

By Commissioner Evans

1 A proposal to revise
2 ARTICLE I, s. 23, Fla. Const.; prohibiting the
3 performance of a partial-birth abortion, as
4 defined, except in specified circumstances;
5 providing that a woman upon whom such an
6 abortion is performed is not subject to
7 prosecution under this section.

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9 It is proposed by the Florida Constitution Revision Commission
10 that:

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12 Section 1. Section 23 of Article I of the Florida
13 Constitution is revised by amending that section to read:

14 ARTICLE I

15 DECLARATION OF RIGHTS

16 SECTION 23. Right of privacy.--

17 (a) Every natural person has the right to be let alone
18 and free from governmental intrusion into his private life
19 except as otherwise provided herein. This section shall not
20 be construed to limit the public's right of access to public
21 records and meetings as provided by law.

22 (b) This section does not apply to the performance of
23 a partial-birth abortion. A physician shall not knowingly
24 perform a partial-birth abortion unless the procedure is
25 necessary to save the life of a mother whose life is
26 endangered by a physical disorder, illness, or injury and no
27 other medical procedure would suffice for that purpose. As
28 used in this subsection, the term "partial-birth abortion"
29 means a termination of pregnancy in which the physician
30 performing the termination of pregnancy partially vaginally
31 delivers a living fetus before killing the fetus and

1 completing the delivery. The penalties for violating the ban
2 upon performing a partial-birth abortion shall be as
3 prescribed by general law; however, a woman upon whom a
4 partial-birth abortion is performed may not be prosecuted for
5 a conspiracy to violate the prohibition against performing
6 partial-birth abortions.