

1 A bill to be entitled
 2 An act relating to termination of pregnancies;
 3 amending s. 390.011, F.S.; revising and providing
 4 definitions; amending s. 390.0111, F.S.; authorizing
 5 the use of public funds for abortions only under a
 6 specified circumstance; amending s. 390.01114, F.S.;
 7 providing requirements for a termination of pregnancy
 8 for a minor; revising requirements for a court to
 9 issue an order authorizing a minor to consent to such
 10 termination; amending s. 390.0112, F.S.; revising
 11 reporting requirements for certain facilities;
 12 amending s. 390.012, F.S.; revising rulemaking
 13 requirements; creating s. 390.031, F.S.; prohibiting a
 14 person or an entity from purposely performing or
 15 attempting to perform an abortion; providing an
 16 exception; providing for penalties, liability, civil
 17 remedies, and severability; amending ss. 409.815,
 18 627.64995, 627.6699, 627.66996, 641.31099, and
 19 775.021, F.S.; conforming provisions and cross-
 20 references to changes made by the act; providing
 21 effective dates.

22
 23 WHEREAS, the right to life for all natural persons is
 24 protected by s. 2, Art. I of the State Constitution and the
 25 Fifth and Fourteenth Amendments to the United States

26 Constitution, and

27 WHEREAS, there is no distinction between natural unborn
28 persons and natural born persons, and

29 WHEREAS, scientific advancements in human embryology have
30 shown that a person exists from the moment of fertilization at
31 Carnegie Stage 1a, and

32 WHEREAS, denying personhood for any stage past
33 fertilization is a denial of rights guaranteed in the State
34 Constitution and the United States Constitution, and

35 WHEREAS, a person is vested with all the rights of
36 personhood protected by the State Constitution and the United
37 States Constitution at the moment of fertilization, and

38 WHEREAS, the United States Supreme Court has previously
39 committed grave injustices and crimes against humanity by
40 denying personhood to African Americans in the Dred Scott
41 decision; upholding the separate but equal doctrine in *Plessy v.*
42 *Ferguson*, which withdrew legal protection from African
43 Americans; and inventing a right to abortion, which withdrew
44 legal protection from unborn children who are considered persons
45 under the United States Constitution, and

46 WHEREAS, a crime against humanity occurs when a government
47 withdraws legal protection from a group of persons which results
48 in the severe deprivation of rights, up to and including death,
49 and

50 WHEREAS, state-sanctioned abortion is a crime against

51 | humanity which results in the severe deprivation of the rights
 52 | of women and infants, up to and including death, and

53 | WHEREAS, the unjust decisions of *Dred Scott*, *Plessy v.*
 54 | *Ferguson*, and *Roe v. Wade* have now been overturned, and

55 | WHEREAS, state legislatures may extend legal protection to
 56 | unborn children and end the abortion crime against humanity in
 57 | their states, and

58 | WHEREAS, as of September 25, 2023, more than 500,000 people
 59 | nationally and more than 32,000 Floridians have signed "The
 60 | Moral Outcry" petition to end abortion in all 50 states, and

61 | WHEREAS, unborn minority children are affected at a
 62 | disproportionately higher rate than their representation in the
 63 | general population, and

64 | WHEREAS, scientific evidence and personal testimonies
 65 | demonstrate the massive harm that an abortion causes women as
 66 | documented in the sworn affidavits of Florida women, and

67 | WHEREAS, scientific advances in embryology have
 68 | demonstrated that life begins at Carnegie Stage 1a, the moment
 69 | of fertilization, and that a human embryo is a person, and

70 | WHEREAS, safe haven laws in this state allow a woman to
 71 | eliminate any parenting burden immediately after her child is
 72 | born, and

73 | WHEREAS, public attitudes favoring adoption have created a
 74 | culture of adoption in the United States, with as many as 2
 75 | million families nationally waiting long periods of time to

76 adopt newborn infants, such that infants placed for adoption or
 77 surrendered will have an adoptive family waiting, NOW,
 78 THEREFORE,

79
 80 Be It Enacted by the Legislature of the State of Florida:

81
 82 Section 1. Section 390.011, Florida Statutes, is amended
 83 to read:

84 390.011 Definitions.—As used in this chapter, the term:

85 (1) "Abortifacient" means any drug, medicine, substance,
 86 chemical, or means used to cause an abortion which:

87 (a) Requires a prescription based on FDA guidelines; or

88 (b) Is not approved by the FDA and is primarily used to
 89 cause an abortion.

90 (2)-(1) "Abortion" means the act of using, prescribing,
 91 administering, procuring, or selling any instrument, medicine,
 92 drug, or other substance, or any surgical or nonsurgical means,
 93 to terminate the pregnancy of a woman with the knowledge that
 94 the termination of the pregnancy by any of these means is
 95 reasonably likely to cause the death of the unborn child ~~the~~
 96 ~~termination of human pregnancy with an intention other than to~~
 97 ~~produce a live birth or to remove a dead fetus.~~

98 (3)-(2) "Abortion clinic" or "clinic" means any facility in
 99 which abortions are performed. The term does not include:

100 (a) A hospital; or

101 (b) A physician's office, provided that the office is not
 102 used primarily for the performance of abortions.

103 ~~(4)-(3)~~ "Agency" means the Agency for Health Care
 104 Administration.

105 ~~(5)-(4)~~ "Born alive" means the complete expulsion or
 106 extraction from the mother of a human infant, at any stage of
 107 development, who, after such expulsion or extraction, breathes
 108 or has a beating heart, or definite and voluntary movement of
 109 muscles, regardless of whether the umbilical cord has been cut
 110 and regardless of whether the expulsion or extraction occurs as
 111 a result of natural or induced labor, caesarean section, induced
 112 abortion, or other method.

113 ~~(6)-(5)~~ "Department" means the Department of Health.

114 ~~(7)-(6)~~ "Fatal fetal abnormality" means a terminal
 115 condition that, in reasonable medical judgment, regardless of
 116 the provision of life-saving medical treatment, is incompatible
 117 with life outside the womb and will result in death upon birth
 118 or imminently thereafter.

119 (8) "Fertilization" has the same meaning as in s. 742.13.

120 (9) "Foreign sender" means a person or an entity that:

121 (a) Mails or sends by common carrier an abortifacient to
 122 an address in this state or to a person in this state;

123 (b) Intentionally places an abortifacient into the stream
 124 of commerce when the person or entity knows that the
 125 abortifacient is substantially likely to be used in this state

126 or mailed or sent by common carrier to an address in this state
127 or to a person in this state; or

128 (c) Knowingly prescribes an abortifacient to a person in
129 this state, regardless of whether the prescriber was in this
130 state or knew the recipient was in this state.

131 (10)-(7) "Gestation" means the development of a human
132 embryo or fetus as calculated from the first day of the pregnant
133 woman's last menstrual period.

134 (11)-(8) "Hospital" means a facility as defined in s.
135 395.002(12) and licensed under chapter 395 and part II of
136 chapter 408.

137 (12)-(9) "Medical abortion" means the administration or use
138 of an abortion-inducing drug to induce an abortion.

139 (13) "Medical emergency" means an emergent physical
140 condition in which an abortion is necessary to preserve the life
141 of a pregnant woman whose life is endangered by a physical
142 disorder, physical illness, or physical injury, including a
143 life-endangering physical condition caused by or arising from
144 the pregnancy itself.

145 (14)-(10) "Partial-birth abortion" means a termination of
146 pregnancy in which the physician performing the termination of
147 pregnancy partially vaginally delivers a living fetus before
148 killing the fetus and completing the delivery.

149 (15) "Person" means an individual, including an unborn
150 child beginning at the moment of fertilization, entitled to

151 rights recognized by the State Constitution and the United
152 States Constitution.

153 (16)~~(11)~~ "Physician" means a physician licensed under
154 chapter 458 or chapter 459 or a physician practicing medicine or
155 osteopathic medicine in the employment of the United States.

156 (17) "Pregnancy" means the period of time from
157 fertilization until birth.

158 (18)~~(12)~~ "Reasonable medical judgment" means a medical
159 judgment that would be made by a reasonably prudent physician,
160 knowledgeable about the case and the treatment possibilities
161 with respect to the medical conditions involved.

162 (19)~~(13)~~ "Standard medical measure" means the medical care
163 that a physician would provide based on the particular facts of
164 the pregnancy, the information available to the physician, and
165 the technology reasonably available in a hospital, as defined in
166 s. 395.002, with an obstetrical department, to preserve the life
167 and health of the fetus, with or without temporary artificial
168 life-sustaining support, if the fetus were born at the same
169 stage of fetal development.

170 (20)~~(14)~~ "Trimester" means one of the following three
171 distinct periods of time in the duration of a pregnancy:

172 (a) "First trimester," which is the period of time from
173 fertilization through the end of the 11th week of gestation.

174 (b) "Second trimester," which is the period of time from
175 the beginning of the 12th week of gestation through the end of

176 the 23rd week of gestation.

177 (c) "Third trimester," which is the period of time from
178 the beginning of the 24th week of gestation through birth.

179 (21)~~(15)~~ "Viable" or "viability" means the stage of fetal
180 development when the life of a fetus is sustainable outside the
181 womb through standard medical measures.

182 Section 2. Paragraph (a) of subsection (15) of section
183 390.0111, Florida Statutes, is amended to read:

184 390.0111 Termination of pregnancies.—

185 (15) USE OF PUBLIC FUNDS RESTRICTED.—A state agency, a
186 local governmental entity, or a managed care plan providing
187 services under part IV of chapter 409 may not expend funds for
188 the benefit of, pay funds to, or initiate or renew a contract
189 with an organization that owns, operates, or is affiliated with
190 one or more clinics that are licensed under this chapter and
191 perform abortions unless one or more of the following applies:

192 (a) All abortions performed by such clinics are:

193 ~~1. On fetuses that are conceived through rape or incest;~~

194 ~~or~~

195 ~~2. Are medically necessary to preserve the life of the~~
196 pregnant woman or to avert a serious risk of substantial and
197 irreversible physical impairment of a major bodily function of
198 the pregnant woman, other than a psychological condition.

199 Section 3. Subsection (3), paragraph (b) of subsection
200 (4), paragraph (b) of subsection (5), and paragraphs (c) and (e)

201 of subsection (6) of section 390.01114, Florida Statutes, are
 202 amended to read:

203 390.01114 Parental Notice of and Consent for Abortion
 204 Act.—

205 (3) TERMINATION OF THE PREGNANCY OF A MINOR PROHIBITED;
 206 EXCEPTION.—A physician may only ~~not~~ perform or induce the
 207 termination of a pregnancy of a minor to save the life of the
 208 pregnant minor in a medical emergency. ~~unless~~ The physician must
 209 comply ~~has complied~~ with the notice and consent requirements of
 210 this section.

211 (4) NOTIFICATION REQUIRED.—

212 (b) Notice is not required if:

213 1. In the physician's good faith clinical judgment, a
 214 medical emergency exists and there is insufficient time for the
 215 attending physician to comply with the notification
 216 requirements. If a medical emergency exists, the physician shall
 217 make reasonable attempts, whenever possible, without endangering
 218 the minor, to contact the parent or legal guardian, and may
 219 proceed, but must document reasons for the medical necessity in
 220 the patient's medical records. The physician shall provide
 221 notice directly, in person or by telephone, to the parent or
 222 legal guardian, including details of the medical emergency and
 223 any additional risks to the minor. If the parent or legal
 224 guardian has not been notified within 24 hours after the
 225 termination of the pregnancy, the physician shall provide notice

226 | in writing, including details of the medical emergency and any
 227 | additional risks to the minor, signed by the physician, to the
 228 | last known address of the parent or legal guardian of the minor,
 229 | by first-class mail and by certified mail, return receipt
 230 | requested, with delivery restricted to the parent or legal
 231 | guardian;

232 | 2. Notice is waived in writing by the person who is
 233 | entitled to notice and such waiver is notarized, dated not more
 234 | than 30 days before the termination of pregnancy, and contains a
 235 | specific waiver of the right of the parent or legal guardian to
 236 | notice of the minor's termination of pregnancy;

237 | 3. Notice is waived by the minor who is or has been
 238 | married or has had the disability of nonage removed under s.
 239 | 743.015 or a similar statute of another state; or

240 | 4. Notice is waived by the patient because the patient has
 241 | a minor child dependent on her; ~~or~~

242 | ~~5. Notice is waived under subsection (6).~~

243 | (5) PARENTAL CONSENT REQUIRED.—

244 | (b) The consent of a parent or guardian is not required
 245 | if:

246 | 1. Notification is not required as provided in
 247 | subparagraph (4)(b)1., subparagraph (4)(b)3., or subparagraph
 248 | (4)(b)4., ~~or subparagraph (4)(b)5.~~;

249 | 2. Notification is not required due to the existence of a
 250 | waiver as provided in subparagraph (4)(b)2., if that waiver is

251 signed by the minor's parent or legal guardian, is notarized, is
252 dated within 30 days before the termination of the pregnancy,
253 contains a specific waiver of the right of the parent or legal
254 guardian to consent to the minor's termination of pregnancy, and
255 a copy of the parent's or legal guardian's government-issued
256 proof of identification is attached to the waiver;

257 ~~3. Consent is waived under subsection (6); or~~

258 3.4. In the physician's good faith clinical judgment, a
259 medical emergency exists and there is insufficient time for the
260 attending physician to comply with the consent requirement. If a
261 medical emergency exists, the physician must make reasonable
262 attempts, whenever possible, and without endangering the minor,
263 to contact the parent or legal guardian of the minor, and may
264 proceed, but must document reasons for the medical necessity in
265 the minor patient's medical records. The physician shall inform
266 the parent or legal guardian, in person or by telephone, within
267 24 hours after the termination of the pregnancy of the minor,
268 including details of the medical emergency that necessitated the
269 termination of the pregnancy without the parent's or legal
270 guardian's consent. The physician shall also provide this
271 information in writing to the parent or legal guardian at his or
272 her last known address, by first-class mail or by certified
273 mail, return receipt requested, with delivery restricted to the
274 parent or legal guardian.

275 (6) PROCEDURE FOR JUDICIAL WAIVER.—

276 (c) If the court finds, by clear and convincing evidence,
 277 that a termination of a pregnancy is required to save the life
 278 of the minor in a medical emergency ~~is sufficiently mature to~~
 279 ~~decide whether to terminate her pregnancy,~~ the court shall issue
 280 an order authorizing the minor to consent to the performance or
 281 inducement of a termination of the pregnancy. If the court does
 282 not make the finding specified in this paragraph or paragraph
 283 (d), it must dismiss the petition. ~~Factors the court shall~~

284 ~~consider include:~~

285 1. ~~The minor's:~~

286 a. ~~Age.~~

287 b. ~~Overall intelligence.~~

288 c. ~~Emotional development and stability.~~

289 d. ~~Credibility and demeanor as a witness.~~

290 e. ~~Ability to accept responsibility.~~

291 f. ~~Ability to assess both the immediate and long-range~~
 292 ~~consequences of the minor's choices.~~

293 g. ~~Ability to understand and explain the medical risks of~~
 294 ~~terminating her pregnancy and to apply that understanding to her~~
 295 ~~decision.~~

296 2. ~~Whether there may be any undue influence by another on~~
 297 ~~the minor's decision to have an abortion.~~

298 (e) A court that conducts proceedings under this section
 299 shall:

300 1. Provide for a written transcript of all testimony and

301 proceedings;

302 2. Issue a final written order containing factual findings
 303 and legal conclusions supporting its decision, ~~including factual~~
 304 ~~findings and legal conclusions relating to the maturity of the~~
 305 ~~minor as provided under paragraph (c); and~~

306 3. Order that a confidential record be maintained, as
 307 required under s. 390.01116.

308 Section 4. Subsections (1) and (2) of section 390.0112,
 309 Florida Statutes, are amended to read:

310 390.0112 Termination of pregnancies; reporting.—

311 (1) The director of any medical facility in which
 312 abortions are performed, including surgical procedures and
 313 medical abortions, shall submit a report each month to the
 314 agency. If the abortion is not performed in a medical facility,
 315 the physician performing the abortion shall submit the monthly
 316 report. The report must be submitted electronically on a form
 317 adopted by the agency, the Board of Medicine, and the Board of
 318 Osteopathic Medicine which may not include personal identifying
 319 information and must include:

320 (a) The number of abortions performed.

321 ~~(b) The reasons such abortions were performed. If a woman~~
 322 ~~upon whom an abortion is performed has provided evidence that~~
 323 ~~she is a victim of human trafficking pursuant to s.~~
 324 ~~390.0111(3)(a)1.b.(IV), such reason must be included in the~~
 325 ~~information reported under this section.~~

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326 (b)~~(e)~~ For each abortion, the period of gestation at the
327 time the abortion was performed.

328 (c)~~(d)~~ The number of infants born alive or alive
329 immediately after an attempted abortion.

330 (d)~~(e)~~ Information consistent with the United States
331 Standard Report of Induced Termination of Pregnancy adopted by
332 the Centers for Disease Control and Prevention.

333 (e)~~(f)~~ The number of medication abortion regimens
334 prescribed or dispensed.

335 (2) The agency shall keep such reports in a central
336 location for the purpose of compiling and analyzing statistical
337 data and shall submit data reported pursuant to paragraph (1) (d)
338 ~~(1) (e)~~ to the Division of Reproductive Health within the Centers
339 for Disease Control and Prevention, as requested by the Centers
340 for Disease Control and Prevention.

341 Section 5. Subsections (4) through (8) of section 390.012,
342 Florida Statutes, are renumbered as subsections (2) and (6),
343 respectively, and subsection (1) and present subsections (2) and
344 (3) of that section are amended to read:

345 390.012 Powers of agency; rules; disposal of fetal
346 remains.—

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

351 (a) The rules shall be reasonably related to the
 352 preservation of maternal health of the clients.

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

356 (b)~~(e)~~ The rules shall provide for:

357 1. The performance of pregnancy termination procedures
 358 only by a licensed physician.

359 2. The making, protection, and preservation of patient
 360 records, which shall be treated as medical records under chapter
 361 458. When performing a license inspection of a clinic, the
 362 agency shall inspect at least 50 percent of patient records
 363 generated since the clinic's last license inspection.

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

367 4. The prompt investigation of credible allegations of
 368 abortions being performed at a clinic that is not licensed to
 369 perform such procedures.

370 ~~(2) For clinics that perform abortions in the first~~
 371 ~~trimester of pregnancy only, these rules must be comparable to~~
 372 ~~rules that apply to all surgical procedures requiring~~
 373 ~~approximately the same degree of skill and care as the~~
 374 ~~performance of first trimester abortions and must require:~~

375 5.(a) Clinics to have a written patient transfer agreement

376 with a hospital within reasonable proximity to the clinic which
 377 includes the transfer of the patient's medical records held by
 378 the clinic and the treating physician to the licensed hospital;
 379 or

380 6.(b) Physicians who perform abortions at the clinic to
 381 have admitting privileges at a hospital within reasonable
 382 proximity to the clinic.

383 ~~(3) For clinics that perform or claim to perform abortions~~
 384 ~~after the first trimester of pregnancy, the agency shall adopt~~
 385 ~~rules pursuant to ss. 120.536(1) and 120.54 to implement the~~
 386 ~~provisions of this chapter, including the following:~~

387 ~~(a) Rules for an abortion clinic's physical facilities. At~~
 388 ~~a minimum, these rules shall prescribe standards for:~~

389 1. ~~Adequate private space that is specifically designated~~
 390 ~~for interviewing, counseling, and medical evaluations.~~

391 2. ~~Dressing rooms for staff and patients.~~

392 3. ~~Appropriate lavatory areas.~~

393 4. ~~Areas for preprocedure hand washing.~~

394 5. ~~Private procedure rooms.~~

395 6. ~~Adequate lighting and ventilation for abortion~~
 396 ~~procedures.~~

397 7. ~~Surgical or gynecological examination tables and other~~
 398 ~~fixed equipment.~~

399 8. ~~Postprocedure recovery rooms that are equipped to meet~~
 400 ~~the patients' needs.~~

401 ~~9. Emergency exits to accommodate a stretcher or gurney.~~

402 ~~10. Areas for cleaning and sterilizing instruments.~~

403 ~~11. Adequate areas for the secure storage of medical~~
 404 ~~records and necessary equipment and supplies.~~

405 ~~12. The display in the abortion clinic, in a place that is~~
 406 ~~conspicuous to all patients, of the clinic's current license~~
 407 ~~issued by the agency.~~

408 (c)~~(b)~~ Rules to prescribe abortion clinic supplies and
 409 equipment standards, including supplies and equipment that are
 410 required to be immediately available for use or in an emergency.
 411 At a minimum, these rules shall:

412 1. Prescribe required clean and sterilized equipment and
 413 supplies, including medications, required for the conduct, in an
 414 appropriate fashion, of any abortion procedure that the medical
 415 staff of the clinic anticipates performing and for monitoring
 416 the progress of each patient throughout the procedure and
 417 recovery period.

418 2. Prescribe required equipment, supplies, and medications
 419 that shall be available and ready for immediate use in an
 420 emergency and requirements for written protocols and procedures
 421 to be followed by staff in an emergency, such as the loss of
 422 electrical power.

423 3. Prescribe equipment and supplies for required
 424 laboratory tests and requirements for protocols to calibrate and
 425 maintain laboratory equipment or equipment operated by clinic

426 staff at the abortion clinic.

427 4. Require ultrasound equipment.

428 5. Require that all equipment is safe for the patient and
429 the staff, meets applicable federal standards, and is checked
430 annually to ensure safety and appropriate calibration.

431 (d)~~(e)~~ Rules relating to abortion clinic personnel. At a
432 minimum, these rules shall require that:

433 1. The abortion clinic designate a medical director who is
434 licensed to practice medicine in this state, and all physicians
435 who perform abortions in the clinic have admitting privileges at
436 a hospital within reasonable proximity to the clinic, unless the
437 clinic has a written patient transfer agreement with a hospital
438 within reasonable proximity to the clinic which includes the
439 transfer of the patient's medical records held by both the
440 clinic and the treating physician.

441 2. If a physician is not present after an abortion is
442 performed, a registered nurse, licensed practical nurse,
443 advanced practice registered nurse, or physician assistant be
444 present and remain at the clinic to provide postoperative
445 monitoring and care until the patient is discharged.

446 3. Surgical assistants receive training in counseling,
447 patient advocacy, and the specific responsibilities associated
448 with the services the surgical assistants provide.

449 4. Volunteers receive training in the specific
450 responsibilities associated with the services the volunteers

451 provide, including counseling and patient advocacy as provided
452 in the rules adopted by the director for different types of
453 volunteers based on their responsibilities.

454 (e)~~(d)~~ Rules relating to the medical screening and
455 evaluation of each abortion clinic patient. At a minimum, these
456 rules shall require:

457 1. A medical history including reported allergies to
458 medications, antiseptic solutions, or latex; past surgeries; and
459 an obstetric and gynecological history.

460 2. A physical examination, including a bimanual
461 examination estimating uterine size and palpation of the adnexa.

462 3. The appropriate laboratory tests, including:

463 a. Urine or blood tests for pregnancy performed before the
464 abortion procedure.

465 b. A test for anemia.

466 c. Rh typing, unless reliable written documentation of
467 blood type is available.

468 d. Other tests as indicated from the physical examination.

469 4. An ultrasound evaluation for all patients. The rules
470 shall require that if a person who is not a physician performs
471 an ultrasound examination, that person shall have documented
472 evidence that he or she has completed a course in the operation
473 of ultrasound equipment as prescribed in rule. The rules shall
474 require clinics to be in compliance with s. 390.0111.

475 5. That the physician is responsible for estimating the

476 gestational age of the fetus based on the ultrasound examination
477 and obstetric standards in keeping with established standards of
478 care regarding the estimation of fetal age as defined in rule
479 and shall write the estimate in the patient's medical history.
480 The physician shall keep original prints of each ultrasound
481 examination of a patient in the patient's medical history file.

482 (f)~~(e)~~ Rules relating to the abortion procedure. At a
483 minimum, these rules shall require:

484 1. That a physician, registered nurse, licensed practical
485 nurse, advanced practice registered nurse, or physician
486 assistant is available to all patients throughout the abortion
487 procedure.

488 2. Standards for the safe conduct of abortion procedures
489 that conform to obstetric standards in keeping with established
490 standards of care regarding the estimation of fetal age as
491 defined in rule.

492 3. Appropriate use of general and local anesthesia,
493 analgesia, and sedation if ordered by the physician.

494 4. Appropriate precautions, such as the establishment of
495 intravenous access at least for patients undergoing post-first
496 trimester abortions.

497 5. Appropriate monitoring of the vital signs and other
498 defined signs and markers of the patient's status throughout the
499 abortion procedure and during the recovery period until the
500 patient's condition is deemed to be stable in the recovery room.

- 501 (g)~~(f)~~ Rules that prescribe minimum recovery room
502 standards. At a minimum, these rules must require that:
- 503 1. Postprocedure recovery rooms be supervised and staffed
504 to meet the patients' needs.
- 505 2. Immediate postprocedure care consist of observation in
506 a supervised recovery room for as long as the patient's
507 condition warrants.
- 508 3. A registered nurse, licensed practical nurse, advanced
509 practice registered nurse, or physician assistant who is trained
510 in the management of the recovery area and is capable of
511 providing basic cardiopulmonary resuscitation and related
512 emergency procedures remain on the premises of the abortion
513 clinic until all patients are discharged.
- 514 4. A physician sign the discharge order and be readily
515 accessible and available until the last patient is discharged to
516 facilitate the transfer of emergency cases if hospitalization of
517 the patient or viable fetus is necessary.
- 518 5. A physician discuss Rho(D) immune globulin with each
519 patient for whom it is indicated and ensure that it is offered
520 to the patient in the immediate postoperative period or will be
521 available to her within 72 hours after completion of the
522 abortion procedure. If the patient refuses the Rho(D) immune
523 globulin, she and a witness must sign a refusal form approved by
524 the agency which must be included in the medical record.
- 525 6. Written instructions with regard to postabortion

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526 coitus, signs of possible problems, and general aftercare which
527 are specific to the patient be given to each patient. The
528 instructions must include information regarding access to
529 medical care for complications, including a telephone number for
530 use in the event of a medical emergency.

531 7. A minimum length of time be specified, by type of
532 abortion procedure and duration of gestation, during which a
533 patient must remain in the recovery room.

534 8. The physician ensure that, with the patient's consent,
535 a registered nurse, licensed practical nurse, advanced practice
536 registered nurse, or physician assistant from the abortion
537 clinic makes a good faith effort to contact the patient by
538 telephone within 24 hours after surgery to assess the patient's
539 recovery.

540 9. Equipment and services be readily accessible to provide
541 appropriate emergency resuscitative and life support procedures
542 pending the transfer of the patient or viable fetus to the
543 hospital.

544 (h) ~~(g)~~ Rules that prescribe standards for follow-up
545 ~~followup~~ care. At a minimum, these rules shall require that:

546 1. A postabortion medical visit that includes a medical
547 examination and a review of the results of all laboratory tests
548 is offered.

549 2. A urine pregnancy test is obtained at the time of the
550 followup visit to rule out continuing pregnancy.

551 3. If a continuing pregnancy is suspected, the patient
 552 shall be evaluated and a physician who performs abortions shall
 553 be consulted.

554 (i)~~(h)~~ Rules to prescribe minimum abortion clinic incident
 555 reporting. At a minimum, these rules shall require that:

556 1. The abortion clinic records each incident that results
 557 in serious injury to a patient or a viable fetus at an abortion
 558 clinic and shall report an incident in writing to the agency
 559 within 10 days after the incident occurs. For the purposes of
 560 this paragraph, "serious injury" means an injury that occurs at
 561 an abortion clinic and that creates a serious risk of
 562 substantial impairment of a major bodily organ.

563 2. If a patient's death occurs, other than a fetal death
 564 properly reported pursuant to law, the abortion clinic reports
 565 it to the department not later than the next department workday.

566 Section 6. Section 390.031, Florida Statutes, is created
 567 to read:

568 390.031 Termination of pregnancies.-

569 (1)(a) Notwithstanding any other law to the contrary, a
 570 person or an entity may not purposely perform or attempt to
 571 perform an abortion except to save the life of a pregnant woman
 572 in a medical emergency. Attempting to perform an abortion
 573 includes:

574 1. A foreign sender knowingly mailing or sending by common
 575 carrier an abortifacient to an address in this state or to a

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576 person in this state.

577 2. A person or an entity knowingly disseminating an
578 abortifacient in this state without a valid prescription.

579 3. A person or an entity intentionally placing an
580 abortifacient into the stream of commerce when the person or
581 entity knows that the abortifacient is substantially likely to
582 be used in this state or mailed or sent by common carrier to an
583 address in this state.

584 (b) It is not a defense that a foreign sender did not know
585 or intend that an abortion would be performed.

586 (2) (a) Performing or attempting to perform an abortion is
587 a third degree felony, punishable as provided in s. 775.082, s.
588 775.083, or s. 775.084 with a mandatory term of imprisonment not
589 to exceed 10 years or with a fine not to exceed \$100,000, or
590 both.

591 (b) This section does not authorize a woman to be charged
592 with or convicted of a criminal offense in the death of her own
593 unborn child.

594 (c) The following are affirmative defenses to any criminal
595 or other liabilities under this section:

596 1. A physician licensed in this state provides a medical
597 procedure or service for a legitimate medical reason to a
598 pregnant woman that results in the accidental or unintentional
599 physical injury to or death of the unborn child.

600 2. A pharmacy fills a valid prescription issued by a

601 physician licensed in this state.

602 (3) A pregnant woman who receives an abortifacient may
603 bring a civil action against another person or entity, including
604 a foreign sender, that knowingly or intentionally performs or
605 attempts to perform an abortion in violation of this section.

606 (a) If a claimant prevails in an action brought under this
607 section, the court shall award:

608 1. Injunctive relief that requires the defendant to comply
609 with this section.

610 2. Damages of \$10,000 for each abortion that the person,
611 entity, or foreign sender knowingly and intentionally performed
612 or attempted to perform.

613 3. Attorney fees and costs.

614 (b) A person may bring an action under this section up to
615 3 years after the date the cause of action accrues or up to 1
616 year after the lifting or expiration of any stay, injunction, or
617 temporary restraining order which was put in place less than 3
618 years after the date the cause of action accrued, whichever is
619 later.

620 (c) Notwithstanding any other law to the contrary, a court
621 may not award attorney fees or costs to a defendant in a civil
622 action brought under this section.

623 (d) A civil action brought under this section is in
624 addition to and does not impair the rights or remedies of the
625 plaintiff in other causes of action in law or equity.

626 (4) If any provision of this section or its application to
 627 any particular person or circumstance is held invalid, that
 628 provision or its application is severable and does not affect
 629 the validity of other provisions or applications of this
 630 section.

631 Section 7. Paragraph (s) of subsection (2) of section
 632 409.815, Florida Statutes, is amended to read:

633 409.815 Health benefits coverage; limitations.—

634 (2) BENCHMARK BENEFITS.—In order for health benefits
 635 coverage to qualify for premium assistance payments for an
 636 eligible child under ss. 409.810-409.821, the health benefits
 637 coverage, except for coverage under Medicaid and Medikids, must
 638 include the following minimum benefits, as medically necessary.

639 (s) Exclusions.—

640 1. Experimental or investigational procedures that have
 641 not been clinically proven by reliable evidence are excluded;

642 2. Services performed for cosmetic purposes only or for
 643 the convenience of the enrollee are excluded; and

644 3. Abortion may be covered only if necessary to save the
 645 life of the mother ~~or if the pregnancy is the result of an act~~
 646 ~~of rape or incest.~~

647 Section 8. Subsection (1) of section 627.64995, Florida
 648 Statutes, is amended to read:

649 627.64995 Restrictions on use of state and federal funds
 650 for state exchanges.—

651 (1) A health insurance policy under which coverage is
 652 purchased in whole or in part with any state or federal funds
 653 through an exchange created pursuant to the federal Patient
 654 Protection and Affordable Care Act, Pub. L. No. 111-148, may not
 655 provide coverage for an abortion as defined in s. 390.011 ~~s.~~
 656 ~~390.011(1)~~, except if the pregnancy is a ~~the result of an act of~~
 657 ~~rape or incest, or in the case~~ in which ~~where~~ a woman suffers
 658 from a physical disorder, physical injury, or physical illness,
 659 including a life-endangering physical condition caused by or
 660 arising from the pregnancy itself, which would, as certified by
 661 a physician, place the woman in danger of death unless an
 662 abortion is performed. Coverage is deemed to be purchased with
 663 state or federal funds if any tax credit or cost-sharing credit
 664 is applied toward the health insurance policy.

665 Section 9. Paragraph (a) of subsection (16) of section
 666 627.6699, Florida Statutes, is amended to read:

667 627.6699 Employee Health Care Access Act.—

668 (16) RESTRICTIONS ON COVERAGE.—

669 (a) A plan under which coverage is purchased in whole or
 670 in part with any state or federal funds through an exchange
 671 created pursuant to the federal Patient Protection and
 672 Affordable Care Act, Pub. L. No. 111-148, may not provide
 673 coverage for an abortion, as defined in s. 390.011 ~~s.~~
 674 ~~390.011(1)~~, except if the pregnancy is a ~~the result of an act of~~
 675 ~~rape or incest, or in the case~~ in which ~~where~~ a woman suffers

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676 from a physical disorder, physical injury, or physical illness,
677 including a life-endangering physical condition caused by or
678 arising from the pregnancy itself, which would, as certified by
679 a physician, place the woman in danger of death unless an
680 abortion is performed. Coverage is deemed to be purchased with
681 state or federal funds if any tax credit or cost-sharing credit
682 is applied toward the plan.

683 Section 10. Subsection (1) of section 627.66996, Florida
684 Statutes, is amended to read:

685 627.66996 Restrictions on use of state and federal funds
686 for state exchanges.—

687 (1) A group, franchise, or blanket health insurance policy
688 under which coverage is purchased in whole or in part with any
689 state or federal funds through an exchange created pursuant to
690 the federal Patient Protection and Affordable Care Act, Pub. L.
691 No. 111-148, may not provide coverage for an abortion as defined
692 in s. 390.011 ~~s. 390.011(1)~~, except if the pregnancy is a the
693 ~~result of an act of rape or incest, or in the case in which~~
694 ~~where~~ a woman suffers from a physical disorder, physical injury,
695 or physical illness, including a life-endangering physical
696 condition caused by or arising from the pregnancy itself, which
697 would, as certified by a physician, place the woman in danger of
698 death unless an abortion is performed. Coverage is deemed to be
699 purchased with state or federal funds if any tax credit or cost-
700 sharing credit is applied toward the group, franchise, or

701 blanket health insurance policy.

702 Section 11. Subsection (1) of section 641.31099, Florida
703 Statutes, is amended to read:

704 641.31099 Restrictions on use of state and federal funds
705 for state exchanges.—

706 (1) A health maintenance contract under which coverage is
707 purchased in whole or in part with any state or federal funds
708 through an exchange created pursuant to the federal Patient
709 Protection and Affordable Care Act, Pub. L. No. 111-148, may not
710 provide coverage for an abortion as defined in s. 390.011 ~~s.~~
711 ~~390.011(1)~~, except if the pregnancy is a ~~the result of an act of~~
712 ~~rape or incest, or in the case in which~~ where a woman suffers
713 from a physical disorder, physical injury, or physical illness,
714 including a life-endangering physical condition caused by or
715 arising from the pregnancy itself, which would, as certified by
716 a physician, place the woman in danger of death unless an
717 abortion is performed. Coverage is deemed to be purchased with
718 state or federal funds if any tax credit or cost-sharing credit
719 is applied toward the health maintenance contract.

720 Section 12. Paragraph (d) of subsection (5) of section
721 775.021, Florida Statutes, is amended to read:

722 775.021 Rules of construction.—

723 (5) Whoever commits an act that violates a provision of
724 this code or commits a criminal offense defined by another
725 statute and thereby causes the death of, or bodily injury to, an

726 unborn child commits a separate offense if the provision or
727 statute does not otherwise specifically provide a separate
728 offense for such death or injury to an unborn child.

729 (d) This subsection does not permit the prosecution:

730 1. Of any person for conduct relating to an abortion for
731 which the consent of the pregnant woman, or a person authorized
732 by law to act on her behalf, has been obtained or for which such
733 consent is implied by law or an abortion performed in compliance
734 with s. 390.031;

735 2. Of a person for providing medical treatment of the
736 pregnant woman or her unborn child; or

737 3. Of a woman with respect to her unborn child.

738 Section 13. This act shall take effect 30 days after any
739 of the following occurs: a decision by the Florida Supreme Court
740 holding that the right to privacy enshrined in s. 23, Article I
741 of the State Constitution does not include a right to abortion;
742 a decision by the Florida Supreme Court in *Planned Parenthood v.*
743 *State*, SC2022-1050, allowing the prohibition on abortions after
744 15 weeks in s. 390.0111(1), Florida Statutes, to remain in
745 effect, including a decision approving, in whole or in part, the
746 First District Court of Appeal's decision under review or a
747 decision discharging jurisdiction; an amendment to the State
748 Constitution clarifying that s. 23, Article I of the State
749 Constitution does not include a right to abortion; or a decision
750 by the Florida Supreme Court after March 7, 2023, receding, in

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751 whole or in part, from *In re T.W.*, 551 So. 2d 1186 (Fla. 1989),
752 *North Fla. Women's Health v. State*, 866 So. 2d 612 (Fla. 2003),
753 or *Gainesville Woman Care, LLC v. State*, 210 So. 3d 1243 (Fla.
754 2017), except for this section, which shall take effect upon
755 becoming a law.