

By Senator Berman

31-01101A-22

20221036\_\_

1                   A bill to be entitled  
2           An act relating to reproductive health care rights;  
3           creating s. 381.00515, F.S.; providing a short title;  
4           providing a legislative finding; providing that each  
5           person has certain fundamental rights related to  
6           reproductive health care; prohibiting a person, the  
7           state, a local governmental entity, or any political  
8           subdivision of the state from discriminating against,  
9           denying, unduly burdening, or interfering with a  
10          person's exercise of such fundamental rights;  
11          providing for a civil cause of action and remedies;  
12          providing that the recovery limits of sovereign  
13          immunity apply; providing an effective date.

14  
15          WHEREAS, comprehensive reproductive health care, including  
16          contraception and abortion, is a fundamental component of a  
17          woman's health, privacy, and equality, and

18          WHEREAS, section 23, Article I of the State Constitution  
19          and the Fourteenth Amendment to the United States Constitution  
20          protect a woman's fundamental right to access a safe, legal  
21          abortion, and the courts have repeatedly reaffirmed this right  
22          and further emphasized that states may not place undue burdens  
23          on women seeking to access such right, and

24          WHEREAS, as with other medical procedures, the safety of  
25          abortion is furthered by evidence-based practices developed and  
26          supported by medical professionals, with abortion being one of  
27          the safest medical procedures performed in the United States,  
28          and

29          WHEREAS, the goal of health care regulation should be to

31-01101A-22

20221036\_\_

30 improve the quality and availability of health care services,  
31 and

32 WHEREAS, it is the public policy of this state that every  
33 person possesses the fundamental rights of privacy and equality  
34 with respect to his or her personal reproductive decisions and  
35 he or she should be able to safely effectuate those decisions,  
36 including seeking and obtaining abortion care, free from  
37 discrimination, and

38 WHEREAS, it is the intent of the Legislature to prevent the  
39 enforcement of laws or regulations that are not in furtherance  
40 of a legitimate state interest in protecting a woman's health  
41 and that place burdens on the woman's right to access a safe,  
42 legal abortion, NOW, THEREFORE,

43  
44 Be It Enacted by the Legislature of the State of Florida:

45  
46 Section 1. Section 381.00515, Florida Statutes, is created  
47 to read:

48 381.00515 Reproductive health care protections; civil  
49 remedies.—

50 (1) This section may be cited as the "Reproductive Health  
51 Care Protections Act."

52 (2) The Legislature finds that comprehensive reproductive  
53 health care is a fundamental component of every person's health,  
54 privacy, and equality.

55 (3) Each person has the fundamental rights to choose or  
56 refuse contraception or sterilization and to choose to carry a  
57 pregnancy to term, to give birth to a child, or to have an  
58 abortion in accordance with chapter 390.

31-01101A-22

20221036\_\_

59       (4) A person, the state, a local governmental entity, or  
60 any political subdivision of the state may not discriminate  
61 against, deny, unduly burden, or interfere with any person's  
62 exercise of the fundamental rights provided under this section  
63 or the State Constitution in the regulation or provision of  
64 benefits, facilities, services, or information.

65       (5) A person whose rights have been impaired or deprived in  
66 violation of this section may file an action in circuit court  
67 for injunctive or other equitable relief and is entitled to  
68 recover damages and reasonable attorney fees and costs. The  
69 total amount of recovery against the state, a local governmental  
70 entity, or any other political subdivision of the state may not  
71 exceed the limitations set forth in s. 768.28(5).

72       Section 2. This act shall take effect July 1, 2022.