Senator Gardiner moved the following:

**Senate Amendment (with title amendment)**

Between lines 433 and 434 insert:

Section 9. Subsection (3) of section 390.0111, Florida Statutes, is amended to read:

390.0111 Termination of pregnancies.—

(3) CONSENTS REQUIRED.—A termination of pregnancy may not be performed or induced except with the voluntary and informed written consent of the pregnant woman or, in the case of a mental incompetent, the voluntary and informed written consent of her court-appointed 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, in person, informed the woman 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 by the Department of Health, and who is working in conjunction with the physician.

   (II) The person performing the ultrasound must allow the woman to view the live ultrasound images, and 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 live ultrasound images to the woman prior to the woman giving informed consent to having an abortion procedure performed. However, this sub-sub-subparagraph does not apply if, at the time the woman schedules or arrives for her appointment to obtain an abortion, a copy of a restraining order, police report, medical record, or other court order or documentation is presented that evidences that the woman is obtaining the abortion because the woman is a victim of rape, incest, domestic
violence, or human trafficking or that the woman has been diagnosed as having a condition that, on the basis of a physician’s good faith clinical judgment, would create a serious risk of substantial and irreversible impairment of a major bodily function if the woman delayed terminating her pregnancy.

(III) The woman has a right to decline to view the ultrasound images after she is informed of her right and offered an opportunity to view them. If the woman declines to view the ultrasound images, the woman shall complete a form, as determined by department rule, acknowledging that she was offered an opportunity to view her ultrasound but that she rejected that opportunity. The form must also indicate that the woman’s decision not to view the ultrasound was not based on any undue influence from any third party to discourage her from viewing the images and that she declined to view the images of her own free will.

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

2. Printed materials prepared and provided by the department have been provided to the pregnant woman, if she chooses to view these materials, including:

a. A description of the fetus, including a description of the various stages of development.

b. A list of entities agencies 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 woman 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 woman’s informed decision to terminate her
pregnancy.

(b) In the event a medical emergency exists and a physician
cannot comply with the requirements for informed consent, a
physician may terminate a pregnancy if he or she has obtained at
least one corroborative 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 life of the pregnant woman. In
the event no second physician is available for a corroborating
opinion, the physician may proceed but shall document reasons
for the medical necessity in the patient’s medical records.

(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 or
health of the patient is a defense to any action brought under
this paragraph.

Section 10. Paragraph (d) of subsection (3) of section
390.012, Florida Statutes, is amended to read:

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

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

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

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

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

3. The appropriate laboratory tests, including:
   a. For an abortion in which an ultrasound examination is not performed before the abortion procedure, Urine or blood tests for pregnancy performed before the abortion procedure.
   b. A test for anemia.
   c. Rh typing, unless reliable written documentation of blood type is available.
   d. Other tests as indicated from the physical examination.

4. An ultrasound evaluation for all patients who elect to have an abortion after the first trimester. The rules shall require that if a person who is not a physician performs an ultrasound examination, that person shall have documented evidence that he or she has completed a course in the operation of ultrasound equipment as prescribed in rule. The physician, registered nurse, licensed practical nurse, advanced registered nurse practitioner, or physician assistant shall review and explain, at the request of the patient, the live ultrasound images evaluation results, including an estimate of the probable gestational age of the fetus, with the patient before the
abortion procedure is performed, unless the patient declines pursuant to s. 390.0111. If the patient declines to view the live ultrasound images, the applicable rules established by the department shall require that s. 390.0111 be complied with in all other respects.

5. That the physician is responsible for estimating the gestational age of the fetus based on the ultrasound examination and obstetric standards in keeping with established standards of care regarding the estimation of fetal age as defined in rule and shall write the estimate in the patient’s medical history. The physician shall keep original prints of each ultrasound examination of a patient in the patient’s medical history file.

And the title is amended as follows:

Delete line 18

and insert:

reports of licensed birth center facilities; amending s. 390.0111, F.S.; requiring that an ultrasound be performed on any woman obtaining an abortion; specifying who must perform an ultrasound; requiring that the ultrasound be reviewed with the patient prior to the woman giving informed consent; specifying who must review the ultrasound with the patient; requiring that the woman certify in writing that she declined to review the ultrasound and did so of her own free will and without undue influence; providing an exemption from the requirement to view the ultrasound for women who are the victims of rape, incest, domestic
violence, or human trafficking or for women who have a serious medical condition necessitating the abortion; revising requirements for written materials; amending s. 390.012, F.S.; requiring ultrasounds for all patients; requiring that live ultrasound images be reviewed and explained to the patient; requiring that all other provisions in s. 390.0111, F.S., be complied with if the patient declines to view her live ultrasound images; amending s.