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A bill to be entitled
 An act relating to liability for termination of pregnancies; creating s. 390.035, F.S.; creating a cause of action for physical injury and emotional distress resulting from a termination of pregnancy under certain circumstances; providing a statute of limitations for the cause of action; authorizing an award of attorney fees and costs to a prevailing plaintiff; defining the term "damages"; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 390.035, Florida Statutes, is created to read:

390.035 Liability for termination of pregnancy.—

(1) A physician who performs an abortion is liable to the woman upon whom the abortion is performed for any damages for physical injuries or emotional distress caused by the physician's negligence or failure to obtain the informed consent required by s. 390.0111.

(2) The signing of a consent form by the woman before the abortion does not negate the cause of action but may reduce the recovery of damages to the extent that the content of the consent form informed the woman of the risk of the type of

26 | injuries for which the woman is seeking damages.

27 | (3) An action brought under this section is not a claim
 28 | for medical malpractice and chapter 766 does not apply. However,
 29 | this section may not be construed as barring any other statutory
 30 | or common law cause of action for medical malpractice resulting
 31 | from an abortion procedure otherwise available or diminish the
 32 | nature or the extent of those causes of action. The cause of
 33 | action expressly specified in this section is in addition to any
 34 | other statutory or common law cause of action.

35 | (4) Notwithstanding any other provision of law, an action
 36 | for damages brought under this section shall be commenced within
 37 | 4 years after the time the incident giving rise to the action
 38 | occurred or within 4 years after the time the incident is
 39 | discovered or should have been discovered with the exercise of
 40 | due diligence; however, except in the case of a minor, in no
 41 | event shall the action be commenced later than 10 years after
 42 | the time the incident giving rise to the action occurred. If a
 43 | woman is a minor when an abortion is performed, an action under
 44 | this section may be commenced within 10 years after the date the
 45 | minor attains 18 years of age.

46 | (5) A prevailing plaintiff in an action brought under this
 47 | section is entitled to reasonable attorney fees and costs.

48 | (6) For the purposes of this section, the term "damages"
 49 | means all special and general damages that are recoverable in an
 50 | intentional tort, negligence, survival, or wrongful death

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51 | action, including, but not limited to, actual and punitive
52 | damages.

53 | Section 2. This act shall take effect July 1, 2017.