

**By Senator Davis**

5-01021-26

20261308

5-01021-26

20261308

30 than that set forth in specified provisions; providing  
31 applicability, construction, and severability;  
32 repealing ss. 286.31, 381.00321, and 765.113, F.S.,  
33 relating to prohibited use of state funds, the right  
34 of medical conscience of health care providers and  
35 health care payors, and restrictions on providing  
36 consent for specified activities, respectively;  
37 providing an effective date.

38  
39 Be It Enacted by the Legislature of the State of Florida:

40  
41 Section 1. Section 381.0026, Florida Statutes, is created  
42 to read:

43 381.0026 Reproductive freedom.—

44 (1) SHORT TITLE.—This section may be cited as the  
45 “Reproductive Freedom Act.”

46 (2) DEFINITIONS.—As used in this section, the term:

47 (a) “Abortion” means any medical treatment intended to  
48 induce the termination of a pregnancy. The term does not include  
49 management of or care for a miscarriage.

50 (b) “Pregnancy” means the human reproductive process  
51 beginning with an implanted human embryo.

52 (c) “Reproductive health care” means health care offered,  
53 arranged, or furnished for the purpose of preventing pregnancy,  
54 terminating a pregnancy, managing pregnancy loss, or improving  
55 maternal health. The term includes, but is not limited to,  
56 contraception, sterilization, preconception care, maternity  
57 care, abortion care, family planning, and fertility services.

58 (3) FUNDAMENTAL RIGHT TO REPRODUCTIVE HEALTH CARE.—The

5-01021-26

20261308

59 State Constitution establishes the principles of individual  
60 liberty, personal privacy, and equality. The Legislature finds  
61 that such principles ensure the fundamental right to  
62 reproductive health care. Notwithstanding chapter 390 and any  
63 other law, the right to reproductive health care includes, but  
64 is not limited to, all of the following rights and protections:

65 (a) Every individual has a fundamental right to make  
66 autonomous decisions about the individual's own reproductive  
67 health, including the right to use or refuse reproductive health  
68 care.

69 (b) Every individual who becomes pregnant has a fundamental  
70 right to choose whether to continue the pregnancy and give birth  
71 or to obtain an abortion and to make autonomous decisions about  
72 how to exercise this fundamental right.

73 (c) The state may not deny or interfere with an  
74 individual's fundamental right to access reproductive health  
75 care.

76 (4) HARASSMENT, DISCRIMINATION, CIVIL LIABILITY, AND  
77 PROSECUTION FOR REPRODUCTIVE HEALTH CARE PROHIBITED.—

78 (a) State or local law enforcement agencies or officials  
79 may not harass or discriminate against an individual for  
80 providing or obtaining reproductive health care or assisting  
81 another person in doing so.

82 (b) State or local law enforcement agencies or officials  
83 may not penalize, prosecute, or otherwise take adverse action  
84 against individuals based on such individual's own exercise of  
85 the fundamental rights under this section or such individual's  
86 own actual, potential, perceived, or alleged pregnancy outcomes,  
87 including miscarriage, stillbirth, or abortion. State and local

5-01021-26

20261308

88 law enforcement agencies and officials may not penalize,  
89 prosecute, or otherwise take adverse action against any  
90 individual for aiding or assisting another individual in  
91 exercising that other individual's right to reproductive health  
92 care with voluntary consent.

93 (c) An individual may not be subject to civil liability for  
94 exercising the individual's fundamental rights under this  
95 section. An individual who aids or assists another individual in  
96 exercising the fundamental rights under this section may not be  
97 subject to civil liability for his or her actions in aiding or  
98 assisting in the exercise of such fundamental rights.

99 (d) A fertilized egg, embryo, or fetus does not have  
100 independent rights under the laws of this state.

101 (5) LIMITATION.—A local unit of government may not regulate  
102 an individual's ability to freely exercise the fundamental right  
103 to reproductive health care in a manner that is more restrictive  
104 than that set forth in this section.

105 (6) APPLICABILITY.—This section applies to all state and  
106 local laws, ordinances, regulations, rules, policies,  
107 procedures, practices, and government actions.

108 (7) CONSTRUCTION.—This section supersedes any provision of  
109 chapter 390 in conflict with this section.

110 (8) SEVERABILITY.—If any provision of this section or its  
111 application to any person or circumstance is held invalid, the  
112 invalidity does not affect other provisions or applications of  
113 the section which can be given effect without the invalid  
114 provision or application, and to this end the provisions of this  
115 section are severable.

116 Section 2. Section 286.31, Florida Statutes, is repealed.

5-01021-26

20261308

117       Section 3. Section 381.00321, Florida Statutes, is  
118 repealed.

119       Section 4. Section 765.113, Florida Statutes, is repealed.

120       Section 5. This act shall take effect upon becoming a law.