnancy, parenting, adoption, life skills,
89 and employment readiness.

90 ~~4.2.~~ Network Program awareness activities, including a
91 promotional campaign to educate the public about the pregnancy
92 support services offered by the network and a website that
93 provides information on the location of providers in the user's
94 area and other available community resources.

95 ~~5.3.~~ Communication activities, including the operation and
96 maintenance of a hotline or call center with a single statewide
97 toll-free number that is available 24 hours a day for an
98 eligible client to obtain the location and contact information
99 for a pregnancy center located in the client's area.

100 (2) DEPARTMENT DUTIES.—The department shall contract with

101 the network for the management and delivery of pregnancy and
102 parenting support and wellness services to eligible clients.

103 (3) CONTRACT REQUIREMENTS.—The department contract shall
104 specify the contract deliverables, including financial reports
105 and other reports due to the department, timeframes for
106 achieving contractual obligations, and any other requirements
107 the department determines are necessary, such as staffing and
108 location requirements. The contract shall require the network
109 to:

110 (a) Establish, implement, and monitor a comprehensive
111 system of care through subcontractors to meet the pregnancy and
112 parenting support services and wellness needs of eligible
113 clients.

114 (b) Establish and manage subcontracts with a sufficient
115 number of providers to ensure the availability of pregnancy and
116 parenting support services and wellness services for eligible
117 clients, and maintain and manage the delivery of such services
118 throughout the contract period.

119 (c) Spend at least 85 ~~90~~ percent of the contract funds on
120 pregnancy and parenting support services and wellness services.

121 (i) Ensure that the department is provided with all
122 information necessary for the report required under subsection
123 (5).

124 (5) REPORT.—By July 1, 2024, and by July 1 each year
125 thereafter, the department shall report to the Governor, the

126 President of the Senate, and the Speaker of the House of
 127 Representatives on the amount and types of services provided by
 128 the network; the expenditures for such services; and the number
 129 of, and demographic information for eligible clients served by
 130 the network.

131 Section 3. Subsections (1), (2), (10), and (13) of section
 132 390.0111, Florida Statutes, are amended to read:

133 390.0111 Termination of pregnancies.—

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

139 (a) Two physicians certify in writing that, in reasonable
 140 medical judgment, the termination of the pregnancy is necessary
 141 to save the pregnant woman's life or avert a serious risk of
 142 substantial and irreversible physical impairment of a major
 143 bodily function of the pregnant woman other than a psychological
 144 condition.

145 (b) The physician certifies in writing that, in reasonable
 146 medical judgment, there is a medical necessity for legitimate
 147 emergency medical procedures for termination of the pregnancy to
 148 save the pregnant woman's life or avert a serious risk of
 149 imminent substantial and irreversible physical impairment of a
 150 major bodily function of the pregnant woman other than a

151 | psychological condition, and another physician is not available
 152 | for consultation.

153 | (c) The pregnancy has not progressed to the third
 154 | trimester ~~fetus has not achieved viability under s. 390.01112~~
 155 | and two physicians certify in writing that, in reasonable
 156 | medical judgment, the fetus has a fatal fetal abnormality.

157 | (d) The pregnancy is the result of rape or incest and the
 158 | gestational age of the fetus is not more than 15 weeks as
 159 | determined by the physician. At the time the woman schedules or
 160 | arrives for her appointment for a termination of pregnancy, she
 161 | must provide a copy of a restraining order, police report,
 162 | medical record, or other court order or documentation proving
 163 | that she is obtaining the termination of pregnancy because she
 164 | is a victim of rape or incest. If the woman is a minor, the
 165 | physician must report the incident of rape or incest to the
 166 | central abuse hotline as required under s. 39.201.

167 | (2) IN-PERSON PERFORMANCE BY PHYSICIAN REQUIRED.—Only a
 168 | physician may perform or induce a ~~No~~ termination of pregnancy or
 169 | dispense abortion-inducing drugs. A physician may not use
 170 | telehealth, as defined in s. 456.47(1), to provide an abortion,
 171 | including, but not limited to, prescribing abortion-inducing
 172 | drugs. A physician must be physically present in the same room
 173 | as the woman when the termination of pregnancy is performed or
 174 | when dispensing abortion-inducing drugs ~~shall be performed at~~
 175 | any time except by a physician as defined in s. 390.011.

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

178 (a) Any person who willfully performs, or actively
 179 participates in, a termination of pregnancy in violation of the
 180 requirements of this section ~~or s. 390.01112~~ commits a felony of
 181 the third degree, punishable as provided in s. 775.082, s.
 182 775.083, or s. 775.084.

183 (b) Any person who performs, or actively participates in,
 184 a termination of pregnancy in violation of this section ~~or s.~~
 185 ~~390.01112~~ which results in the death of the woman commits a
 186 felony of the second degree, punishable as provided in s.
 187 775.082, s. 775.083, or s. 775.084.

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

192 Section 4. Section 390.01112, Florida Statutes, is
 193 repealed.

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

196 390.012 Powers of agency; rules; disposal of fetal
 197 remains.—

198 (1)(a) The agency may develop and enforce rules pursuant
 199 to ss. 390.011-390.018 and part II of chapter 408 for the
 200 health, care, and treatment of persons in abortion clinics and

201 for the safe operation of such clinics.

202 (b)~~(a)~~ The rules shall be reasonably related to the
 203 preservation of maternal health of the clients and~~—~~

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

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

208 1. The performance of pregnancy termination procedures
 209 only by a licensed physician.

210 2. The making, protection, and preservation of patient
 211 records, which must ~~shall~~ be treated as medical records under
 212 chapter 458. When performing a license inspection of a clinic,
 213 the agency shall inspect at least 50 percent of patient records
 214 generated since the clinic's last license inspection.

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

218 4. The prompt investigation of credible allegations of
 219 abortions being performed at a clinic that is not licensed to
 220 perform such procedures.

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

223 456.47 Use of telehealth to provide services.—

224 (2) PRACTICE STANDARDS.—

225 (f) A telehealth provider may not use telehealth to

226 provide an abortion, including, but not limited to, prescribing
 227 abortion-inducing drugs.

228 Section 7. For the 2023-2024 fiscal year:

229 (1) In addition to any funds appropriated in the General
 230 Appropriations Act, the sum of \$5 million in recurring funds
 231 from the General Revenue Fund is appropriated to the Department
 232 of Health for the purpose of implementing s. 381.0051(3), (4),
 233 and (6), Florida Statutes.

234 (2) The sum of \$25 million in recurring funds from the
 235 General Revenue Fund is appropriated to the Department of Health
 236 for the purpose of implementing s. 381.96, Florida Statutes.

237 Section 8. Sections 1, 3, 4, 5, and 6 of this act shall
 238 take effect 30 days after any of the following occur:

239 (1) A decision from the Florida Supreme Court after March
 240 7, 2023, receding, in whole or in part, from In re T.W., 551 So.
 241 2d 1186 (Fla. 1989), North Fla. Women's Health v. State, 866 So.
 242 2d 612 (Fla. 2003), or Gainesville Woman Care, LLC v. State, 210
 243 So. 3d 1243 (Fla. 2017);

244 (2) A decision by the Florida Supreme Court holding that
 245 the right to privacy enshrined in s. 23, Article I of the State
 246 Constitution does not include a right to abortion;

247 (3) A decision by the Florida Supreme Court in Planned
 248 Parenthood v. State, SC2022-1050, that allows the prohibition on
 249 abortions after 15 weeks in s. 390.0111(1), Florida Statutes, to
 250 remain in effect, including a decision approving, in whole or in

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251 part, the First District Court of Appeal decision under review
252 or a decision discharging jurisdiction; or

253 (4) An amendment to the State Constitution providing that
254 s. 23, Article I of the State Constitution does not include a
255 right to abortion.

256 Section 9. Except as otherwise expressly provided in this
257 act, this act shall take effect upon becoming a law.