

HB 1129

2013

1                   A bill to be entitled  
2           An act relating to infants born alive; amending s.  
3           390.011, F.S.; defining the term "born alive";  
4           amending s. 390.0111, F.S.; providing that an infant  
5           born alive during or immediately after an attempted  
6           abortion is entitled to the same rights, powers, and  
7           privileges as any other child born alive in the course  
8           of natural birth; requiring health care practitioners  
9           to preserve the life and health of such an infant born  
10          alive, if possible; providing for the transport and  
11          admittance of an infant born alive to a hospital;  
12          providing a presumption that the infant has been  
13          surrendered; providing for certain medical and social  
14          services for the infant; requiring a health care  
15          practitioner or certain employees who have knowledge  
16          of any violations with respect to infants born alive  
17          after an attempted abortion to report those violations  
18          to the Department of Health; providing a penalty;  
19          providing an effective date.

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

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23           Section 1. Subsections (4) through (8) of section 390.011,  
24   Florida Statutes, are renumbered as subsections (5) through (9),  
25   respectively, and a new subsection (4) is added to that section  
26   to read:

27           390.011 Definitions.—As used in this chapter, the term:  
28           (4) "Born alive" means the complete expulsion or

29 | extraction from the mother of a human infant, at any stage of  
 30 | development, who, after such expulsion or extraction, breathes  
 31 | or has a beating heart, or definite and voluntary movement of  
 32 | muscles, regardless of whether the umbilical cord has been cut  
 33 | and regardless of whether the expulsion or extraction occurs as  
 34 | a result of natural or induced labor, Cesarean section, induced  
 35 | abortion, or other method.

36 | Section 2. Subsections (12) and (13) of section 390.0111,  
 37 | Florida Statutes, are renumbered as subsections (13) and (14),  
 38 | respectively, subsection (10) is amended, and a new subsection  
 39 | (12) is added to that section to read:

40 | 390.0111 Termination of pregnancies.—

41 | (10) PENALTIES FOR VIOLATION.—Except as provided in  
 42 | subsections (3), ~~and~~ (7), and (12):

43 | (a) Any person who willfully performs, or actively  
 44 | participates in, a termination of pregnancy procedure in  
 45 | violation of the requirements of this section commits a felony  
 46 | of the third degree, punishable as provided in s. 775.082, s.  
 47 | 775.083, or s. 775.084.

48 | (b) Any person who performs, or actively participates in,  
 49 | a termination of pregnancy procedure in violation of the  
 50 | provisions of this section which results in the death of the  
 51 | woman commits a felony of the second degree, punishable as  
 52 | provided in s. 775.082, s. 775.083, or s. 775.084.

53 | (12) INFANTS BORN ALIVE.—

54 | (a) An infant born alive during or immediately after an  
 55 | attempted abortion is entitled to the same rights, powers, and  
 56 | privileges as are granted by the laws of this state to any other

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57 child born alive in the course of natural birth.

58 (b) If an infant is born alive during or immediately after  
59 an attempted abortion, any health care practitioner present at  
60 the time shall humanely exercise the same degree of professional  
61 skill, care, and diligence to preserve the life and health of  
62 the infant as a reasonably diligent and conscientious health  
63 care practitioner would render to an infant born alive in the  
64 course of natural birth.

65 (c) An infant born alive during or immediately after an  
66 attempted abortion must be immediately transported and admitted  
67 to a hospital pursuant to s. 390.012(3)(c) or rules adopted  
68 thereunder. Upon such hospital admittance, the infant is  
69 presumed to be surrendered under s. 383.50(2) and must receive  
70 the medical care and social services provided under s.  
71 383.50(4), (7), and (8).

72 (d) A health care practitioner or any employee of a  
73 hospital, a physician's office, or an abortion clinic who has  
74 knowledge of a violation of this subsection must report the  
75 violation to the department.

76 (e) A person who violates this subsection commits a  
77 misdemeanor of the first degree, punishable as provided in s.  
78 775.082 or s. 775.083.

79 Section 3. This act shall take effect July 1, 2013.