

ENROLLED

CS/HJR 1179, Engrossed 1

2011 Legislature

1 House Joint Resolution

2 A joint resolution proposing the creation of Section 28 of
 3 Article I of the State Constitution to generally prohibit
 4 public funding of abortions and prohibit the State
 5 Constitution from being interpreted to create broader
 6 rights to an abortion than those contained in the United
 7 States Constitution.

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 9 Be It Resolved by the Legislature of the State of Florida:

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 11 That the following creation of Section 28 of Article I of
 12 the State Constitution is agreed to and shall be submitted to
 13 the electors of this state for approval or rejection at the next
 14 general election or at an earlier special election specifically
 15 authorized by law for that purpose:

16 ARTICLE I

17 DECLARATION OF RIGHTS

18 SECTION 28. Prohibition on public funding of abortions;
 19 construction of abortion rights.-

20 (a) Public funds may not be expended for any abortion or
 21 for health-benefits coverage that includes coverage of abortion.

22 This subsection does not apply to:

23 (1) An expenditure required by federal law;

24 (2) A case in which a woman suffers from a physical
 25 disorder, physical injury, or physical illness, including a
 26 life-endangering, physical condition caused by or arising from
 27 the pregnancy itself, which would, as certified by a physician,
 28 place the woman in danger of death unless an abortion is

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29 performed; or

30 (3) A pregnancy that results from rape or incest.

31 (b) This constitution may not be interpreted to create
 32 broader rights to an abortion than those contained in the United
 33 States Constitution.

34 BE IT FURTHER RESOLVED that the following statement be
 35 placed on the ballot:

36 CONSTITUTIONAL AMENDMENT

37 ARTICLE I, SECTION 28

38 PROHIBITION ON PUBLIC FUNDING OF ABORTIONS; CONSTRUCTION OF
 39 ABORTION RIGHTS.—This proposed amendment provides that public
 40 funds may not be expended for any abortion or for health-
 41 benefits coverage that includes coverage of abortion. This
 42 prohibition does not apply to an expenditure required by federal
 43 law, a case in which a woman suffers from a physical disorder,
 44 physical injury, or physical illness that would place her in
 45 danger of death unless an abortion is performed, or a case of
 46 rape or incest.

47 This proposed amendment provides that the State
 48 Constitution may not be interpreted to create broader rights to
 49 an abortion than those contained in the United States
 50 Constitution. With respect to abortion, this proposed amendment
 51 overrules court decisions which conclude that the right of
 52 privacy under Article I, Section 23 of the State Constitution is
 53 broader in scope than that of the United States Constitution.