

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  
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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 of a mother  
15 whose life is endangered by a physical disorder, physical  
16 illness, or physical injury, provided that every reasonable  
17 precaution is also taken, in such cases, to save the fetus's  
18 life.

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

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

29 Section 7. This act shall take effect upon becoming a  
30 law.

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