

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Heyman and Sobel offered the following:

Amendment

On page 1,
remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Section 782.30, Florida Statutes, is
created to read:

782.30 Short title.--Sections 782.30-782.36 may be
cited as the "Partial-Birth Abortion Act."

Section 2. Section 782.32, Florida Statutes, is
created to read:

782.32 Definitions.--As used in this act, the term:

(1) "Partially born" means the living fetus's intact
body, with the entire head attached, is presented so that:

(a) There has been delivered past the mother's vaginal
opening:

1. The fetus's entire head, in the case of a cephalic
presentation, up until the point of complete separation from
the mother whether or not the placenta has been delivered or

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1 the umbilical cord has been severed; or

2 2. Any portion of the fetus's torso above the navel,
3 in the case of a breech presentation, up until the point of
4 complete separation from the mother whether or not the
5 placenta has been delivered or the umbilical cord has been
6 severed.

7 (b) There has been delivered outside the mother's
8 abdominal wall:

9 1. The fetus's entire head, in the case of a cephalic
10 presentation, up until the point of complete separation from
11 the mother whether or not the placenta has been delivered or
12 the umbilical cord has been severed; or

13 2. Any portion of the child's torso above the navel,
14 in the case of a breech presentation, up until the point of
15 complete separation from the mother whether or not the
16 placenta has been delivered or the umbilical cord has been
17 severed.

18 (2) "Living fetus" means any unborn member of the
19 human species who has a heartbeat or discernible spontaneous
20 movement.

21 (3) "Suction or sharp curettage abortion" means an
22 abortion, as defined in chapter 390, in which the developing
23 fetus and the products of conception are evacuated from the
24 uterus through a suction cannula with an attached vacuum
25 apparatus or with a sharp curette.

26 Section 3. Section 782.34, Florida Statutes, is
27 created to read:

28 782.34 Partial-birth abortion.--Except as provided in
29 s. 782.36, any person who intentionally kills a living fetus
30 while that fetus is partially born commits the crime of
31 partial-birth abortion, which is a felony of the second

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1 degree, punishable as provided in s. 775.082, s. 775.083, or
2 s. 775.084.

3 Section 4. Section 782.36, Florida Statutes, is
4 created to read:

5 782.36 Exceptions.--

6 (1) A patient receiving a partial-birth-abortion
7 procedure may not be prosecuted under this act.

8 (2) This act does not apply to a suction or sharp
9 curettage abortion.

10 (3) This act does not constitute implicit approval of
11 other types of abortion, which remain subject to all other
12 applicable laws of this state.

13 (4) This act does not prohibit a physician from taking
14 such measures as are necessary to save the life or health of a
15 mother.

16 Section 5. This act shall be liberally construed to
17 effectively carry out its purposes. In the event of conflict
18 between this act and any other provision of law, the
19 provisions of this act shall govern.

20 Section 6. If any provision of this act or the
21 application thereof to any person or circumstance is held
22 invalid, the invalidity does not affect other provisions or
23 applications of the act which can be given effect without the
24 invalid provision or application, and to this end the
25 provisions of this act are declared severable.

26 Section 7. This act shall take effect upon becoming a
27 law.

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