

By the Committees on Rules; and Judiciary; and Senator Flores

595-04679-11

20111538c2

Senate Joint Resolution

A joint resolution proposing the creation of Section 28 of Article I of the State Constitution to generally prohibit public funding of abortions and prohibit the State Constitution from being interpreted to create broader rights to an abortion than those contained in the United States Constitution.

Be It Resolved by the Legislature of the State of Florida:

That the following creation of Section 28 of Article I of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE I

DECLARATION OF RIGHTS

SECTION 28. Prohibition on public funding of abortions; construction of abortion rights.-

(a) Public funds may not be expended for any abortion or for health-benefits coverage that includes coverage of abortion.

This subsection does not apply to:

(1) Expenditures required by federal law;

(2) An abortion that is necessary to save the life of the mother or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering, physical condition caused by or arising from the pregnancy itself, which would, as certified by a physician, place the woman in danger of death unless an abortion is

595-04679-11

20111538c2

30 performed; or

31 (3) Pregnancies that result from rape or incest.

32 (b) This constitution may not be interpreted to create  
33 broader rights to an abortion than those contained in the United  
34 States Constitution.

35 BE IT FURTHER RESOLVED that the following statement be  
36 placed on the ballot:

37 CONSTITUTIONAL AMENDMENT

38 ARTICLE I, SECTION 28

39 PROHIBITION ON PUBLIC FUNDING OF ABORTIONS; CONSTRUCTION OF  
40 ABORTION RIGHTS.—This proposed amendment provides that public  
41 funds may not be expended for any abortion or for health-  
42 benefits coverage that includes coverage of abortion. This  
43 prohibition does not apply to expenditures required by federal  
44 law, an abortion that is necessary to save the life of the  
45 mother, or cases of rape or incest.

46 This proposed amendment provides that the State  
47 Constitution may not be interpreted to create broader rights to  
48 an abortion than those contained in the United States  
49 Constitution. With respect to abortion, this proposed amendment  
50 overrules court decisions which conclude that the right of  
51 privacy under Article I, Section 23 of the State Constitution is  
52 broader in scope than that of the United States Constitution.