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LEGISLATIVE ACTION

Senate

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House

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Floor: 14/F/2R

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03/30/2023 06:05 PM

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Senator Book moved the following:

Senate Amendment (with title amendment)

Between lines 269 and 270

insert:

Section 6. Section 390.035, Florida Statutes, is created to read:

390.035 Civil cause of action.—

(1) A woman who is prevented by law from obtaining an abortion has a civil cause of action against the father of the child for compensatory damages incurred as a result of carrying



11 an unwanted pregnancy beyond the point at which the woman
12 otherwise would have sought an abortion.

13 (2) Compensatory damages include emotional distress and
14 pain and suffering sustained by the woman as a result of
15 carrying the unwanted pregnancy due to her lack of access to
16 abortion care.

17 (3) Upon a showing by clear and convincing evidence that
18 the defendant is the father of the child, the father is liable
19 for the full monetary value of damages incurred by the woman as
20 a result of carrying the unwanted pregnancy.

21 (4) Upon a showing by clear and convincing evidence that
22 the pregnancy resulted from rape, incest, fraud, or undue
23 duress, the father is liable for treble damages.

24 (5) This section does not alter a father's obligation to
25 provide child support under chapter 61.

27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 Delete line 39

30 and insert:

31 abortion clinics; creating s. 390.035, F.S.; creating
32 a cause of action for women who are unable to obtain a
33 legal abortion and must carry an unwanted pregnancy;
34 providing for compensatory and treble damages against
35 the father of the child if certain evidentiary burdens
36 are met; providing construction; amending s. 456.47,
37 F.S.;