

1 A bill to be entitled

2 An act relating to abortion; creating the "Equal
3 Protection From The Instant of Conception (or EPIC)
4 Act"; providing legislative findings; interpreting the
5 right to privacy under art. I, sec. 23, Constitution of
6 the State of Florida; abolishing abortion in the state
7 of Florida; declaring as void and of no effect any and
8 all federal or state acts, laws, treaties, decisions,
9 orders, or regulations that would deprive a preborn
10 child of the right to life or prohibit the protection
11 of such right; specifying the duties of all Florida
12 officials to enforce this act; defining the duties of
13 the attorney general relative to this Act; defining the
14 duties of law enforcement officials relative to this
15 Act; providing for the arrest of any federal official
16 or agent who arrests, attempts to arrest, or interferes
17 with any Florida government official for compliance
18 with this Act; prohibiting the State of Florida from
19 entering an appearance, special or otherwise, in any
20 federal suit challenging this Act; specifying that all
21 provisions of the Act are effective as of the date of
22 passage and not retroactively; amending chapter 795,
23 F.S. to prohibit procuring, performing, or assisting in
24 the procuring or performing of abortion; defining
25 "conception," "abortion," "abortifacient," "person,"
26 and "preborn child;" providing criminal penalties;
27 removing any exclusions for prosecution of a mother

1 under the act; prohibiting inflicting serious bodily
2 injury or death upon a preborn child; providing
3 criminal penalties; prohibiting operation of any
4 facility, business, or service for the purpose of
5 providing induced abortion services; providing criminal
6 penalties; providing civil remedies; superseding
7 chapter 390, F.S. in its entirety; making conforming
8 changes.

9 WHEREAS, the US Declaration of Independence lists
10 the right to life as inalienable; and

11 WHEREAS, the first stated purposes of "We the
12 People of the United States" in the United States
13 Constitution are "to form a more perfect Union,
14 establish Justice, insure domestic Tranquility, provide
15 for the common defence, promote the general Welfare,
16 and secure the Blessings of Liberty to ourselves and
17 our Posterity"; and

18 WHEREAS, both the 5th and 14th Amendments to the US
19 Constitution state that "no person shall be deprived of
20 life, liberty or property without due process of law;"
21 and

22 WHEREAS, the 14th Amendment states that "no person
23 within the jurisdiction shall be be denied equal
24 protection of the laws;" and

25 WHEREAS, the Preamble to the Constitution of the
26 State of Florida states that "We, the people of the
27 State of Florida, being grateful to Almighty God for

1 our constitutional liberty, in order to secure its
2 benefits, perfect our government, insure domestic
3 tranquility, maintain public order, and guarantee equal
4 civil and political rights to all, do ordain and
5 establish this constitution," and

6 WHEREAS, Article I, Section 2 of the Constitution
7 of the State of Florida declares that "All natural
8 persons, female and male alike, are equal before the
9 law and have inalienable rights, among which are the
10 right to enjoy and defend life and liberty, to pursue
11 happiness, to be rewarded for industry, and to acquire,
12 possess and protect property. No person shall be
13 deprived of any right because of race, religion,
14 national origin, or physical disability;" and

15 WHEREAS, Article 1, Section 9 of the Constitution
16 of the State of Florida establishes that "No person
17 shall be deprived of life, liberty or property without
18 due process of law, or be twice put in jeopardy for the
19 same offense, or be compelled in any criminal matter to
20 be a witness against oneself;" and

21 WHEREAS, Section 1.01(3) of Chapter 1, Florida
22 Statutes, defines the word "person" to include
23 individuals, children, firms, associations, joint
24 adventures, partnerships, estates, trusts, business
25 trusts, syndicates, fiduciaries, corporations, and all
26 other groups or combinations; and

1 WHEREAS, Modern science has demonstrated beyond any
2 reasonable doubt that an individual human person's
3 physical existence begins at the moment of
4 fertilization upon the fusion of a human spermatozoon
5 and human ovum; and

6 WHEREAS, every human being, from the moment of
7 fertilization until the moment of natural death, is a
8 "person" with the God-given right to life, as defined
9 in Section 1.01(3) of Chapter 1, Florida Statutes and a
10 "natural person" as defined in Article I, Section 2 of
11 the Constitution of the State of Florida; and

12 WHEREAS, every law, court ruling or legal opinion
13 that has deprived individual human persons of the
14 inalienable, God-given right to life, constitutional
15 liberty, and equal civil and political rights, is in
16 violation of the Preamble, Article I, Section 2, and
17 Article I, Section 9 of the Constitution of the State
18 of Florida, as well as the 5th and 14th Amendments to
19 the US Constitution; and

20 WHEREAS, Article VI of the US Constitution states
21 that only the U.S. Constitution and the laws of the
22 United States made "in pursuance thereof" shall be the
23 law of the land; and the Judges in every state shall be
24 bound thereby, any Thing in the Constitution or Laws of
25 any State to the contrary notwithstanding; and

26 WHEREAS, any laws, rulings or court opinions that
27 allow the murder of preborn persons were not made "in

1 pursuance" to the US Constitution and, accordingly, are
2 not "the law of the land," and

3 WHEREAS, the 10th Amendment to the US Constitution
4 states that all powers not delegated to the United
5 States by the Constitution, nor prohibited by it to the
6 states, are reserved to the states respectively, OR THE
7 PEOPLE; and

8 WHEREAS, the powers of the State of Florida to
9 enact laws against crime in our state are thus reserved
10 to our state and guaranteed by the 10th amendment to
11 the US Constitution;

12 WHEREAS, It is the intent of the legislature to
13 enact laws reflecting the compelling interest of this
14 state to provide to all persons, including preborn
15 individual children, the equal protection of the laws
16 of this state; to establish that a living human child,
17 from the moment of fertilization, is entitled to the
18 same rights, powers, privileges, justice, and
19 protections as are secured or granted by the laws of
20 this state to any other human person; and

21 WHEREAS, it is the intent of the legislature to
22 treat as null, void and of no effect any and all
23 federal or state acts, laws, treaties, decisions,
24 orders, or regulations that would deprive any
25 individual person, including a preborn child, of the
26 right to life, or which would prohibit the protection
27 of such right, and

1 WHEREAS, it was never the intent of Article I,
2 Section 23; Article 10, Section 22, or any other
3 section of the Constitution of the State of Florida, to
4 recognize any right of any person to take the life of
5 an innocent preborn child; and

6 WHEREAS, it was never the intent of the United
7 States Constitution to recognize any right of any
8 person to take the life of an innocent preborn child;

9
10 NOW, THEREFORE, BE IT ENACTED BY THE LEGISLATURE OF THE
11 STATE OF FLORIDA:

12
13 Section 1: This act may be cited as the "Equal
14 Protection From the Instant of Conception Act" or the
15 "EPIC Act."

16 Section 1.01, Subchapter (3) of Chapter 1,
17 Florida Statutes, is amended to read:

18 (3) The word "person" includes individuals,
19 human beings at any stage of development,
20 ~~children,~~ firms, associations, joint
21 adventures, partnerships, estates, trusts,
22 business trusts, syndicates, fiduciaries,
23 corporations, and all other groups or
24 combinations.

25
26 Section 2: Chapter 390, Florida Statutes, is
27 superseded in its entirety by this Act to the extent

Words ~~stricken~~ are deletions; words underlined are additions.

1 that any provision therein conflicts with any
2 provision of this Act.

3 Section 3: Chapter 797, Florida Statutes, is amended
4 as follows:

5 **797.01** This Act may be cited as the "Equal
6 Protection From the Instant of Conception Act" or the
7 "EPIC Act."

8 **797.02** **Definitions.**

9 "Abortion" means the use or prescription of any
10 procedure, instrument, medicine, drug, or any other
11 substance, device, or action, whose primary purpose
12 is to intentionally kill a preborn child.

13 "Abortifacient" means any medicine, drug, other
14 substance, device or action, which is known or
15 reasonably suspected by medical science to cause, or
16 to have a known risk of causing, the death of a
17 preborn child, at any stage of development from
18 fertilization upon fusion of a spermatozoon with an
19 ovum to live birth, whether directly or indirectly
20 (such as preventing implantation or attachment to the
21 uterine wall); intentionally or unintentionally, and
22 whether as its primary purpose or as a secondary or
23 alternative purpose.

24 "Preborn child" means an individual organism of the
25 species Homo sapiens from fertilization upon fusion
26 of a spermatozoon with an ovum, whether fertilization
27 occurs inside or outside of the human body, until

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1 live birth;

2 "Conception" means fertilization upon fusion of a
3 spermatozoon with an ovum, whether occurring inside
4 of outside of the human body.

5 **797.03 Abortion is Prohibited; ~~acts; penalties.~~**

6 (1) Abortion is prohibited. It is unlawful for any
7 person to procure, perform, aid, or assist in procuring
8 or performing an abortion on a person, ~~except in an~~
9 ~~emergency care situation, other than in a validly~~
10 ~~licensed hospital or abortion clinic or in a~~
11 ~~physician's office.~~ Nothing in this section shall be
12 construed as to prohibit a physician from performing
13 such treatment as necessary to preserve the life and
14 health of the mother, including premature delivery of
15 the preborn child, even if such treatment results in
16 the unintentional injury or death of the preborn child,
17 so long as every reasonable effort is made to also
18 preserve the life and health of the preborn child, and
19 so long as such treatment is not based upon the
20 emotional or psychological state of the mother, nor
21 upon a mother's threat to inflict death or harm upon
22 herself.

23 (2) ~~It is unlawful for a~~ Any person or entity to who
24 establishes, conducts, manages, or operates an abortion
25 clinic ~~without a valid current license~~ will be guilty
26 of a life felony, in addition to any other charges

1 which may be applicable, punishable as provided in s.
2 775.082 and/or 775.083.

3 (3) Any person who commits an abortion homicide, or who
4 attempts to commit, procure, perform, aid, or assist in
5 procuring, committing or performing an abortion
6 homicide, ~~willfully violates any provision of this~~
7 ~~section is guilty of a misdemeanor of the second~~
8 ~~degree,~~ will be charged in the same manner as if they
9 had committed the same or a comparable crime against an
10 already-born person, punishable as provided in s.
11 775.082 or s. 775.083.

12 ~~—~~**797.024 Advertising drugs, etc., for abortion.**

13 Whoever knowingly advertises, prints, publishes,
14 distributes or circulates, or knowingly causes to be
15 advertised, printed, published, distributed or
16 circulated, any pamphlet, printed paper, book,
17 newspaper notice, advertisement, or reference
18 containing words or language giving or conveying any
19 notice, hint, or reference to any person, or the name
20 of any person, real or fictitious, from whom, or to any
21 place, house, shop, or office where any poison, drug,
22 mixture, preparation, medicine, or noxious thing, or
23 any instrument or means whatever, or any advice,
24 direction, instruction, information, or knowledge may
25 be obtained for the purpose of causing or procuring an
26 abortion or the miscarriage of any woman pregnant with
27 child, shall be guilty of a ~~misdemeanor~~ felony of the

1 first degree, punishable as provided in s. 775.082
2 and/or s. 775.083.

3 **797.05 Purchase or Sale of Abortion Drugs**
4 **Forbidden.**

5 No person may prescribe, sell, purchase, give or convey
6 mifepristone or misoprostol in any form within the
7 state of Florida, or any other drug formulated for the
8 primary purpose of causing or inducing an abortion or
9 miscarriage upon a human. Anyone who violates this
10 section is guilty of a life felony, in addition to any
11 other charges which may be applicable, punishable as
12 provided in s. 775.082 or 775.083.

13 **797.06 Sale of Abortifacient Drugs Forbidden. -**

14 No person can prescribe, sell or purchase any medicine,
15 drug, chemical, tincture or compound that is known to
16 be, or reasonably suspected to be, an abortifacient.
17 Anyone violating this provision is guilty of a first-
18 degree felony, punishable as provided in s. 775.082 or
19 s. 775.083. This act is not to be construed as to
20 prohibit the purchase or sale of contraceptives so long
21 as the main function of such contraceptive is to
22 prohibit fertilization without the possibility of a
23 secondary abortifacient effect.

24 **797.07 Acts not protected under the right to**
25 **privacy.** - Notwithstanding any other provision of law,
26 the intentional taking of innocent human life before,
27 during, or after birth is not protected by any right to

1 privacy under the Constitution of the State of Florida
2 or the United States Constitution.

3 **797.08 Nullification of Interfering Acts. - Any**
4 federal or state act, law, treaty, decision, order, or
5 regulation that purports to supersede, stay, or
6 overrule this act is in violation of the Constitution
7 of the State of Florida and the Constitution of the
8 United States of America, and is therefore null and
9 void. The state of Florida, and its political
10 subdivisions, and agents thereof, may not enter an
11 appearance, special or otherwise, in any federal suit
12 challenging this act.

13 **797.09 Attorney General to Monitor Enforcement.-**
14 The attorney general of the State of Florida has
15 concurrent authority and power with the prosecuting
16 attorneys to investigate crimes and initiate and
17 conduct prosecutions under this chapter. The attorney
18 general shall monitor enforcement of this chapter by
19 prosecuting attorneys in the state in relation to
20 abortion, regardless of any contrary or conflicting
21 federal acts, laws, treaties, decisions, orders, or
22 regulations. Any prosecuting attorney who refuses to
23 comply with this Act shall be subject to any
24 disciplinary action allowable under law, including
25 removal from office or impeachment, if applicable.

26 **797.10 Compliance by Government Officials and Law**
27 **Enforcement.-** No government agency or official of this

1 state, including any sheriff, deputy sheriff, or other
2 law enforcement officer, may give force or effect to
3 any court order that conflicts with this chapter.
4 Cooperative agreements with federal agencies
5 notwithstanding, no law enforcement agency or law
6 enforcement officer in this state may assist or
7 cooperate in any way with the arrest or imprisonment of
8 any government official or individual who complies with
9 this chapter and refuses to comply with any contrary
10 court order. Such contrary orders include, but are not
11 limited to, any order to levy upon property, seize bank
12 accounts, arrest the person, or serve process for the
13 purpose of causing any person to violate this chapter,
14 or for the purpose of punishing any person for the
15 failure to comply with an order contrary to this
16 chapter. A federal officer or agent who arrests any
17 Florida government employee for compliance with this
18 chapter is subject to arrest by Florida law enforcement
19 for the crime of false imprisonment as defined in
20 787.02(1)(a), a felony of the third degree, punishable
21 as provided in s. 775.082, s. 775.083, or s. 775.084,
22 in addition to any other civil or criminal charges
23 which may be applicable.

24 **797.11 Non-Severability.** The provisions of this
25 act are not severable.

26 **797.12 Non-Retroactivity.** This act applies
27 prospectively and not retroactively. It applies only to

1 offenses committed, or causes of action that arise, on
2 or after the effective date of this Act. For purposes
3 of this section, an offense is committed before the
4 effective date of this Act if any element of the
5 offense occurs before the effective date of this Act.

6 **797.13 Civil Actions Pursuant to Illegal**
7 **Abortion; Relief.**

8 (a) Any person adversely affected by an abortion
9 (or the estate of any person killed during the
10 commission of an abortion) may, in a civil action,
11 obtain appropriate relief from all parties who
12 procured, performed, aided or assisted in the
13 commission of the abortion, unless the pregnancy
14 resulted from or was aided by the plaintiff's
15 criminal conduct, or the plaintiff consented to the
16 illegal abortion.

17 (b) In a civil action under this section,
18 appropriate relief includes a monetary award for
19 all psychological and physical injuries, and up to
20 three times the amount of any financial damages,
21 occasioned by the violation of this section.

22 **797.14 Infants Born Alive.—**

23 (a) Any infant born alive prematurely is entitled
24 to the same rights, powers, and privileges as are
25 granted by the laws of this state to a full-term
26 child.

1 (b) If an infant is born alive prematurely, any
2 health care practitioner present at the time shall
3 humanely exercise the same degree of professional
4 skill, care, and diligence to preserve the life and
5 health of the infant as a reasonably diligent and
6 conscientious health care practitioner would render
7 to a full-term infant.

8 (c) An infant born alive prematurely must be
9 immediately transported and admitted to a hospital
10 for evaluation and treatment.

11 (d) A health care practitioner or any employee of
12 any health care facility who has knowledge of a
13 violation of this subsection must report the
14 violation to the department.

15 (e) A person who violates this subsection commits a
16 felony of the first degree, punishable as provided in
17 s. 775.082 or s. 775.083. This subsection shall not be
18 construed as a specific provision of law relating to a
19 particular subject matter that would preclude
20 prosecution of a more general offense, regardless of
21 the penalty.

22
23 **797.15 Experimentation Prohibited.—**

24 No person shall use any live preborn child for any type
25 of scientific, research, laboratory, or other kind of
26 experimentation, nor shall any person or entity convey
27 any live preborn child to any person or entity outside

1 of the state of Florida known to conduct such type of
2 experimentation upon live preborn children. Nothing in
3 this section shall be construed as to prohibit a
4 physician from rendering treatment, including
5 experimental treatment, where necessary to preserve the
6 life and health of such preborn child.

7
8 **797.16 Freezing Prohibited.**

9 No person or entity shall freeze any live preborn child
10 in conjunction with the process of in-vitro
11 fertilization or assistive reproductive technology, nor
12 shall any person or entity convey any live preborn
13 child to any other person or entity outside of the
14 state of Florida for freezing. No preborn child already
15 frozen prior to the effective date of this Act shall be
16 intentionally destroyed, discarded to die, nor conveyed
17 to any other person or entity outside of the state of
18 Florida for destruction, experimentation, or
19 continuation of his or her frozen state. Nothing in
20 this section shall be construed as to prohibit in-vitro
21 fertilization or assistive reproductive technology, so
22 long as no preborn children are intentionally killed,
23 discarded to die, sold or given over for medical
24 experimentation, or routinely frozen in the process.
25 The legislature retains the authority to further
26 regulate in-vitro fertilization and assistive

1 reproductive technology.

2

3 **797.17 Failure to Comply.**

4 (1) Failure to comply with the requirements of this

5 section constitutes grounds for disciplinary action

6 under each respective practice act and under s.

7 456.072, in addition to any criminal charges which may

8 apply.

9 (2) Rules.— The department shall adopt rules necessary

10 to implement the provisions of this section.

11 **797.18 Urgency** - This act is necessary for the

12 immediate preservation of the public safety, peace,

13 health, or support of the state government and its

14 existing public institutions, and takes effect

15 immediately upon being enacted into law.

16

17 **797.19 Conflicting Law** - Any law, statute,

18 ordinance, or administrative code conflicting with this

19 Act shall be amended or conformed to comply with this

20 Act. In the event of any conflicting language, this Act

21 shall govern.