

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
11 construction; providing severability; providing
12 an effective date.

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

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

18 782.30 Short title.--Sections 782.30-782.36 may be
19 cited as the "Partial-Birth Abortion Act."

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

22 782.32 Definitions.--As used in this act, the term:

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

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

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

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

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

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

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

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

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

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

27 782.34 Partial-birth abortion.--Except as provided in
28 s. 782.36, any person who intentionally kills a living fetus
29 while that fetus is partially born commits the crime of
30 partial-birth abortion, which is a felony of the second
31 degree, punishable as provided in s. 775.082, s. 775.083, or

1 s. 775.084. A patient receiving a partial-birth-abortion
2 procedure may not be prosecuted under this section.

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

5 782.36 Exceptions.--

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

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

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

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

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

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

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