

By Senator Martin

33-00994A-26

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A bill to be entitled

An act relating to civil remedies pertaining to abortions; creating s. 390.111, F.S.; defining the terms "clawback provision" and "family member"; creating a cause of action for certain violations relating to the induction or performance of an abortion; providing applicability; authorizing injunctive relief, recovery of damages, and reasonable costs and attorney fees; providing a limitation; prohibiting courts and authorities of this state from recognizing, enforcing, or giving effect to judgments or orders of another state issued under a clawback provision, with an exception; authorizing certain persons to bring a civil action against a person who initiated such actions in another state; providing injunctive relief, recovery of damages, and reasonable costs and attorney fees; providing that certain actions or outcomes in the out-of-state proceedings are not a defense in such actions; providing that a court may protect the privacy of certain persons; providing construction; providing severability; providing an effective date.

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

Section 1. Section 390.111, Florida Statutes, is created to read:

390.111 Civil remedies for abortion.-

(1) DEFINITIONS.—As used in this section, the term:

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30 (a) "Clawback provision" means a law of another state
31 authorizing a civil action or penalty against a person for
32 bringing, attempting to bring, assisting, or providing legal
33 representation in an action authorized by this section.

34 (b) "Family member" means the spouse, parent, or sibling of
35 a woman upon whom an abortion was induced or performed, or upon
36 whom an abortion was attempted to be induced or performed. The
37 term also includes the father of the unborn child.

38 (2) CAUSE OF ACTION.—

39 (a) A family member has a civil cause of action against any
40 person who violates s. 390.0111(2) whether the violation
41 originates in this state or another jurisdiction.

42 (b) A person, regardless of whether a citizen or resident
43 of this state, who personally or through an agent violates s.
44 390.0111(2), is under the jurisdiction of the courts of this
45 state for the causes of action in this subsection and subsection
46 (5).

47 (c) Notwithstanding any contractual provision to the
48 contrary, general law applies to any action brought under this
49 section.

50 (d) The actual inducement or performance of an abortion is
51 not required to commence an action authorized by this section.

52 (e) It is not a defense to a suit brought under this
53 section that:

54 1. The woman upon whom the abortion was induced or
55 performed, or upon whom the abortion was attempted to be induced
56 or performed, consented to any procedure or action.

57 2. The law of a foreign state or foreign country permits
58 the action that forms the basis for the suit.

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59 (f) Notwithstanding any other provision in this section, a
60 cause of action may not be commenced under this section against
61 a woman upon whom an abortion was induced or performed, or upon
62 whom an abortion was attempted to be induced or performed.

63 (3) DAMAGES.—A court may enter a judgment awarding the
64 prevailing plaintiff any of the following:

65 (a) Injunctive relief.

66 (b) Statutory damages.

67 (c) Reasonable costs and attorney fees.

68 (4) LIMITATIONS PERIOD.—An action brought under subsection
69 (2) must be commenced within 2 years after the cause of action
70 accrues.

71 (5) CLAWBACK PROVISIONS.—

72 (a) A court or an authority of this state may not
73 recognize, enforce, or give effect to a judgment or an order
74 issued under a clawback provision, except to the extent required
75 by the United States Constitution.

76 (b) 1. A person against whom an action is brought or a
77 judgment is entered under a clawback provision may bring a civil
78 action against any person who brought such action, obtained such
79 judgment, or sought to enforce such judgment, and a court may
80 enter a judgment awarding the person against whom the clawback
81 action was brought any of the following:

82 a. Injunctive relief.

83 b. Actual damages, which includes any amount awarded in an
84 action based on a clawback provision.

85 c. Reasonable costs and attorney fees incurred in bringing
86 such action, or incurred in defending or responding to the
87 action based on the clawback provision.

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88 2. It is not a defense to an action brought under this
89 paragraph that the plaintiff failed to seek relief in the
90 clawback proceeding or that a court in another jurisdiction did
91 not grant relief.

92 (6) PROTECTION OF PRIVACY IN COURT PROCEEDINGS.—In each
93 civil action brought under this section, the court may require
94 all pleadings, orders, and other formal documents to be styled
95 in a manner to protect the name of the woman upon whom an
96 abortion was induced or performed, or upon whom an abortion was
97 attempted to be induced or performed, from public disclosure.

98 (7) CONSTRUCTION.—This section shall be liberally construed
99 to effectuate its remedial purposes.

100 Section 2. If any provision of this act or its application
101 to any person or circumstance is held invalid, the invalidity
102 does not affect other provisions or applications of the act
103 which can be given effect without the invalid provision or
104 application, and to this end the provisions of this act are
105 severable.

106 Section 3. This act shall take effect July 1, 2026.