A bill to be entitled  
An act relating to abortion; amending s. 390.0111,  
F.S.; reclassifying a criminal offense for a specified  
violation; amending s. 390.01114, F.S.; revising a  
short title; requiring a physician to obtain notarized  
written consent of a minor's parent or legal guardian  
before inducing or performing a termination of a  
pregnancy on the minor; providing exceptions to such  
consent requirement; providing criminal penalties;  
revising provisions relating to the procedures for  
judicial waiver to conform to changes made by the act;  
amending s. 27.511, F.S.; conforming a provision to  
changes made by the act; providing severability;  
providing an effective date.

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

Section 1. Paragraph (e) of subsection (12) of section  
390.0111, Florida Statutes, is amended to read:  
390.0111 Termination of pregnancies.—  
(12) INFANTS BORN ALIVE.—  
(e) A person who violates this subsection commits a felony  
of the third misdemeanor of the first degree, punishable as  
provided in s. 775.082, or s. 775.083, or s. 775.084. 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.

Section 2. Subsections (3), (4), (5), and (6) of section
390.01114, Florida Statutes, are renumbered as subsections (4),
(6), (7), and (8), respectively, paragraph (b) of present
subsection (3) and present subsections (4), (5), and (6) are
amended, and new subsections (3) and (5) are added to that
section, to read:

390.01114 Parental Notice of and Consent for Abortion
Act.—

(1) SHORT TITLE.—This section may be cited as the
"Parental Notice of and Consent for Abortion Act."

(3) TERMINATION OF THE PREGNANCY OF A MINOR.—A physician
may not perform or induce the termination of a pregnancy of a
minor unless the physician has complied with the notice and
consent requirements of this section.

(4)(3) NOTIFICATION REQUIRED.—

(b) Notice is not required if:

1. In the physician's good faith clinical judgment, a
medical emergency exists and there is insufficient time for the
attending physician to comply with the notification
requirements. If a medical emergency exists, the physician shall
make reasonable attempts, whenever possible, without endangering
the minor, to contact the parent or legal guardian, and may
proceed, but must document reasons for the medical necessity in the patient's medical records. The physician shall provide notice directly, in person or by telephone, to the parent or legal guardian, including details of the medical emergency and any additional risks to the minor. If the parent or legal guardian has not been notified within 24 hours after the termination of the pregnancy, the physician shall provide notice in writing, including details of the medical emergency and any additional risks to the minor, signed by the physician, to the last known address of the parent or legal guardian of the minor, by first-class mail and by certified mail, return receipt requested, with delivery restricted to the parent or legal guardian;

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

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

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

5. Notice is waived under subsection (6) (4).

(5) PARENTAL CONSENT REQUIRED.
(a) A physician must obtain written consent from a parent or legal guardian before performing or inducing the termination of a pregnancy of a minor.

1. The consenting parent or legal guardian shall provide to the physician a copy of a government-issued proof of identification and written documentation establishing that he or she is the lawful parent or legal guardian of the minor. The parent or legal guardian shall certify in a signed, dated, notarized statement, initialed on each page, that he or she consents to the termination of a pregnancy of the minor, and must include the following: "I certify that I, (insert name of parent or legal guardian), am the parent or legal guardian of (insert name of minor) and give consent for (insert name of physician) to perform or induce a termination of pregnancy. I understand that any person who knowingly makes a fraudulent statement in this regard commits a felony."

2. The physician shall keep a copy of the proof of identification of the parent or legal guardian and the certified statement in the medical file of the minor for 5 years after the minor reaches the age of 18 years, but in no event less than 7 years.

3. A physician receiving parental consent under this section shall execute for inclusion in the medical record of the minor an affidavit stating: "I, (insert name of physician), certify that according to my best information and belief, a
reasonable person under similar circumstances would rely on the
information presented by both the minor and her parent or legal
guardian as sufficient evidence of identity."

(b) Parental consent is not required if:

1. Notification is not required under subparagraphs
   (4)(b)1. and 3.-5.;

2. Notification is not required under subparagraph
   (4)(b)2., and the waiver contains a specific waiver of a parent
   or legal guardian to consent to the minor's termination of
   pregnancy and the parent or legal guardian provides a copy of a
   government-issued proof of identification and written
   documentation establishing that he or she is the lawful parent
   or legal guardian of the minor;

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

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

   (c)1. A physician who intentionally or recklessly performs
or induces, or attempts to perform or induce, a termination of a
pregnancy of a minor without obtaining the required consent
pursuant to this subsection commits a felony of the third
degree, punishable as provided in s. 775.082, s. 775.083, or s.
775.084. A penalty may not be assessed against the minor upon
whom a termination of pregnancy is performed or induced or upon
whom a termination of pregnancy is attempted to be performed or
induced.

   2. It is a defense to prosecution that a minor
misrepresented her age or identity to a physician by displaying
a driver license or identification card issued by the state or
another state that indicated that the minor was over 18 years of
age and that the appearance of the minor was such that a
reasonably prudent person would believe that the minor was not
under the age of 18 years. The defense does not apply if the
physician is shown to have had independent knowledge of the
minor's actual age or identity or failed to use due diligence in
determining the minor's age or identity.
(6)(4) PROCEDURE FOR JUDICIAL WAIVER OF NOTICE.—

(a) A minor may petition any circuit court in which the minor resides for a waiver of the notice requirements of this subsection (3) and may participate in proceedings on her own behalf. The petition may be filed under a pseudonym or through the use of initials, as provided by court rule. The petition must include a statement that the petitioner is pregnant and the requirements of this section have not been waived. The court shall advise the minor that she has a right to court-appointed counsel and shall provide her with counsel upon her request at no cost to the minor. The court shall, upon request, provide counsel for the minor at least 24 hours before the court proceeding.

(b)1. Court proceedings under this section subsection must be given precedence over other pending matters to the extent necessary to ensure that the court reaches a decision promptly. The court shall rule, and issue written findings of fact and conclusions of law, within 3 business days after the petition is filed, except that the 3-business-day limitation may be extended at the request of the minor. If the court fails to rule within the 3-business-day period and an extension has not been requested, the minor may immediately petition for a hearing upon the expiration of the 3-business-day period to the chief judge of the circuit, who must ensure a hearing is held within 48 hours after receipt of the minor's petition and an order is
entered within 24 hours after the hearing.

  2. If the circuit court does not grant judicial waiver of the requirements of this section notice, the minor has the right to appeal. An appellate court must rule within 7 days after receipt of appeal, but a ruling may be remanded with further instruction for a ruling within 3 business days after the remand. The reason for overturning a ruling on appeal must be based on abuse of discretion by the court and may not be based on the weight of the evidence presented to the circuit court since the proceeding is a nonadversarial proceeding.

  (c) If the court finds, by clear and convincing evidence, that the minor is sufficiently mature to decide whether to terminate her pregnancy, the court shall issue an order authorizing the minor to consent to the performance or inducement of a termination of the pregnancy without the notification of a parent or guardian. If the court does not make the finding specified in this paragraph or paragraph (d), it must dismiss the petition. Factors the court shall consider include:

  1. The minor's:
     a. Age.
     b. Overall intelligence.
     c. Emotional development and stability.
     d. Credibility and demeanor as a witness.
     e. Ability to accept responsibility.
f. Ability to assess both the immediate and long-range consequences of the minor's choices.

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

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

(d) If the court finds, by a preponderance of the evidence, that the petitioner is the victim of child abuse or sexual abuse inflicted by one or both of her parents or her guardian, or by clear and convincing evidence that the requirements of this section are not in the best interest of the petitioner, the court shall issue an order authorizing the minor to consent to the performance or inducement of a termination of pregnancy without the notification of a parent or guardian. The best-interest standard does not include financial best interest or financial considerations or the potential financial impact on the minor or the minor's family if the minor does not terminate the pregnancy. If the court finds evidence of child abuse or sexual abuse of the minor petitioner by any person, the court shall report the evidence of child abuse or sexual abuse of the petitioner, as provided in s. 39.201. If the court does not make the finding specified in this paragraph or paragraph (c), it must dismiss the petition.
(e) A court that conducts proceedings under this section shall:

1. Provide for a written transcript of all testimony and proceedings;
2. Issue a final written order containing factual findings and legal conclusions supporting its decision, including factual findings and legal conclusions relating to the maturity of the minor as provided under paragraph (c); and
3. Order that a confidential record be maintained, as required under s. 390.01116.

(f) All hearings under this section, including appeals, shall remain confidential and closed to the public, as provided by court rule.

(g) An expedited appeal shall be made available, as the Supreme Court provides by rule, to any minor to whom the circuit court denies a waiver of the requirements of this section notice. An order authorizing a termination of pregnancy under this subsection without notice is not subject to appeal.

(h) Filing fees or court costs may not be required of any pregnant minor who petitions a court for a waiver of the requirements of this section parental notification under this subsection at either the trial or the appellate level.

(i) A county is not obligated to pay the salaries, costs, or expenses of any counsel appointed by the court under this subsection.
PROCEEDINGS.—The Supreme Court is requested to adopt rules and forms for petitions to ensure that proceedings under subsection (6) (4) are handled expeditiously and in a manner consistent with this act. The Supreme Court is also requested to adopt rules to ensure that the hearings protect the minor's confidentiality and the confidentiality of the proceedings.

REPORT.—The Supreme Court, through the Office of the State Courts Administrator, shall report by February 1 of each year to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the number of petitions filed under subsection (6) (4) for the preceding year, and the timing and manner of disposal of such petitions by each circuit court. For each petition resulting in a waiver of the requirements of this section notice, the reason for the waiver shall be included in the report.

Section 3. 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.

Private court-appointed counsel eligible under s. 27.40 have primary responsibility for representing minors who request counsel under s. 390.01114, the Parental Notice of and Consent for Abortion Act; however, the office of criminal conflict and civil regional counsel may represent a minor under that section if the court finds that no private court-appointed attorney is available.

Section 4. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 5. This act shall take effect July 1, 2019.