

By Senator Davis

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A bill to be entitled

An act relating to reproductive freedom; creating s. 381.0026, F.S.; providing a short title; defining terms; providing legislative findings; establishing the fundamental right to reproductive health care; providing that every individual has a fundamental right to make autonomous decisions about the individual's own reproductive health; providing that individuals who become pregnant have a fundamental right to make certain decisions in exercise of such right; prohibiting the state from denying or interfering with an individual's right to access reproductive health care; prohibiting state and local law enforcement agencies and officials from harassing or discriminating against an individual for providing or obtaining reproductive health care or assisting another person in doing so; prohibiting such state and local entities from penalizing, prosecuting, or otherwise taking adverse action against an individual for exercising specified rights, or against an individual for assisting another in exercising such rights; providing individuals with immunity from civil liability for exercising specified rights or aiding or assisting another in exercising such rights; providing that a fertilized egg, embryo, or fetus does not have independent rights under the laws of this state; prohibiting local units of government from regulating an individual's ability to exercise the right to reproductive health care in a manner more restrictive

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

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

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

381.0026 Reproductive freedom.—

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

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

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

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

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

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

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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

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

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

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

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

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

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

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

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

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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.