

1 A bill to be entitled
 2 An act relating to disability abortions; amending s.
 3 390.011, F.S.; providing definitions; amending s.
 4 390.0111, F.S.; prohibiting a physician from
 5 performing or inducing, or attempting to perform or
 6 induce, a disability abortion; providing immunity from
 7 prosecution for a woman upon whom such abortion is
 8 performed; providing an exception; conforming
 9 provisions to changes made by the act; amending s.
 10 383.141, F.S.; revising the definition of "prenatally
 11 diagnosed condition"; requiring the Department of
 12 Health to provide certain information through its
 13 clearinghouse; creating s. 456.52, F.S.; requiring
 14 health care practitioners to provide such information
 15 to patients under certain circumstances; providing an
 16 effective date.

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

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 20 Section 1. Subsections (6) through (13) of section
 21 390.011, Florida Statutes, are renumbered as subsections (8)
 22 through (15), respectively, and new subsections (6) and (7) are
 23 added to that section, to read:

24 390.011 Definitions.—As used in this chapter, the term:
 25 (6) "Disability" means any disease, defect, or disorder

- 26 | that is genetically inherited including, but not limited to:
- 27 | (a) A physical disability;
- 28 | (b) A mental or intellectual disability;
- 29 | (c) A physical disfigurement;
- 30 | (d) Down syndrome;
- 31 | (e) Scoliosis;
- 32 | (f) Dwarfism;
- 33 | (g) Albinism;
- 34 | (h) Amelia; or
- 35 | (i) A physical or mental disease.

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37 | The term does not include a lethal fetal anomaly.

38 | (7) "Disability abortion" means an abortion in which the

39 | physician performing the termination of pregnancy knows, or

40 | should know, that the pregnant woman is seeking the termination

41 | of pregnancy solely on the basis of a prenatal diagnosis, test,

42 | or screening indicating a disability or the potential for a

43 | disability in the fetus.

44 | Section 2. Subsections (6) through (15) of section

45 | 390.0111, Florida Statutes, are renumbered as subsections (7)

46 | through (16), respectively, present subsection (10) is amended,

47 | and a new subsection (6) is added to that section, to read:

48 | 390.0111 Termination of pregnancies.—

49 | (6) DISABILITY ABORTION PROHIBITED; EXCEPTION.—

50 | (a) A physician may not perform or induce, or attempt to

51 perform or induce, a disability abortion.

52 (b) A woman upon whom a disability abortion is performed
53 may not be prosecuted under this section for a conspiracy to
54 violate the provisions of this section.

55 (c) This subsection does not apply to a disability
56 abortion that is necessary to save the life of a mother whose
57 life is endangered by a physical disorder, illness, or injury,
58 provided that no other medical procedure would suffice for that
59 purpose.

60 (11)-(10) PENALTIES FOR VIOLATION.—Except as provided in
61 subsections (3), (8), and (13) ~~(7)~~, and ~~(12)~~:

62 (a) Any person who willfully performs, or actively
63 participates in, a termination of pregnancy in violation of the
64 requirements of this section or s. 390.01112 commits a felony of
65 the third degree, punishable as provided in s. 775.082, s.
66 775.083, or s. 775.084.

67 (b) Any person who performs, or actively participates in,
68 a termination of pregnancy in violation of this section or s.
69 390.01112 which results in the death of the woman commits a
70 felony of the second degree, punishable as provided in s.
71 775.082, s. 775.083, or s. 775.084.

72 Section 3. Paragraph (d) of subsection (1) and paragraphs
73 (a) and (d) of subsection (3) of section 383.141, Florida
74 Statutes, are amended to read:

75 383.141 Prenatally diagnosed conditions; patient to be
76 provided information; definitions; information clearinghouse;
77 advisory council.—

78 (1) As used in this section, the term:

79 (d) "Prenatally diagnosed condition" means an adverse
80 fetal health condition identified by prenatal testing,
81 including, but not limited to, scoliosis, dwarfism, albinism,
82 and amelia.

83 (3) The Department of Health shall develop and implement a
84 comprehensive information clearinghouse to educate health care
85 providers, inform parents, and increase public awareness
86 regarding brain development, developmental disabilities and
87 delays, and all services, resources, and interventions available
88 to mitigate the effects of impaired development among children.
89 The clearinghouse must use the term "unique abilities" as much
90 as possible when identifying infants or children with
91 developmental disabilities and delays. The clearinghouse must
92 provide:

93 (a) Health information on conditions that may lead to
94 impaired development of physical, learning, language, or
95 behavioral skills and information on life expectancy,
96 intellectual and functional development, clinical course, and
97 treatment options.

98 (d) Promotion of public awareness of availability of
99 supportive services for families, such as resource centers,

100 educational programs, national and local support organizations,
101 other support programs for parents and families, and
102 developmental evaluation and intervention services.

103 Section 4. Section 456.52, Florida Statutes, is created to
104 read:

105 456.52 Dissemination of educational information on
106 prenatal genetic disorders.—A health care practitioner that
107 administers or orders a screening or diagnostic test for a
108 prenatal genetic disorder shall, upon receiving a test result
109 indicating a prenatal genetic disorder or the potential for a
110 prenatal genetic disorder, provide the patient educational
111 information made available by the department under s. 383.141.
112 The health care practitioner may provide the educational
113 information in written or electronic form.

114 Section 4. This act shall take effect July 1, 2021.