

STATE LEGAL SNAPSHOT

Florida

Abortion law, status, and enforcement — one-page reference

As of Jul 12, 2026

Research completed Jul 12, 2026

Confidence: high



● Abortion is banned after 6 weeks (last menstrual period) — availability: severely restricted.

GESTATIONAL LIMIT	6 weeks	AVAILABLE	Severely restricted	MOTHER EXEMPT	No	FETAL HOMICIDE LAW	Yes	PERSONHOOD LANGUAGE	Yes
TELEHEALTH	Not allowed	WAITING PERIOD	24 hours	✓ RAPE / INCEST EXCEPTION	Yes	PARENTAL INVOLVEMENT	Consent and notification		
SHIELD STATE	No	MEDICAID	Hyde only	CIVIL BOUNTY LAW	No	PENDING CHANGE	See below		

§ Jurisdiction overview

Florida prohibits most abortions after 6 weeks from last menstrual period, measured before many people know they are pregnant; the ban is in full effect with narrow exceptions.

Fla. Stat. § 390.0111(1) · Planned Parenthood of Southwest & Central Florida v. State, No. SC2022-1050 (Fla. Apr. 1, 2024)

☒ Fetal personhood & the internal contradiction

Florida law contains a sharp internal contradiction in its treatment of fetal personhood. The criminal code (Fla. Stat. § 775.021(5)(e)) defines an 'unborn child' as 'a member of the species Homo sapiens, at any stage of development, who is carried in the womb' — a definition that encompasses a fertilized egg. This definition animates the fetal homicide statute (§ 782.09), which makes killing an unborn child murder or manslaughter in the same degree as killing the mother.

Fla. Stat. § 782.09(1), (4) · Fla. Stat. § 775.021(5)(e)

MINORS

Florida requires both parental notice and notarized written consent from a parent or legal guardian before a minor's abortion; exceptions exist for medical emergency and judicial bypass.

SPOUSAL / PATERNAL RIGHTS

Florida has no statute requiring spousal consent or notice for abortion; the only paternal-rights provision in the abortion chapter is the civil action for partial-birth abortion, which is permanently enjoined.

☒ Penalties in effect

ACTOR	OFFENSE	PENALTY
Physician performing unlawful abortion	Willfully performing or inducing a termination of pregnancy in violation of § 390.0111	Third-degree felony: up to 5 years imprisonment and \$5,000 fine (§ 775.082, 775.083); if the woman dies: second-degree felony, up to 15 years and \$10,000 fine; plus license discipline (§ 458.331, 459.015)
Physician violating informed consent	Violation of informed consent requirements in § 390.0111(3)	Disciplinary action under § 458.331 or § 459.015 (medical license suspension or revocation); 'substantial compliance' is a defense
Non-physician performing abortion	Performing an abortion without being a licensed physician (violation of § 390.0111(2) and unlicensed practice of medicine under § 458.327)	Third-degree felony (unlicensed practice): up to 5 years and \$5,000 fine
Clinic staff or other helpers	Actively participating in an unlawful termination of pregnancy (§ 390.0111(10)(a))	Third-degree felony: up to 5 years and \$5,000 fine; if resulting in the woman's death, second-degree felony
Failure to properly dispose of fetal remains	Failure to dispose of fetal remains in accordance with § 381.0098 and rules	First-degree misdemeanor (§ 775.082 or 775.083)

Recent changes

- Jan 2026

The Florida House of Representatives passed CS/HB 289 by a 76-34 vote, expanding the Wrongful Death Act to allow parents to recover damages for the wrongful death of an 'unborn child' at any stage of development, while exempting the mother and lawful health care from liability.
- May 2025

A Florida intermediate appellate court struck down certain provisions of the parental-consent law for minors as unconstitutional.
- Nov 2024

Amendment 4, the Right to Abortion Initiative, appeared on the Florida ballot and received 57.1% of the vote, falling short of the 60% threshold required to amend the Florida Constitution.
- May 2024

Florida's 6-week abortion ban (Heartbeat Protection Act) took effect, 30 days after the Florida Supreme Court's ruling.
- Apr 2024

The Florida Supreme Court ruled 6-1 in *Planned Parenthood of Southwest & Central Florida v. State*, No. SC2022-1050, that the Florida Constitution's Privacy Clause (Art.
- Apr 2023

Governor Ron DeSantis signed SB 300, the Heartbeat Protection Act (ch.
- Jul 2022

Florida's 15-week abortion ban (HB 5, ch. 2022-69) took effect.

Pending changes to watch

Parental consent law challenge (Florida intermediate appellate court)

Litigation · The Florida First District Court of Appeal struck down parts of the parental-consent framework in May 2025; the state may seek Florida Supreme Court review.

If upheld on appeal, could alter or invalidate Florida's parental involvement requirements for minors seeking abortion, potentially eliminating consent and/or notice obligations.

FDA preemption and medication abortion access (national litigation)

Litigation · The Fifth Circuit in *Louisiana v.*

If the Supreme Court ultimately holds that FDA rules preempt state restrictions on mifepristone dispensing, Florida's § 390.0111(2) in-person dispensing requirement and mail-ban could be invalidated, significantly increasing access to medication abortion in Florida even under the 6-week ban.

Fetal wrongful death (HB 289 / SB 164, 2026 session)

Legislation · HB 289 passed the House (76-34) on January 15, 2026. SB 164 died in the Senate Rules Committee.

If enacted, would allow parents to bring civil wrongful-death suits for the death of an unborn child at any stage of development, while exempting the mother and lawful health care from liability.

Key authorities

Florida Heartbeat Protection Act (6-week ban)

Fla. Stat. § 390.0111(1); ch. 2023-21, Laws of Fla.

The operative prohibition: physicians may not knowingly perform or induce abortion after 6 weeks LMP unless a statutory exception applies.

Termination of pregnancies — full section

Fla. Stat. § 390.0111

Contains the 6-week ban, medication-abortion restrictions (in-person dispensing, no telehealth, no mail), informed consent, ultrasound, waiting period, partial-birth ban, born-alive protections, penalties, and defunding provision — the comprehensive abortion regulation in a single statute.

Definitions for Chapter 390

Fla. Stat. § 390.011

Defines 'abortion,' 'gestation' (measured from LMP), 'viability,' 'fatal fetal abnormality,' 'medical abortion,' and 'physician' — the definitions that determine the scope of the entire chapter.

Planned Parenthood v. State (Florida Supreme Court, 2024)

Planned Parenthood of Southwest & Central Florida v. State, No. SC2022-1050 (Fla. Apr. 1, 2024)

The controlling decision that held Florida's Privacy Clause does not protect abortion, overruling decades of precedent and clearing the way for the 6-week ban.

Fetal homicide statute

Fla. Stat. § 782.09

Treats the killing of an unborn child as murder/manslaughter while expressly exempting the mother and Chapter 390 abortions — the core fetal-personhood provision in Florida criminal law.

Generated from the structured legal focused deep-research record for FL (research completed 2026-07-12). This snapshot condenses a much larger sourced dataset — full citations, quoted statutory text, and plain-language explanations are in the full Florida survey. This document has not been reviewed by a lawyer and should not be used as legal advice.