

1 A bill to be entitled
2 An act relating to civil remedies pertaining to
3 abortions; creating s. 390.111, F.S.; defining the
4 terms "clawback provision" and "family member";
5 creating a cause of action for certain violations
6 relating to the induction or performance of an
7 abortion; providing applicability; authorizing
8 injunctive relief, recovery of damages, and reasonable
9 costs and attorney fees; providing a limitation;
10 creating a separate cause of action against a person
11 who has initiated certain foreign state proceedings;
12 providing that a court may protect the privacy of
13 certain persons; providing construction; providing
14 severability; providing an effective date.

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

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

20 390.111 Civil remedies for abortion.—

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

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

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

30 (2) CAUSE OF ACTION.—

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

34 (b) A person, whether or not a citizen or resident of this
35 state, who personally or through an agent violates s.
36 390.0111(2), is under the jurisdiction of the courts of this
37 state for purposes of the causes of action in this subsection
38 and subsection (5).

39 (c) Notwithstanding any contractual provision to the
40 contrary, general law applies to any action brought under this
41 section.

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

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

46 1. The woman upon whom the abortion was induced or
47 performed, or upon whom the abortion was attempted to be induced
48 or performed, consented to any procedure or action.

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

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

55 (3) DAMAGES.—A court may enter a judgment awarding the
56 prevailing plaintiff:

57 (a) Injunctive relief.

58 (b) Statutory damages of \$100,000.

59 (c) Reasonable costs and attorney fees.

60 (4) LIMITATIONS PERIOD.—An action brought under subsection
61 (2) must be commenced within 2 years after the cause of action
62 accrues.

63 (5) CLAWBACK PROVISIONS.—

64 (a) A court or authority of this state may not recognize,
65 enforce, or give effect to a judgment or order issued under a
66 clawback provision, except to the extent required by the United
67 States Constitution.

68 (b)1. A person against whom an action is brought or a
69 judgment is entered under a clawback provision may bring a civil
70 action against any person who brought such action, obtained such
71 judgment, or sought to enforce such judgment, and a court may
72 enter a judgment awarding the person against whom the clawback
73 action was brought:

74 a. Injunctive relief.

75 b. Actual damages, which includes any amount awarded in an

76 action based on a clawback provision.

77 c. Reasonable costs and attorney fees incurred in bringing
78 such action, or incurred in defending or responding to the
79 action based on the clawback provision.

80
81 In the event that actual damages are not awarded or actual
82 damages total less than \$100,000, the court may award statutory
83 damages in an amount sufficient to result in a total award of up
84 to \$100,000.

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

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

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

97 **Section 2.** If any provision of this act or its application
98 to any person or circumstance is held invalid, the invalidity
99 does not affect other provisions or applications of the act
100 which can be given effect without the invalid provision or

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101 application, and to this end the provisions of this act are
102 severable.

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