

By Senator Cowin

11-179-00

1 A bill to be entitled

2 An act relating to termination of pregnancy;

3 creating ss. 782.30, 782.32, 782.34, 782.36,

4 F.S.; creating the "Partial-Birth Abortion

5 Act"; providing a short title; providing

6 definitions; prohibiting the intentional

7 killing of a partially born living fetus;

8 designating such an act as a second-degree

9 felony; providing penalties; providing

10 exceptions to prohibited acts; providing for

11 intervention by legislators in legal challenges

12 to the constitutionality of the act; providing

13 construction; providing severability; providing

14 an effective date.

15

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

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18 Section 1. Section 782.30, Florida Statutes, is

19 created to read:

20 782.30 Short title.--Sections 782.30-782.36 may be

21 cited as the "Partial-Birth Abortion Act."

22 Section 2. Section 782.32, Florida Statutes, is

23 created to read:

24 782.32 Definitions.--As used in this act, the term:

25 (1) "Partially born" means the living fetus's intact

26 body, with the entire head attached, is presented so that:

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

28 opening:

29 1. The fetus's entire head, in the case of a cephalic

30 presentation, up until the point of complete separation from

31

1 the mother whether or not the placenta has been delivered or
2 the umbilical cord has been severed; or

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

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

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

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

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

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

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

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

1 partial-birth abortion, which is a felony of the second
2 degree, punishable as provided in s. 775.082, s. 775.083, or
3 s. 775.084.

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

6 782.36 Exceptions.--

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

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

12 (3) This act does not prohibit a physician from taking
13 such measures as are necessary to save the life of a mother
14 whose life is endangered by a physical disorder, physical
15 illness, or physical injury, provided that every reasonable
16 precaution is also taken, in such cases, to save the fetus's
17 life.

18 Section 5. Any member of the Legislature of the State
19 of Florida who sponsored or cosponsored this act has the right
20 to intervene in any legal action challenging the
21 constitutionality of this act.

22 Section 6. This act shall be liberally construed to
23 effectively carry out its purposes. In the event of conflict
24 between this act and any other provision of law, the
25 provisions of this act shall govern.

26 Section 7. If any provision of this act or the
27 application thereof to any person or circumstance is held
28 invalid, the invalidity does not affect other provisions or
29 applications of the act which can be given effect without the
30 invalid provision or application, and to this end the
31 provisions of this act are declared severable.

