

Dec. 1, 2025

DELIVERED VIA EMAIL

Chair Brannan
House Judiciary Committee
402 South Monroe Street
Tallahassee, FL 32399

Re: ACLU of Florida Written Testimony in Opposition to HB 289/SB 164

Dear Chair Brannan and Committee members:



4343 W. Flagler St.
Miami, FL
(786) 363-2700
aclufl.org

Kara Gross
Interim Political Director

The ACLU of Florida is a nonpartisan organization whose mission is to protect, defend, strengthen, and promote the constitutional rights and civil liberties of all people in Florida. On behalf of our members and supporters in Florida, we write in opposition to HB 289/SB 164 and respectfully request that you vote “No” on this bill.

We urge you to oppose these bills because we have significant concerns that they will be used to target OB/GYNs and hospitals providing abortion care and the friends and family members of individuals who had abortions, like we saw in [Texas](#) and [Arizona](#).

Additionally, this bill is so overly broad that, if passed, it would allow any person who impregnates someone else to bring a lawsuit *for unlimited damages* against individuals, corporations, and government entities for the loss of a pregnancy from the moment of fertilization alleging that they were at fault. Given that approximately 1 in 4 pregnancies end in a miscarriage, this bill is ripe for abuse.

Below we have highlighted just a few of the many concerns with this bill.

What This Bill Does

- Opens the door for civil lawsuits for damages against the friends and family members of pregnant people who sought abortion care.
- Opens the door for civil lawsuits for damages against healthcare providers and hospitals that provide abortion care and miscarriage management.
- Opens the door for civil lawsuits for unlimited damages against private businesses, state and local governments, and homeowners for up to two years after a person has a miscarriage.
- Financially incentivizes anyone who impregnates someone else (including abusers, rapists, ex-partners, and casual partners) to bring lawsuits for

money damages against private individuals, businesses, corporations, and government entities for a miscarriage.

- Expands Florida’s Wrongful Death Act to apply to fertilized eggs. Broadly defines “unborn child” as including “any stage of development,” and thus seeks to treat fertilized eggs and embryos the same as actual living people, which would have cascading effects and far-reaching harmful consequences to pregnant individuals.

Current Florida Law Already Allows Expectant Parents to Recover for Tragic Loss of Pregnancy Due to Third-Party Negligence



Under current Florida law, if a pregnant woman suffers an injury resulting in the loss of her pregnancy, she can bring a civil lawsuit for damages against the wrongdoer to recover for her losing her pregnancy. *See Tanner v. Hartog*, 696 So. 2d 705, 708–09 (Fla. 1997) (holding that expectant mother and father can recover for damages resulting from stillbirth caused by negligent act of another, and stating: “A suit for negligent stillbirth is a direct common law action by the parents which is different in kind from a wrongful death action. The former is directed toward the death of a fetus while the latter is applicable to the death of a living person.”); *Kammer v. Hurley*, 765 So. 2d 975, 978 (Fla. Dist. Ct. App. 2000)(allowing each parent to recover 2.5 million in damages for their pain and suffering due to negligence of third party resulting in loss of fetus). For example, in the horrible situation of an expectant mother being hit in a car accident and losing her pregnancy, under current law, she can bring a lawsuit for damages for her pain and suffering and medical costs from losing her pregnancy.

Thus, this bill is unnecessary for situations where an expectant mother loses her pregnancy due to a car accident or similar negligence by a third-party.

This Bill is Harmful To Floridians

We have significant concerns that this overly broad bill would expand Florida’s “Wrongful Death Act” to open the door for situations where it can be misused to bring civil actions for damages in connection with an abortion or miscarriage.

The bill is so broadly worded that it could open the door to civil lawsuits for damages against health care providers and hospitals providing abortion care and friends and family members who supported a pregnant individual’s efforts to obtain the medical care they needed. These are not hypothetical situations -- we have seen dangerous wrongful death cases like these brought in Texas and Arizona.

- In [Texas](#), an abusive partner sued 3 friends of his now ex-wife for a million dollars each for their assistance with her accessing abortion medication.

- In [Arizona](#), an abusive partner accompanied his then wife to her abortion appointment, then, two years later following their divorce, filed a wrongful death suit alleging that there was not proper “informed consent” for his ex-wife’s abortion.
- In [Alabama](#), a similar law had devastating consequences that led to IVF services being temporarily shut down throughout the state, making it harder for people to make their own decisions about their

Conclusion

The stated purpose of this bill is already addressed and compensated under current Florida law.



What Florida law doesn’t cover – and what this bill would do – is allow any person who impregnates another to bring a cause of action against health care providers and friends and family who supported the woman in obtaining access to her abortion care.

For all these reasons, we urge you to vote “No” on this dangerous bill. Please do not hesitate to contact me at kgross@aclufl.org if you have any questions or would like any additional information.

Sincerely,

A handwritten signature in black ink that reads "Kara Gross". The signature is written in a cursive, flowing style.

Kara Gross
Interim Political Director