

Be It Enacted by the Legislature of the State of _____:

Section 1. This act may be cited as the "_____ for Life Act."

Section 2. Section 390.0001, Florida Statutes, is created to read:
390.0001 Legislative findings regarding abortion.—

(1) The Legislature acknowledges that all persons are endowed by their Creator with certain unalienable rights, and that first among these is their right to life.

(2) The Legislature finds that all human life comes from the Creator, has an inherent value that cannot be quantified by man, and begins at the earliest biological development of a fertilized human egg.

(3) The Legislature finds that the United States Constitution expresses no qualification for, or limitation on, the protection of human life by laws passed by state legislatures which regard human life as the most fundamental gift from God and deserving of paramount importance among all other unalienable rights expressed or implied in the United States Constitution.

(4) The Legislature finds that personal liberty is not a license to kill or otherwise destroy any form of human life under any provision of the United States Constitution.

(5) The Legislature finds that once human life begins, there is a compelling state interest in protecting its development from that moment through birth. Any act of a person detrimental to unborn human life, when not necessary in defense of the life of the mother bearing such unborn human life, which unnaturally terminates that unborn human life is a deprivation of that unborn human's unalienable right to life.

(6) The Legislature finds that the establishment of viability as the point at which the state may restrict abortions, as well as the "undue burden" standard of *Planned Parenthood of Southern Pennsylvania v. Casey*, 505 U.S. 833 (1992) is arbitrary and provides inadequate guidance for this state to enact meaningful protections for unborn human life.

(7) The Legislature finds that the health exception required of post-viability abortion regulations inadequately protects the health of women and

minors seeking post-viability abortions and impedes the state's protection of viable unborn human life.

(8) The Legislature finds that the people of Florida seek to protect all human life and prohibit unnecessary abortion through the exercise of their right to self-government.

(9) The Legislature urges the United States Supreme Court to overturn *Roe v. Wade*, 410 U.S. 113 (1973), and *Planned Parenthood of Southern Pennsylvania v. Casey*, 505 U.S. 833 (1992).

Section 3. Section 390.011, Florida Statutes, is amended to read:
390.011 Definitions.—As used in this chapter, the term:

(1) "Abortion" means the termination of human pregnancy with an intention other than to produce a live birth or to remove a fetus that has died of natural causes.

(2) "Abortion clinic" or "clinic" means any facility, location, or structure in which abortions are performed. The term does not include a hospital or medical establishment, as defined in subsection (6)

(3) "Agency" means the Agency for Health Care Administration.

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

(5) "Department" means the Department of Health.

(6) "Hospital" means a medical establishment as defined in s. 395.002(12) and licensed under chapter 395 and part II of chapter 408.

(7) "Human life" means a human person and is the biological development of the species *homo sapiens* that begins when a human egg is fertilized by a human sperm and continues to develop as a living organism. For

the purposes of this chapter, the terms "human life" and "human person" may be used interchangeably.

(8) "Induced abortion" means a medically initiated termination of a human pregnancy with the intent to kill a living human organism, zygote, embryo, or fetus. For purposes of this subsection, the term "medically initiated" means the ingestion or administration of pharmaceutical abortifacients by any means, performance of a surgical procedure, or use of any device or instrument and any combination thereof.

(9) "Medical emergency" means a condition that, on the basis of a physician's good faith clinical judgment, so complicates the medical condition of a patient as to necessitate the immediate termination of her pregnancy to avert her death, or for which a delay in the termination of her pregnancy will create serious risk of substantial and irreversible impairment of a major bodily function or unreasonably reduce the likelihood of successful treatment of a life-threatening disease.

(10) "Partial-birth abortion" means a termination of pregnancy in which the physician performing the termination of pregnancy partially vaginally delivers a living fetus and then kills the fetus before completing the delivery.

(11) "Patient" means the woman or minor upon whom an abortion or termination of pregnancy is to be performed or induced.

(12) "Physician" means a physician licensed under chapter 458 or chapter 459 or a physician practicing medicine or an osteopath who is attending to the patient.

(13) "Attendant" means any form of certified medical person that might be involved in performing or assisting in the performance of abortions.

(14) "Pregnancy" means the process by which a human egg is fertilized by a human sperm and continues to develop.

(15) "Reasonable medical judgment" means a medical judgment made by a practicing physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

(16) "Standard medical measure" means the medical care that a physician would provide based on the particular facts of the pregnancy, the

information available to the physician, and the technology reasonably available in a hospital, as defined in s. 395.002, with an obstetrical department, to preserve the life and health of the fetus, with or without temporary artificial life-sustaining support, if the fetus were born at the same stage of fetal development.

(17) "Termination of pregnancy" means the termination of a human pregnancy under circumstances not prohibited by this chapter.

(18) "Third trimester" means the weeks of pregnancy after the 24th week of pregnancy.

(19) "Viable" or "viability" means the stage of fetal development when, in the judgment of the physician, based on the particular facts of the case before him or her and in light of the most advanced medical technology and information available, there is a reasonable probability of sustained survival of the unborn human person outside his or her mother's womb with or without artificial support.

Section 4. Section 390.0111, Florida Statutes, is amended to read:
390.0111 Abortion unlawful; termination of pregnancies; circumstances authorized.—

(1) INDUCED ABORTION PROHIBITED; PENALTIES.—

(a) Induced abortion for any purpose is unlawful, except as provided in s. 390.01112. Any person who induces an abortion or performs, attempts to perform, or assists another in the performance of an induced abortion on another person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Any person who during the course of performing an induced abortion on another person inflicts serious bodily injury on the person commits a felony of the first degree, punishable by imprisonment for a term of years not exceeding life, as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person who during the course of performing an induced abortion on another person inflicts serious bodily injury on the person which results in the death of the person commits a life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) OPERATING ABORTION CLINICS AND SERVICES PROHIBITED.—

A person or persons, including attendants, who operate any facility, business, or service from any location within this state for the purpose of providing induced abortion services commits a felony of the first degree, life, as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) TERMINATION OF PREGNANCY; WHEN ALLOWED.—

A termination of pregnancy may not be performed on any human being unless one of the following conditions is met:

(a) Two physicians certify in writing that, to a reasonable degree of medical certainty, the termination of the pregnancy is necessary to prevent the death of the patient;

(b) Two physicians certify in writing that, to a reasonable degree of medical certainty, the termination of pregnancy is necessary because to continue the pregnancy would unreasonably reduce the likelihood of successful treatment of an already life-threatening disease of the patient; or

(c) The attending physician certifies in writing that a medical emergency existed as described in paragraph (a) or paragraph (b) and another physician was not available for consultation before the time necessary to perform the termination of pregnancy. The physician's written certification must clearly describe the details of the medical emergency in the patient's medical records.

Violation of this subsection by a physician constitutes grounds for disciplinary action under s. 458.331 or s. 459.015.

(4) PERFORMANCE BY PHYSICIAN REQUIRED.—A termination of pregnancy may not be performed at any time except by a physician as defined in s. 390.011.

(5) CONSENTS REQUIRED.—A termination of pregnancy may not be performed or induced except with the voluntary and informed written consent of the patient or, in the case of a mentally incompetent patient, the voluntary and informed written consent of her court-appointed guardian or, in the case of a minor patient, notwithstanding s. 743.065, the voluntary informed written consent of her parent or legal guardian.

(a) Except in the case of a medical emergency, consent to a termination of pregnancy is voluntary and informed only if:

1. The physician who is to perform the procedure, or the referring physician, has, at a minimum, orally, while physically present in the same room, and at least 24 hours before the procedure, informed the patient, or the court-appointed guardian if the patient is mentally incompetent or the parent or legal guardian if the patient is a minor, of:

a. The nature and risks of undergoing or not undergoing the proposed procedure that a reasonable patient would consider material to making a knowing and willful decision of whether to terminate a pregnancy.

b. The probable gestational age of the fetus, verified by an ultrasound, at the time the termination of pregnancy is to be performed.

(I) The ultrasound must be performed by the physician who is to perform the abortion or by a person having documented evidence that he or she has completed a course in the operation of ultrasound equipment as prescribed by rule and who is working in conjunction with the physician.

(II) The person performing the ultrasound must offer the patient the opportunity to view the live ultrasound images and hear an explanation of them. If the patient accepts the opportunity to view the images and hear the explanation, a physician or a registered nurse, licensed practical nurse, advanced registered nurse practitioner, or physician assistant working in conjunction with the physician must contemporaneously review and explain the images to the patient before the patient gives informed consent to having an abortion procedure performed.

(III) The patient has a right to decline to view and hear the explanation of the live ultrasound images after she is informed of her right and offered an opportunity to view the images and hear the explanation. If the patient declines, the patient shall complete a form acknowledging that she was offered an opportunity to view and hear the explanation of the images but that she declined that opportunity. The form must also indicate that the patient's decision was not based on any undue influence from any person to discourage her from viewing the images or hearing the explanation and that she declined of her own free will.

c. The medical risks to the patient and fetus of carrying the pregnancy to term.

2. Printed materials prepared and provided by the department have been provided to the patient, or the court- appointed guardian if the patient is mentally incompetent or the parent or legal guardian if the patient is a minor including:

a. An accurate estimate of the stage of biological development, gestational age, length, weight, and viability of the unborn human person

b. A list of entities that offer alternatives to terminating the pregnancy.

c. Detailed information on the availability of medical assistance benefits for prenatal care, childbirth, and neonatal care.

3. The patient, or the court-appointed guardian if the patient is mentally incompetent or the parent or legal guardian if the patient is a minor, has been given, in writing, the address and telephone number of the Office of Adoption and Child Protection within the Executive Office of the Governor and informed of the existence of a statewide list of attorneys available to provide volunteer legal services for adoption.

4. The person required to give consent under this subsection acknowledges in writing, before the termination of pregnancy, that the information required to be provided under this subsection has been provided.

Nothing in this paragraph is intended to prohibit a physician from providing any additional information which the physician deems material to the patient's informed decision to terminate her pregnancy.

(b) If a medical emergency exists and a physician cannot comply with the requirements for informed consent, the attending physician may terminate a pregnancy if he or she has obtained at least one physician's corroborative written medical opinion attesting to the medical necessity for emergency medical procedures and to the fact that to a reasonable degree of medical certainty the continuation of the pregnancy would threaten the physical life of the patient. If a second physician is not available for a corroborating written opinion before the time necessary to perform the termination of pregnancy, the physician may proceed but must document all reasons for the medical emergency and must clearly describe the

details of the medical emergency in the patient's medical records as described in paragraph (3)(c).

(c) Violation of this subsection by a physician constitutes grounds for disciplinary action under s. 458.331 or s. 459.015. Substantial compliance or reasonable belief that complying with the requirements of informed consent would threaten the life of the patient as described in paragraph (3)(a) or would unreasonably reduce the successful treatment of an already life-threatening disease of the patient as described in paragraph (3)(b) may be raised as is a defense to any action brought under this subsection.

(6) EXPERIMENTATION ON FETUS PROHIBITED; EXCEPTION.—A person may not use any live fetus or live, premature infant for any type of scientific, research, laboratory, or other kind of experimentation either prior to or subsequent to any termination of pregnancy procedure except as necessary to protect or preserve the life and health of such fetus or premature infant. Violation of this subsection by a physician constitutes grounds for disciplinary action under s. 458.331 or s. 459.015.

(7) FETAL REMAINS.—Fetal remains shall be disposed of in a sanitary and appropriate manner and in accordance with standard health practices, as provided by rule of the Department of Health. A person who fails to dispose of fetal remains in accordance with department rules commits a felony of the third degree as provided in s. 775.082, or s. 775.083, or s. 775.084.

(8) REFUSAL TO PARTICIPATE IN TERMINATION PROCEDURE.— Nothing in this section shall require any hospital or any person to participate in the termination of a pregnancy, nor shall any hospital or any person be liable for such refusal. A person who is a member of, or associated with, the staff of a hospital, or any employee of a hospital or physician in which or by whom the termination of a pregnancy has been authorized or performed, who states an objection to such procedure on moral or religious grounds is not required to participate in the procedure which will result in the termination of pregnancy. The refusal of any such person or employee to participate does not form the basis for any disciplinary or other recriminatory action against such person.

(9) EXCEPTION.— This section does not apply to the performance of a procedure which terminates a pregnancy in order to deliver a live child or to remove a dead child whose demise was not the result of a termination of pregnancy or an induced abortion from the patient's body.

(10) INFANTS BORN ALIVE.—

(a) An infant born alive during or immediately after an attempted abortion is entitled to rights endowed upon them by God, their Creator, including life, and all powers and privileges granted by the laws of this state to any other child born alive in the course of natural birth.

(b) If an infant is born alive during or immediately after an attempted abortion, any health care practitioner present at the time shall humanely exercise the same degree of professional skill, care, and diligence to preserve the life and health of the infant as a reasonably diligent and conscientious health care practitioner would render to an infant born alive at the same gestational age in the course of natural birth.

(c) An infant born alive during or immediately after an attempted abortion must be immediately transported and admitted to a hospital pursuant to s. 390.012(3)(c) or rules adopted thereunder.

(d) A health care practitioner or any employee of a hospital, a physician's office, or an abortion clinic who has knowledge of a violation of this subsection must report the violation to the department.

(e) A person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s.775.082 or s. 775.083. This subsection shall not be construed as a specific provision of law relating to a particular subject matter that would preclude prosecution of a more general offense, regardless of the penalty.

(f) This subsection does not affirm, deny, expand, or contract any legal status or legal right applicable to any member of the species *Homo sapiens* at any point prior to being born alive as defined in s. 390.011.

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

(12) ADOPTION ALTERNATIVE INFORMATION.—Any physician or authorized personnel of a medical facility who learns that a patient wishes to obtain an induced abortion, or that a patient has had a termination of pregnancy where the fetus survived, shall provide the patient with information

concerning the availability of adoption for her unwanted child. Compliance with this subsection may be accomplished by providing the patient or, in the case of a mentally incompetent patient, her court- appointed guardian or, in the case of a minor patient, her parent or legal guardian with the address and telephone number of the Office of Adoption and Child Protection within the Executive Office of the Governor and inform the patient or, in the case of a mentally incompetent patient, her court-appointed guardian or, in the case of a minor patient, her parent or legal guardian of the existence of the statewide list of attorneys available to provide volunteer legal services for adoption.

(13) RULEMAKING AUTHORITY.—

(a) Except for subsection (7), the agency may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section. These rules must be for the purpose of protecting the health and safety of pregnant women and minors and unborn human persons. These rules are also for the purpose of securing compliance with the requirements of this section and to facilitate the enforcement of sanctions for those violations to which administrative penalties apply.

(b) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer subsection (7)

Section 5. Section 390.01112, Florida Statutes, is amended to read:
390.01112 Termination of pregnancies during viability.—

(1) A No termination of pregnancy may not shall be performed on any human being if the physician determines that, in reasonable medical judgment, the fetus has achieved viability, unless:

(a) Two physicians certify in writing that, in their reasonable medical judgments, the termination of the pregnancy is necessary to save the pregnant woman's life or avert a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman other than a psychological condition; or

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

than a psychological condition, and another physician is not available for consultation.

(2) Before performing a termination of pregnancy, a physician must determine if the fetus is viable by, at a minimum, performing a medical examination of the pregnant woman and, to the maximum extent possible through reasonably available tests and the ultrasound required under s. 390.0111(5), an examination of the fetus. The physician must document in the pregnant woman's medical file the physician's determination and the method, equipment, fetal measurements, and any other information used to determine the viability of the fetus.

(3) If a termination of pregnancy is performed while the patient's fetus is viable, the physician performing the termination of pregnancy must exercise the same degree of professional skill, care, and diligence to preserve the life and health of the fetus that the physician would be required to exercise in order to preserve the life and health of a fetus intended to be born and not aborted. However, if preserving the life and health of the fetus conflicts with preserving the life and health of the woman, the physician must consider preserving the woman's life and health the overriding and superior concern. Violation of this subsection by a physician constitutes grounds for disciplinary action under s. 458.331 or s. 459.015.

(4) A termination of pregnancy involving a viable fetus, when not prohibited under s. 390.0111(3), must be performed in a hospital or other medical establishment as defined in s.390.011(6) that is capable of providing all necessary lifesaving and life-sustaining medical services to the viable fetus.

(5) A physician who, once the matter of the viability or nonviability of the fetus is determined within a reasonable degree of medical probability, knowingly and willfully misrepresents the gestational age or stage of fetal development of a viable fetus in an entry into any medical record and who fails to use the standard of care required under subsection (3) on any fetus determined to be viable commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 6. Subsection (8) of section 39.001, Florida Statutes, is amended, and paragraph (d) is added to subsection (9) of that section, to read: 39.001 Purposes and intent; personnel standards and screening.—

(8) LEGISLATIVE INTENT FOR THE PREVENTION OF ABUSE, ABANDONMENT, AND NEGLECT OF CHILDREN; ADOPTION SERVICES FOR WOMEN AND MINORS WITH UNWANTED PREGNANCIES.—

The incidence of known child abuse, abandonment, and neglect has increased rapidly in recent years. The impact that abuse, abandonment, or neglect has on the victimized child, siblings, family structure, and inevitably on all citizens of the state has caused the Legislature to determine that the prevention of child abuse, abandonment, and neglect shall be a priority of this state. In addition, to provide assistance for women and minors with unwanted pregnancies who would have selected abortion, if lawful in this state, rather than adoption as an alternative for their unborn children, the Legislature has determined to offer such women and minors information regarding volunteer legal services to accomplish an appropriate adoptive placement for their newborn children. It is the intent of the Legislature that the an Office of Adoption and Child Protection be established and maintained to accomplish these purposes.

(9) OFFICE OF ADOPTION AND CHILD PROTECTION.—

(d) In connection with the provision of volunteer legal services for women and minors with unwanted pregnancies who would have selected abortion, if lawful in this state, rather than adoption, the office shall:

1. Create and manage a statewide list of attorneys that provide volunteer adoption services for such women and minors.
2. Have deposited, directed, and budgeted in the full amount for use by the office, in addition to funds that would have or are otherwise budgeted for the office, all moneys received by or otherwise awarded to the state from the Federal Government, the United States Treasury, or any other federal agency as a result of efforts made by the office to provide legal or other services for adoption.

Section 7. Sections 390.01114, 390.01116, 390.0112, 390.012, 390.014, 390.015, 390.018, 390.025, 782.30, 782.32, 782.34, and 782.36, Florida Statutes, are repealed.

Section 8. Paragraph (a) of subsection (6) of section 27.511, Florida Statutes, is amended to read:

27.511 Offices of criminal conflict and civil regional counsel; legislative intent; qualifications; appointment; duties.— (6)(a) The office of criminal conflict and civil regional counsel has primary responsibility for representing persons entitled to court-appointed counsel under the Federal or State Constitution or as authorized by general law in civil proceedings, including, but not limited to, proceedings under s. 393.12 and chapters 39, 392, 397, 415, 743, 744, and 984 and proceedings to terminate parental rights under chapter 63.

Section 9. Subsection (1) of section 627.64995, Florida Statutes, is amended to read:

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

(1) A health insurance policy under which coverage is purchased in whole or in part with any state or federal funds through an exchange created pursuant to the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148, may not provide coverage for an induced abortion as defined in s. 390.011 and prohibited under s. 390.0111, or for a termination of pregnancy in violation of s. 390.0111(3). Coverage is deemed to be purchased with state or federal funds if any tax credit or cost-sharing credit is applied toward the health insurance policy.

Section 10. Paragraph (a) of subsection (16) of section

627.6699, Florida Statutes, is amended to read:

627.6699 Employee Health Care Access Act.—

(16) RESTRICTIONS ON COVERAGE.—

(a)A plan under which coverage is purchased in whole or in part with any state or federal funds through an exchange created pursuant to the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148, may not provide coverage for an induced abortion, as defined in s. 390.011 and prohibited under s. 390.0111, or for a termination of pregnancy in violation of

s. 390.0111 (3). Coverage is deemed to be purchased with state or federal funds if any tax credit or cost-sharing credit is applied toward the plan.

Section 11. Subsection (1) of section 627.66996, Florida

Statutes, is amended to read:

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

(1) A group, franchise, or blanket health insurance policy under which coverage is purchased in whole or in part with any state or federal funds through an exchange created pursuant to the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148, may not provide coverage for an induced abortion as defined in s. 390.011 and prohibited under s. 390.0111, or for a termination of pregnancy in violation of s. 390.0111(3). Coverage is deemed to be purchased with state or federal funds if any tax credit or cost-sharing credit is applied toward the group, franchise, or blanket health insurance policy.

Section 12. Subsection (1) of section 641.31099, Florida

Statutes, is amended to read:

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

(1) A health maintenance contract under which coverage is purchased in whole or in part with any state or federal funds through an exchange created pursuant to the federal Patient Protection and Affordable Care Act, Pub. L. No. 111-148, may not provide coverage for an induced abortion as defined in s. 390.011 and prohibited under s. 390.0111, or for a termination of pregnancy in violation of s. 390.0111(3). Coverage is deemed to be purchased with state or federal funds if any tax credit or cost-sharing credit is applied toward the health maintenance contract.

Section 13. Subsection (3) of section 743.065, Florida

Statutes, is amended to read:

743.065 Unwed pregnant minor or minor mother; consent to medical services for minor or minor's child valid.—

(3) Nothing in this act shall affect the provisions of s.390.0111 or s. 390.01112.

Section 14. Subsection (4) of section 743.067, Florida Statutes, is amended to read:

743.067 Unaccompanied homeless youths.—

Section 15. Subsection (2) of section 765.113, Florida Statutes, is amended to read:

765.113 Restrictions on providing consent.—Unless the principal expressly delegates such authority to the surrogate in writing, or a surrogate or proxy has sought and received court approval pursuant to rule 5.900 of the Florida Probate Rules, a surrogate or proxy may not provide consent for:

(2) Withholding or withdrawing life-prolonging procedures from a pregnant patient before viability as defined in s. 390.011(18).

Section 16. This act shall take effect July 1, 2016.

added "anyone who attends" because there are others who are really not doctors and but some form of certified medical person that are also performing abortions.