

By Senator Gruters

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1 A bill to be entitled
2 An act relating to termination of pregnancy; amending
3 s. 390.0111, F.S.; prohibiting termination of
4 pregnancy based on a test result, diagnosis, or other
5 reason for believing that the fetus has Down syndrome;
6 providing an exception; providing the pregnant woman
7 immunity from prosecution for such abortion;
8 subjecting a physician to disciplinary action for
9 performing such abortion; amending s. 390.0112, F.S.;
10 requiring a physician to report specified information
11 for each abortion performed to the Agency for Health
12 Care Administration; deleting obsolete language;
13 providing for severability; providing an effective
14 date.

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

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18 Section 1. Present subsections (6) through (15) of section
19 390.0111, Florida Statutes, are redesignated as subsections (7)
20 through (16), respectively, a new subsection (6) is added to
21 that section, and present subsection (10) of that section is
22 amended, to read:

23 390.0111 Termination of pregnancies.—

24 (6) TERMINATION BASED ON DOWN SYNDROME; PROHIBITION;
25 EXCEPTION.—

26 (a) No termination of pregnancy shall be performed on any
27 human being if the physician has knowledge that the pregnant
28 woman is seeking the abortion, in whole or in part, because of
29 any of the following:

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1. A test result indicating that the fetus has Down syndrome, as defined in s. 393.063(15);
2. A prenatal diagnosis of Down syndrome in the fetus; or
3. Any other reason to believe that a fetus has Down syndrome.
(b) This subsection does not apply to an abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury, provided that no other medical procedure would suffice for that purpose.
(c) A woman upon whom an abortion is performed may not be prosecuted under this subsection for a conspiracy to violate the provisions of this subsection.
(d) A physician who violates this subsection is subject to disciplinary action under s. 458.331 or s. 459.015, as applicable, including, but not limited to, revocation of licensure.
~~(11)-(10)~~ PENALTIES FOR VIOLATION.—Except as provided in subsections (3), ~~(8)-(7)~~, and ~~(13)-(12)~~:
 (a) Any person who willfully performs, or actively participates in, a termination of pregnancy in violation of the requirements of this section or s. 390.01112 commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 (b) Any person who performs, or actively participates in, a termination of pregnancy in violation of this section or s. 390.01112 which results in the death of the woman commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 Section 2. Subsection (1) of section 390.0112, Florida

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59 Statutes, is amended to read:

60 390.0112 Termination of pregnancies; reporting.—

61 (1) The director of any medical facility in which abortions
62 are performed, including a physician's office, shall submit a
63 report each month to the agency. The report may be submitted
64 electronically, may not include personal identifying
65 information, and must include:

66 (a) Information consistent with the United States Standard
67 Report of Induced Termination of Pregnancy adopted by the
68 Centers for Disease Control and Prevention ~~Until the agency~~
69 ~~begins collecting data under paragraph (c), the number of~~
70 ~~abortions performed.~~

71 (b) The reasons such abortions were performed.

72 (c) For each abortion, the period of gestation at the time
73 the abortion was performed.

74 (d) The number of infants born alive or alive immediately
75 after an attempted abortion.

76 (e) For each abortion performed, the physician's
77 attestation that he or she did not have knowledge that the
78 pregnant woman was seeking the abortion, in whole or in part,
79 because of any of the following:

80 1. A test result indicating that the fetus had Down
81 syndrome, as defined in s. 393.063(15);

82 2. A prenatal diagnosis of Down syndrome in the fetus; or

83 3. Any other reason to believe that the fetus had Down
84 syndrome ~~Beginning no later than January 1, 2017, information~~
85 ~~consistent with the United States Standard Report of Induced~~
86 ~~Termination of Pregnancy adopted by the Centers for Disease~~
87 ~~Control and Prevention.~~

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88 Section 3. If any provision of this act or its application
89 to any person or circumstance is held invalid, the invalidity
90 does not affect other provisions or applications of this act
91 which can be given effect without the invalid provision or
92 application, and to this end the provisions of this act are
93 severable.

94 Section 4. This act shall take effect July 1, 2020.