

1 human somatic cells into a fertilized or unfertilized oocyte
2 whose nuclear material has been removed or inactivated so as
3 to produce a living organism, at any state of development,
4 that is genetically virtually identical to an existing or
5 previously existing human organism.

6 (b) "Asexual reproduction" means reproduction not
7 initiated by the union of oocyte and sperm.

8 (c) "Somatic cell" means a diploid cell having a
9 complete set of chromosomes obtained or derived from a living
10 or deceased human body at any stage of development.

11 (3) HUMAN CLONING PROHIBITED.--It is unlawful for any
12 person to knowingly:

13 (a) Perform or attempt to perform human cloning.

14 (b) Participate or assist in an attempt to perform
15 human cloning.

16 (c) Ship or receive for any purpose an embryo produced
17 by human cloning or any product derived from such embryo.

18 (4) PENALTIES.--

19 (a) Any person who violates any provision of
20 subsection (3) commits a felony of the second degree,
21 punishable as provided in s. 775.082, s. 775.083, or s.
22 775.084, and shall be sentenced to a minimum term of
23 imprisonment of 10 years.

24 (b) Any person who violates any provision of
25 subsection (3) and derives pecuniary gain from such violation
26 shall be subject to a civil penalty of not less than \$1
27 million and not more than an amount equal to the amount of the
28 gross pecuniary gain derived from the violation multiplied by
29 2, if that amount is greater than \$1 million.

30 (5) CONSTRUCTION.--Nothing in this section shall be
31 construed to restrict areas of scientific research not

1 specifically prohibited by this section, including research in
2 the use of nuclear transfer or other cloning techniques to
3 produce molecules, DNA, tissues, organs, plants, animals, or
4 cells other than human embryos.

5 (6) CIVIL REMEDIES; ENFORCEMENT.--With respect to any
6 individual residing in the state who was produced, at any time
7 and in any jurisdiction, by human cloning which would have
8 been prohibited under this section if performed in this state
9 after the effective date of this section:

10 (a) Any person participating in the production by
11 human cloning of such individual shall be jointly and
12 severally liable to the individual, the individual's spouse,
13 dependents, and blood relatives, and to any woman impregnated
14 with the individual, her spouse, and dependents, for damages
15 for all physical, emotional, economic, or other injuries
16 suffered by such persons at any time as a result of the use of
17 human cloning to produce the individual. This section shall
18 not give rise to a cause of action for wrongful life, but
19 shall not exclude any injuries or damages associated with the
20 continuation of life by the individual who is a product of
21 human cloning.

22 (b) Any person participating in the production by
23 human cloning of an individual shall be jointly and severally
24 liable to the individual and the individual's legal guardian
25 for support and the costs of guardianship during the
26 individual's minority, as well as for the costs of any
27 guardian ad litem to represent the interests of the individual
28 in the courts of this state in any matter related to the
29 production or legal status of the individual. The liability
30 created by this paragraph shall not cease at the age of
31 majority if the individual suffers thereafter from any

1 congenital defect or other disability related to the
2 production of the individual by human cloning.

3 (c) All liabilities created under this section shall
4 survive the death of an individual produced by human cloning.
5 All persons and entities participating in the production by
6 human cloning of an individual shall be jointly and severally
7 liable to the estate of the individual for damages for
8 injuries resulting from the death of the individual if the
9 cause of death is related to the production of the individual
10 by human cloning or any congenital defect in the individual.
11 If the individual dies intestate leaving no descendants or
12 other dependents, the cause of action created by this
13 paragraph shall accrue to the State of Florida. In every such
14 action for the death of the individual, exemplary damages in
15 an amount of at least \$100,000 shall be awarded.

16 (d) The rights of recovery created by this section
17 shall be cumulative to all other legal rights. No liability
18 created by this section shall be reduced by the payment of any
19 other liability or by the recovery of damages from any other
20 source or under any other legal theory.

21 (e) The liabilities created by this section shall be
22 strictly enforced without regard to negligence or fault. The
23 status of a person as plaintiff or injured party upon any
24 cause of action or legal theory shall not negate the status of
25 such person as defendant or reduce their liability to other
26 claimants under any cause of action created by this section.
27 The liabilities created by this section may not be waived by
28 any individual, nor compromised except as may be implemented
29 through an enforceable judgment of a court of this state. No
30 affirmative defenses other than lack of jurisdiction, res
31 judicata, satisfaction of the liability, or expiration of the

1 statute of limitations period provided in paragraph (i) shall
2 be allowed in any action brought pursuant to this section.

3 (f) The domicile in the State of Florida of any
4 injured person having a cause of action under this section, or
5 the incurring within this state of any damages recoverable
6 under this section, shall be sufficient to establish the
7 jurisdiction of the law of this state and its courts for all
8 related claims arising under this section.

9 (g) Any state agency providing services to any person
10 entitled to recovery under this section, and any private
11 insurance company legally obligated to pay medical costs or
12 other compensation related to conditions associated with
13 injuries for which recovery is authorized under this act,
14 shall be subrogated to the rights to recover under this
15 section of any person receiving such services or benefiting
16 from such insurance. Such subrogation shall not exceed the
17 full cost of such services or insurance payments.

18 (h) The Attorney General is hereby empowered to bring
19 civil actions in this or any appropriate jurisdiction to
20 enforce the rights and obligations created under this section
21 on behalf of the state or any resident of the state.

22 (i) An action under this section must be commenced
23 before the expiration of 5 years after the death of the
24 individual produced by human cloning, provided that an action
25 for support and other damages under paragraph (b) must be
26 commenced within 5 years after the end of the period for which
27 liability is imposed under paragraph (b).

28 Section 2. Subsection (9) is added to section 95.11,
29 Florida Statutes, to read:
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1 95.11 Limitations other than for the recovery of real
2 property.--Actions other than for recovery of real property
3 shall be commenced as follows:

4 (9) FOR ACTIONS RELATED TO HUMAN CLONING.--An action
5 founded upon a violation of s. 877.27(3) must be commenced as
6 provided in s. 877.27(6).

7 Section 3. Paragraph (i) is added to subsection (2) of
8 section 775.15, Florida Statutes, to read:

9 775.15 Time limitations.--

10 (2) Except as otherwise provided in this section,
11 prosecutions for other offenses are subject to the following
12 periods of limitation:

13 (i) A prosecution for a felony violation of s.
14 877.27(3) must be commenced within 4 years after the violation
15 is reported to law enforcement, or within 21 years after the
16 birth or destruction of an individual produced by human
17 cloning, whichever occurs first.

18 Section 4. This act shall take effect upon becoming a
19 law.