By Senator Cowin

11-178-00

1   Senate Joint Resolution No. ____
2   A joint resolution proposing the creation of
3   Section 19 of Article X of the State
4   Constitution, relating to miscellaneous
5   matters, to prohibit the intentional killing of
6   a partially born living fetus, to designate
7   such an act as a second-degree felony that is
8   subject to specified penalties, and to provide
9   exceptions to prohibited acts.
10
11   Be It Resolved by the Legislature of the State of Florida:
12
13   That the following creation of Section 19 of Article X
14   of the State Constitution is agreed to and shall be submitted
15   to the electors of this state for approval or rejection at the
16   next general election or at an earlier special election
17   specifically authorized by law for that purpose:
18   ARTICLE X
19   MISCELLANEOUS
20   SECTION 19. Partial-birth abortion; prohibition of.--
21   (a) As used in this section, the term:
22   (1) "Partially born" means the living fetus's intact
23   body, with the entire head attached, is presented so that:
24   a.   There has been delivered past the mother's vaginal
25   opening:
26   1.   The fetus's entire head, in the case of a cephalic
27   presentation, up until the point of complete separation from
28   the mother whether or not the placenta has been delivered or
29   the umbilical cord has been severed, or
30   2.   Any portion of the fetus's torso above the navel,
31   in the case of a breech presentation, up until the point of

1

1 complete separation from the mother whether or not the

2 placenta has been delivered or the umbilical cord has been

3 severed.

4   b.   There has been delivered outside the mother's

5 abdominal wall:

6   1.   The fetus's entire head, in the case of a cephalic

7 presentation, up until the point of complete separation from

8 the mother whether or not the placenta has been delivered or

9 the umbilical cord has been severed, or

10   2.   Any portion of the child's torso above the navel,

11 in the case of a breech presentation, up until the point of

12 complete separation from the mother whether or not the

13 placenta has been delivered or the umbilical cord has been

14 severed.

15   (2) "Living fetus" means any unborn member of the

16 human species who has a heartbeat or discernible spontaneous

17 movement.

18   (3) "Suction or sharp curettage abortion" means an

19 abortion, as defined in chapter 390, in which the developing

20 fetus and the products of conception are evacuated from the

21 uterus through a suction cannula with an attached vacuum

22 apparatus or with a sharp curette.

23   (b) Except as provided in this section, any person who

24 intentionally kills a living fetus while that fetus is

25 partially born commits the crime of partial-birth abortion,

26 which is a felony of the second degree, punishable as provided

27 by general law.

28   (c) This section does not apply to a suction or sharp

29 curettage abortion.

30

31

1   (d) This section does not constitute implicit approval
2   of other types of abortion, which remain subject to all other
3   applicable laws of this state.
4   (e) This section does not prohibit a physician from
5   taking such measures as are necessary to save the life of a
6   mother whose life is endangered by a physical disorder,
7   physical illness, or physical injury, provided that every
8   reasonable precaution is also taken, in such cases, to save
9   the fetus's life.
10   (f) In the event of conflict between this section and
11 any other provision of this constitution, the provisions of
12 this section shall govern.
13   BE IT FURTHER RESOLVED that the following statement be
14 placed on the ballot:
15   CONSTITUTIONAL AMENDMENT
16   ARTICLE X, SECTION 19
17   PARTIAL-BIRTH ABORTION PROHIBITED.--Proposing an
18 amendment to the State Constitution to prohibit the
19 intentional killing of a partially born living fetus, to
20 designate such an act as a second-degree felony that is
21 subject to specified penalties, and to provide exceptions to
22 prohibited acts.
23
24
25
26
27
28
29
30
31

                                   3