



FLORIDA CONFERENCE OF CATHOLIC BISHOPS CATHOLIC DAYS AT THE CAPITOL

CIVIL LIABILITY FOR THE WRONGFUL DEATH OF AN UNBORN CHILD

Key Message:

Support: SB 476 (Grall) / HB 651 (Persons-Mulicka)

Please allow parents to recover damages for mental pain and suffering along with medical and funeral expenses for the wrongful death of their preborn child.

ADDITIONAL TALKING POINTS:

- Currently, Florida law does not allow parents to recover damages in the death of their pre-born child as a result of negligence.
- These bills recognize that parents bond with young life in the womb, and experience pain and suffering with the loss caused by the wrongful deaths of their preborn children.
- As forty-three states allow for the recovery of damages for pain and suffering for the wrongful death of a preborn child, Florida is an outlier among six states, including California and New York, failing to do so currently.

BILL PROVISIONS:

By adding "the parents of an unborn child" to the list of people who are defined as "survivors," SB 476 and HB 651 allow a parent to file a lawsuit under Florida's wrongful death statute with the purpose of recovering damages in the negligent death of their preborn child.

BACKGROUND:

Florida's Wrongful Death Act provides that when a person's death is caused by a wrongful act, negligence, default, or breach of contract or warranty, the deceased person would have been entitled to recover damages if he or she had survived, the person responsible for the death is liable for damages notwithstanding the injured person's death.

POTENTIAL OBJECTIONS AND RESPONSES:

OBJECTION 1:

SB 476/HB 651 opens the door for civil lawsuits for damages against mothers who miscarry or terminate their pregnancy.

RESPONSE 1:

The House bill clarifies that “*such wrongful death action **may not arise against the mother** for the wrongful death of her own unborn child.*” We expect that the Senate bill will clarify that as well.

OBJECTION 2:

SB 476/HB 651 opens the door for civil lawsuits for damages against abortion providers.

RESPONSE 2:

The bills would only allow a parent to bring a lawsuit against abortionists if they had a role in a “**wrongful**,” “**negligent**,” or “**unlawful**” death of a preborn child. While abortion remains legal, legal abortions that occur without incident are not addressed in this bill.

SPONSOR AND CO-SPONSORS:

SB 476 – Sponsor: Grall

HB 651 – Sponsor: Persons-Mulicka; Co-Sponsor: Plakon

STATUS:

SB 476 – On Judiciary Committee Agenda, 02/05/24: also referred to Fiscal Policy; Rules

HB 651 – Passed Civil Justice Committee (12-5); now in Judiciary Committee

N Arrington	Y Beltran	Y Black	N Campbell
Y Chamberlin	N Daniels	N Gantt	Y Koster
N López, J.	Y Maggard	Y Maney	Y McFarland
Y Overdorf	Y Robinson, W.	Y Roth	- Sirois
Y Smith	Y Snyder		

For additional information, please contact:

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