

By Senator Rodriguez

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

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

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

18 390.011 Definitions.—As used in this chapter, the term:
19 (6) "Disability" means any disease, defect, or disorder
20 that is genetically inherited, including, but not limited to:
21 (a) A physical disability;
22 (b) A mental or intellectual disability;
23 (c) A physical disfigurement;
24 (d) Down syndrome;
25 (e) Scoliosis;
26 (f) Dwarfism;
27 (g) Albinism;
28 (h) Amelia; or
29 (i) A physical or mental disease.

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The term does not include a lethal fetal anomaly.

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

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

390.0111 Termination of pregnancies.—

(6) DISABILITY ABORTION PROHIBITED; EXCEPTION.—

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

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

(c) This subsection does not apply to a disability 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.

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

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59 the third degree, punishable as provided in s. 775.082, s.
60 775.083, or s. 775.084.

61 (b) Any person who performs, or actively participates in, a
62 termination of pregnancy in violation of this section or s.
63 390.01112 which results in the death of the woman commits a
64 felony of the second degree, punishable as provided in s.
65 775.082, s. 775.083, or s. 775.084.

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