

1                                   A bill to be entitled  
 2           An act relating to disability abortions; amending s.  
 3           390.011; providing definitions; amending s. 390.0111;  
 4           prohibiting a physician from performing or inducing,  
 5           or attempting to perform or induce, a disability  
 6           abortion; providing immunity from prosecution for a  
 7           woman upon whom such abortion is performed; providing  
 8           an exception; conforming provisions to changes made by  
 9           the act; providing an effective date.

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

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 13           Section 1. Subsections (6) through (13) of section  
 14           390.011, Florida Statutes, are renumbered as subsections (8)  
 15           through (15), respectively, and new subsections (6) and (7) are  
 16           added to that section, to read:

17           390.011 Definitions.—As used in this chapter, the term:  
 18           (6) "Disability" means any disease, defect, or disorder  
 19           that is genetically inherited including, but not limited to:

- 20           (a) A physical disability;
- 21           (b) A mental or intellectual disability;
- 22           (c) A physical disfigurement;
- 23           (d) Down syndrome;
- 24           (e) Scoliosis;
- 25           (f) Dwarfism;

- 26        (g) Albinism;
- 27        (h) Amelia; or
- 28        (i) A physical or mental disease.

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30        The term does not include a lethal fetal anomaly.

31        (7) "Disability abortion" means an abortion in which the  
 32        physician performing the termination of pregnancy knows, or  
 33        should know, that the pregnant woman is seeking the termination  
 34        of pregnancy solely on the basis of a prenatal diagnosis, test,  
 35        or screening indicating a disability or the potential for a  
 36        disability in the fetus.

37        Section 2. Subsections (6) through (15) of section  
 38        390.0111, Florida Statutes, are renumbered as subsections (7)  
 39        through (16), respectively, present subsection (10) is amended,  
 40        and a new subsection (6) is added to that section, to read:

41        390.0111 Termination of pregnancies.—

42        (6) DISABILITY ABORTION PROHIBITED; EXCEPTION.—

43        (a) A physician may not perform or induce, or attempt to  
 44        perform or induce, a disability abortion.

45        (b) A woman upon whom a disability abortion is performed  
 46        may not be prosecuted under this section for a conspiracy to  
 47        violate the provisions of this section.

48        (c) This subsection does not apply to a disability  
 49        abortion that is necessary to save the life of a mother whose  
 50        life is endangered by a physical disorder, illness, or injury,

51 provided that no other medical procedure would suffice for that  
52 purpose.

53 (11)~~(10)~~ PENALTIES FOR VIOLATION.—Except as provided in  
54 subsections (3), (8), and (13) ~~(7)~~, and ~~(12)~~:

55 (a) Any person who willfully performs, or actively  
56 participates in, a termination of pregnancy in violation of the  
57 requirements of this section or s. 390.01112 commits a felony of  
58 the third degree, punishable as provided in s. 775.082, s.  
59 775.083, or s. 775.084.

60 (b) Any person who performs, or actively participates in,  
61 a termination of pregnancy in violation of this section or s.  
62 390.01112 which results in the death of the woman commits a  
63 felony of the second degree, punishable as provided in s.  
64 775.082, s. 775.083, or s. 775.084.

65 Section 3. This act shall take effect July 1, 2021.