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A bill to be entitled  
 An act relating to protection of the right to an  
 abortion; creating s. 797.04, F.S.; finding and  
 declaring that a woman has a protected right to an  
 abortion; creating a rebuttable presumption concerning  
 viability of a fetus; providing for civil liability  
 for certain persons who violate such a right;  
 providing for punitive damages; providing for  
 compensatory damages, costs, and attorney fees;  
 providing for state payment of awards against indigent  
 defendants; providing for liens against such indigent  
 defendants; providing for employer liability; amending  
 s. 95.11, F.S.; providing a statute of limitations  
 period for actions for the deprivation of the right to  
 an abortion; providing an effective date.

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

Section 1. Section 797.04, Florida Statutes, is created to  
 read:

797.04 Right to an abortion.—

(1) The Legislature finds and declares that s. 23, Art. I  
 of the State Constitution concerning right of privacy protects a  
 woman's right to abortion as the Florida Supreme Court held in  
*In re T.W.*, 551 So.2d 1186 (1989).

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26       (2) A woman has the right to terminate a pregnancy until  
27 that point in time when the fetus becomes capable of meaningful  
28 life outside the womb through standard medical measures. There  
29 is a rebuttable presumption that this point occurs at the end of  
30 the second trimester.

31       (3) A person or entity that takes any action under color  
32 of law that violates a woman's right under subsection (2) is  
33 liable as provided in this section.

34       (4) A woman whose rights under subsection (3) are violated  
35 shall have a cause of action for compensatory damages as well as  
36 \$10,000 in punitive damages from each violator. A successful  
37 plaintiff under this section is also entitled to an award of  
38 reasonable attorney fees and costs.

39       (5) If a defendant is indigent and unable to pay all or  
40 part of an award under subsection (4), the state shall,  
41 notwithstanding chapter 768, be liable for the entire unpaid  
42 amount of the award and shall pay such amount of the award that  
43 is not paid by the defendant. The state shall have a lien  
44 against the income and property of such defendant for the amount  
45 paid by the state under this subsection.

46       (6) An employer is liable for the acts of an employee  
47 acting within the scope of his or her employment that violate  
48 this section.

49       Section 2. Subsection (13) is added to section 95.11,  
50 Florida Statutes, to read:

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51           95.11 Limitations other than for the recovery of real  
52 property.—Actions other than for recovery of real property shall  
53 be commenced as follows:

54           (13) WITHIN TWENTY-ONE YEARS.—Any action under s. 797.04  
55 for deprivation of the right to an abortion.

56           Section 3. This act shall take effect July 1, 2024.