

Tuesday, June 11, 2024 at 16:01:19 Eastern Daylight Time

**Subject:** [Dropoff] Perez, Michelle has dropped off a file for you  
**Date:** Tuesday, June 11, 2024 at 3:30:46 PM Eastern Daylight Time  
**From:** Dropoff  
**To:** AO Records  
**Attachments:** embed0.png, embed1.png, embed2.png, embed3.png, embed4.png

EXTERNAL SENDER



This is an automated message sent to you by the Florida Legislature Dropoff service.

Perez, Michelle <[PEREZ.MICHELLE@flsenate.gov](mailto:PEREZ.MICHELLE@flsenate.gov)> has dropped off a file for you.

**IF YOU TRUST THE SENDER** and are expecting to receive a file from them, you may choose to retrieve the drop-off by clicking the following link (or copying and pasting it into your web browser):

<https://dropoff.flleg.gov/pickup?claimID=t5anHHXYtHVWRah3&claimPasscode=dxdsn3WzeXyMqivA&emailAddr=records%40americanoversight.org>

You have 14 days to retrieve the drop-off; after that the link above will expire.  
If you wish to contact the sender, just reply to this email.

The sender has left you a note:

Public Records Request #304 - RECORDS RELEASE

Full information about the drop-off:

Claim ID: t5anHHXYtHVWRah3  
Claim Passcode: dxdsn3WzeXyMqivA  
Date of Drop-off: 2024-06-11 15:30:38

— Sender —

Name: Perez, Michelle  
Organization: Florida Senate  
Email Address: [PEREZ.MICHELLE@flsenate.gov](mailto:PEREZ.MICHELLE@flsenate.gov)

— File —

Name: PRR-304.pst  
Size: 124.0 MB  
SHA-256 Checksum: 874DF1CDBBB5D29F94DA75C65AF18925E35B5FDC3D0F220AE62BE4D45143A328  
Content Type: application/octet-stream

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**From:** Stofan, Jake (CMG-JacksonvilleTV) <Jake.Stofan@cmg.com>  
**Sent:** Monday, February 19, 2024 10:42 AM EST  
**To:** Office of Senator Grall <Grall.Erin.Web@flsenate.gov>  
**CC:** Mielke, Marty <Mielke.Marty@flsenate.gov>; Doster, Micah <Doster.Micah@flsenate.gov>; Stewart, Sharon <Stewart.Sharon@flsenate.gov>; Wadsworth, Tyler <Wadsworth.Tyler@flsenate.gov>  
**Subject:** ACTION NEWS JAX INTERVIEW REQUEST

Hello and happy Monday!

This is Jake Stofan with Action News Jax.

I'm doing a story today on Senator Grall's Civil Liability for Wrongful Death of an Unborn Child bill and was wondering if she might be available for a quick zoom interview on it sometime before 3 PM today?

Feel free to call/text or email back to coordinate!

Thanks in advance!

Jake Stofan  
Action News Jax  
904-207-4245

**From:** Mark Delegal <mark@dacfl.com>  
**Sent:** Tuesday, February 20, 2024 3:05 PM EST  
**To:** Doster, Micah <Doster.Micah@flsenate.gov>  
**Subject:** FW: Unborn Child

Micah,

It was great to see you today.  
This is the amendment.

Best,

**Mark K. Delegal**  
Partner  
Delegal Aubuchon Consulting LLC  
201 East Park Avenue, Suite 200B | Tallahassee, Florida 32301  
Phone: 850.583.2400 | Cell: 850.508.7779  
[mark@dacfl.com](mailto:mark@dacfl.com) | [www.dacfl.com](http://www.dacfl.com)

---

**From:** Mark Delegal  
**Sent:** Tuesday, February 20, 2024 8:25 AM  
**To:** jenna.persons@myfloridahouse.gov  
**Subject:** FW: Unborn Child

Good morning,

This as a potential amendment to HB 651 (linked).

<https://www.flsenate.gov/Session/Bill/2024/651/BillText/c1/PDF>

The idea is to amend subsection (8) of the wrongful death act to say that damages are not available to parents of an unborn child if the medical provider is acting to preserve the live of the unborn child, even if the provider is negligent.

768.21  
(8) The damages specified in subsection (3) shall not be recoverable by adult children and the damages specified in subsection (4) shall not be recoverable by parents of an adult child or, in the case of an unborn child, when the medical provider is acting to preserve the life of the unborn child, with respect to claims for medical negligence as defined by s. 766.106(1).

**From:** Kate Hertz <khertz@capstonedc.com>  
**Sent:** Monday, April 08, 2024 3:49 PM EDT  
**To:** Doster, Micah <Doster.Micah@flsenate.gov>  
**Subject:** Question on Fertility Benefits Space

Hi Micah,

I hope all is well. My name is Kate and I'm reaching out from Capstone, a DC-based research and policy analysis firm. My team is spending some time better understanding the fertility space and the outlook for fertility benefits, including in the commercial, Medicaid, and employer markets. Specifically, we're hoping to learn more about the impacts of recent regulatory changes and better gauge your team's perspective on recent issues.

Would you or a colleague be available for a phone call to help us learn a bit more? This would not be for attribution – we're just hoping to better understand the issue. Happy to keep it brief!

Thank you for your time!

 **Kate Hertz**  
**Outreach, Capstone LLC**

**Web** [www.capstonedc.com](http://www.capstonedc.com)

**Email** [khertz@capstonedc.com](mailto:khertz@capstonedc.com)

**From:** Stofan, Jake (CMG-JacksonvilleTV) <Jake.Stofan@cmg.com>  
**Sent:** Monday, February 19, 2024 11:30 AM EST  
**To:** Doster, Micah <Doster.Micah@flsenate.gov>  
**Subject:** Re: [EXTERNAL] RE: ACTION NEWS JAX INTERVIEW REQUEST  
**Attachment(s):** "image002.png"

I generally go off the cuff but I can give you a general idea of the questions I have!

- 1) what kind of scenarios would be covered by this bill?
- 2) medical malpractice insurance rates have been a hot topic this year. How might this legislation impact those rates?
- 3) The personhood questions was raised by Chief Justice Carlos Muniz during the hearing on the proposed abortion constitutional amendment. How, if at all, would the definition of personhood in this bill potentially impact those constitutional questions raised by the Chief Justice?

Those are the general areas I'm looking to discuss!

-Jake  
Sent from my iPhone

On Feb 19, 2024, at 10:48 AM, Doster, Micah <Doster.Micah@flsenate.gov> wrote:

**CAUTION:** This email originated from outside of CMG. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jake,

Could you please send the questions?

Thank you,

Micah Kobes Doster  
Legislative Aide  
**Senator Erin Grall**  
District 29  
<image002.png>

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904-207-4245

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**Senator Erin Grall**  
District 29



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**From:** Lynn Bergeron <lbergeron21@gmail.com>  
**Sent:** Monday, February 19, 2024 8:36 AM EST  
**To:** Office of Senator Grall <Grall.Erin.Web@flsenate.gov>  
**Subject:** Re: Grall Report: 2024 Legislative Session: Weeks 4 - 6 Recap

Are you all still working on taming insurance? Car and home insurance is still out of control...how about supporting gun control?

On Sun, Feb 18, 2024 at 7:59 PM Senator Erin Grall <[Grall.Erin.web@flsenate.gov](mailto:Grall.Erin.web@flsenate.gov)> wrote:

[View this email in your browser](#)

Dear Neighbor,

The Florida Legislature just finished the sixth week of our nine-week legislative session, where a number of bills were heard, both in committee and on the floor of the Florida Senate.

This past week, I enjoyed meeting with a number of constituents and groups in the Florida Capitol, including the Florida Parent Educators Association, Leadership Highlands, Okeechobee County Fire Rescue, and constituents with the Alzheimer's Association.

I also presented nine bills for consideration this week. These bills included adding background screening requirements to several health care professions, providing housing and resources to pregnant women and families experiencing homelessness in Florida, and instituting third-party age verification on social media platforms and websites that contain harmful material for minors. I invite you to read about the full slate of bills I presented in the newsletter below.

The Florida Senate released its General Appropriations Act for the upcoming 2024-2025 fiscal year. This budget makes significant investments in Florida's infrastructure with record funding for public schools and school choice opportunities for parents. In the coming weeks, the Florida Senate and House will conference on the budget, make changes as necessary, and ultimately, pass a balanced budget for the state of Florida. You can read more about the Senate's proposed budget [here](#).

Finally, our community gathered last week to pay their respects and honor Trooper Zachary Fink, who sadly passed away after pursuing a fleeing felon. Our law enforcement officers sacrifice so much as they set out each day to protect Floridians. I continue to pray for his family and the entire Florida Highway Patrol community. If you'd like to honor his memory, you can learn more by clicking [here](#).

As always, I welcome your feedback during the legislative session and throughout the year. If we can ever be of assistance, I encourage you to reach out to our office.

Best personal regards,



Erin Grall  
Florida Senate, District 29

#### Weeks 4 - 6 of Legislative Session

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#### CONSTITUENT VISITS AT THE CAPITOL

During the past weeks, Senator Grall had the pleasure of meeting with the John Carrol High School students from the Diocese of Palm Beach County, members from the Boys and Girls Club of Highlands, and the Treasure Coast League of Cities.

**Top:** Senator Grall with the Diocese of Palm Beach County High School Students; **Middle:** Senator Grall with the Boys and Girls Club of Highlands; **Bottom:** Senator Grall with Treasure Coast League of Cities

Senator Grall met with the Fort Pierce Utility Authority, followed by a meeting with Riverside Family Dental from Sebastian. On the Chamber floor, she met with the Senate Pages from District 29, and later with the Boys and Girls Club of St. Lucie County. Additionally, she met with the Florida Partnership to End Domestic Violence.

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AMERICAN  
OVERSIGHT

FL-SEN-24-0405-A-000006

## SPEAKING TO FLORIDA PARENT EDUCATORS ASSOCIATION

Senator Grall addressed the Florida Parent Educators Association (FPEA), emphasizing the importance of getting to know your legislators and providing feedback during the legislative session. FPEA serves thousands of homeschooling families throughout Florida by delivering guidance and support to home educators.

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*Image: Senator Grall speaking to Florida Parent Educators Association*

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*Left: Chief Earl Wooten; Middle: Senator Grall; Right: Deputy Chief Justin Hazellief*

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## MEETING WITH CONSTITUENTS FROM THE ALZHEIMER'S ASSOCIATION

Senator Grall was thrilled to meet with such passionate and dedicated constituents who are actively involved with the Alzheimer's Association. Their unwavering commitment to supporting those affected by this debilitating disease is truly inspiring. The senator heard about their experiences and ideas on how to raise awareness about Alzheimer's and improve care for those suffering from it.

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*Image: Senator Grall with Constituents from the Alzheimer's Association*

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## MEETING WITH GLADES COUNTY 4-H

Senator Grall met with the Glades County 4-H community to discuss agriculture, education, and community development. The Senator was impressed by the passion and commitment of the young people involved in the program.

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*Image: Senator Grall with members of Glades County 4-H*

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*Image: Senator Grall in presenting in AHS Committee*

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On February 15, Senator Grall presented [Senate Bill 476](#) to the Senate Committee on Fiscal Policy. SB 476 expands Florida's Wrongful Death Act to allow the parents of an unborn child to recover damages from a person who is responsible for the death of the unborn child. SB 476 passed favorably through its second committee. Watch the committee meeting [here](#).

---

### SB 820: CHILD CARE AND EARLY LEARNING PROVIDERS

On February 8, [Senate Bill 820](#) was heard by the Senate Committee on Finance and Tax. SB 820 incentivizes businesses to assist their employees with the burdensome cost of childcare by offering tax credits in exchange for covering childcare costs. Click [here](#) to watch the committee hearing meeting.

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### SB 1008: BACKGROUND SCREENING REQUIREMENTS

Senator Grall introduced [Senate Bill 1008](#) at its second committee stop last Monday. SB 1008 expands current background screening requirements by the Florida Department of Health to all health care practitioners. The Senate Appropriations Committee on Health and Human Services voted on the bill, and it passed favorably through the committee. You can watch the committee hearing on the bill by clicking [here](#).

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### SB 1026: EARLY LEARNING

On February 8, Senator Grall presented [Senate Bill 1026](#) to the Senate Appropriations Committee on Education. SB 1026 addresses voluntary prekindergarten (VPK) and school readiness (SR) programs, as well as provides support to struggling students who are entering kindergarten. To watch the committee meeting, click [here](#).

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### SB 1442: PREGNANCY SUPPORT SERVICES

During the Senate Appropriations Committee on Health and Human Services, Senator Grall presented [Senate Bill 1442](#). This bill creates a statute to establish the Florida State Maternity Housing Grant Program within the Department of Health. The program aims to provide housing and resources to pregnant women and families experiencing homelessness in Florida. SB 1442 passed favorably and will be considered next by the Senate Committee on Fiscal Policy. You can watch the committee meeting [here](#).

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### SB 1590: PROSTITUTION AND RELATED ACTS

On January 30, [Senate Bill 1590](#) passed favorably through the Senate Committee on Criminal Justice. This legislation increases penalties for those individuals who engage in the commercial sex trades of prostitution and human trafficking. To watch the committee meeting, click [here](#).

## SB 1784: MENTAL HEALTH & SUBSTANCE ABUSE

On January 30, Senator Grall presented [Senate Bill 1784](#), relating to mental health and substance abuse, to the Senate Committee on Children, Families, and Elder Affairs, and it was voted on favorably by the committee. SB 1784 seeks to modify the Baker Act and makes significant changes to the Marchman Act to improve the processes for obtaining mental health and substance abuse examinations and treatment. To watch the committee meeting, click [here](#).

## HB 1/SB 1788: SOCIAL MEDIA USE FOR MINORS

On February 5, Senator Grall presented [Senate Bill 1788](#) in the Senate Judiciary Committee. SB 1788 protects children from addictive and harmful social media platforms by prohibiting minors under 16 from using these platforms. These platforms employ design features, including addictive algorithms and continuous scrolling, that are intentionally designed and used by social media platforms to hook kids and keep them on these platforms for excessive amounts of time. Excessive use of social media has been shown to have a detrimental impact on children's mental health and wellbeing. To watch the committee hearing meeting, click [here](#).

Last week, Senator Grall presented the companion bill, [House Bill 1](#), to the Senate Committee on Fiscal Policy. The bill passed favorably through committee and will now proceed to a vote on the Senate floor. Watch the committee bill presentation by clicking [here](#).

## HB 3/ SB 1792: ONLINE ACCESS TO MATERIALS HARMFUL TO MINORS

On February 5, Senator Grall presented [Senate Bill 1792](#) in the Senate Judiciary Committee. SB 1792 would require websites that distribute materials harmful to minors, specifically pornography, on a website or application to perform reasonable age verification methods to prevent minors from accessing such materials. To watch the committee hearing meeting, click [here](#). This bill was amended in House Bill 1 during last week's Fiscal Policy meeting.

### Legislative Session

January 9, 2024 - March 8, 2024

[Senate Calendar](#)

## COME VISIT US IN TALLAHASSEE OR WITHIN THE DISTRICT!

Our Tallahassee Office is always open to constituents who are in our state's Capitol. Please feel free to stop by when you're in Tallahassee and visit!

### Capitol Office

305 Senate Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100  
(850) 487-5029

### St. Lucie County District Office

3209 Virginia Avenue, Suite A149  
Fort Pierce, FL 34981  
(772) 595-1398

### Highlands County Satellite Office

1069 U.S. Highway 27 North  
Lake Placid, FL 33852  
(863) 699-1080

### Staff

#### Legislative Aides

[Marty Mielke](#)  
[Sharon Stewart](#)  
[Micah Doster](#)  
[Tyler Wadsworth](#)

District 29 consists of the following counties and municipalities:

**Glades County**

City of **Moore Haven**

**Indian River County**

City of **Fellsmere**

**Indian River Shores**

Towne of **Orchid**

City of **Sebastian**

City of **Vero Beach**

**Highlands County**

City of **Avon Park**

Town of **Lake Placid**

City of **Sebring**

**Okeechobee County**

City of **Okeechobee**

**St. Lucie County**

**Fort Pierce**

**Port St. Lucie**

Town of **St. Lucie Village**

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3209 Virginia Avenue  
Suite A149  
Fort Pierce, FL 34981  
(772) 595-1398

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Not paid at taxpayer expense.

**From:** Nicole C <ncammack13@gmail.com>  
**Sent:** Sunday, February 18, 2024 8:43 PM EST  
**To:** Office of Senator Grall <Grall.Erin.Web@flsenate.gov>  
**Subject:** Re: Grall Report: 2024 Legislative Session: Weeks 4 - 6 Recap

You need to address the deadly ass Covid shots!

Y'all stop being pharma sellouts, you work for us!

Nicole Cammack  
P. 954.505.1336

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#### **SB 820: CHILD CARE AND EARLY LEARNING PROVIDERS**

On February 8, [Senate Bill 820](#) was heard by the Senate Committee on Finance and Tax. SB 820 incentivizes businesses to assist their employees with the burdensome cost of childcare by offering tax credits in exchange for covering childcare costs. Click [here](#) to watch the committee hearing meeting.

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#### **SB 1008: BACKGROUND SCREENING REQUIREMENTS**

Senator Grall introduced [Senate Bill 1008](#) at its second committee stop last Monday. SB 1008 expands current background screening requirements by the Florida Department of Health to all health care practitioners. The Senate Appropriations Committee on Health and Human Services voted on the bill, and it passed favorably through the committee. You can watch the committee hearing on the bill by clicking [here](#).

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#### **SB 1026: EARLY LEARNING**

On February 8, Senator Grall presented [Senate Bill 1026](#) to the Senate Appropriations Committee on Education. SB 1026 addresses voluntary prekindergarten (VPK) and school readiness (SR) programs, as well as provides support to struggling students who are entering kindergarten. To watch the committee meeting, click [here](#).

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#### **SB 1442: PREGNANCY SUPPORT SERVICES**

During the Senate Appropriations Committee on Health and Human Services, Senator Grall presented [Senate Bill 1442](#). This bill creates a statute to establish the Florida State Maternity Housing Grant Program within the Department of Health. The program aims to provide housing and resources to pregnant women and families experiencing homelessness in Florida. SB 1442 passed favorably and will be considered next by the Senate Committee on Fiscal Policy. You can watch the committee meeting [here](#).

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#### **SB 1590: PROSTITUTION AND RELATED ACTS**

On January 30, [Senate Bill 1590](#) passed favorably through the Senate Committee on Criminal Justice. This legislation increases penalties for those individuals who engage in the commercial sex trades of prostitution and human trafficking. To watch the committee meeting, click [here](#).

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#### **SB 1784: MENTAL HEALTH & SUBSTANCE ABUSE**

On January 30, Senator Grall presented [Senate Bill 1784](#), relating to mental health and substance abuse, to the Senate Committee on Children, Families, and Elder Affairs, and it was voted on favorably by the committee. SB 1784 seeks to modify the Baker Act and makes significant changes to the Marchman Act to improve the processes for obtaining mental health and substance abuse examinations and treatment. To watch the committee meeting, click [here](#).

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### HB 1/SB 1788: SOCIAL MEDIA USE FOR MINORS

On February 5, Senator Grall presented [Senate Bill 1788](#) in the Senate Judiciary Committee. SB 1788 protects children from addictive and harmful social media platforms by prohibiting minors under 16 from using these platforms. These platforms employ design features, including addictive algorithms and continuous scrolling, that are intentionally designed and used by social media platforms to hook kids and keep them on these platforms for excessive amounts of time. Excessive use of social media has been shown to have a detrimental impact on children's mental health and wellbeing. To watch the committee hearing meeting, click [here](#).

Last week, Senator Grall presented the companion bill, [House Bill 1](#), to the Senate Committee on Fiscal Policy. The bill passed favorably through committee and will now proceed to a vote on the Senate floor. Watch the committee bill presentation by clicking [here](#).

### HB 3/ SB 1792: ONLINE ACCESS TO MATERIALS HARMFUL TO MINORS

On February 5, Senator Grall presented [Senate Bill 1792](#) in the Senate Judiciary Committee. SB 1792 would require websites that distribute materials harmful to minors, specifically pornography, on a website or application to perform reasonable age verification methods to prevent minors from accessing such materials. To watch the committee hearing meeting, click [here](#). This bill was amended in House Bill 1 during last week's Fiscal Policy meeting.

#### Legislative Session

January 9, 2024 - March 8, 2024

[Senate Calendar](#)

## COME VISIT US IN TALLAHASSEE OR WITHIN THE DISTRICT!

Our Tallahassee Office is always open to constituents who are in our state's Capitol. Please feel free to stop by when you're in Tallahassee and visit!

#### Capitol Office

305 Senate Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100  
(850) 487-5029

#### St. Lucie County District Office

3209 Virginia Avenue, Suite A149  
Fort Pierce, FL 34981  
(772) 595-1398

#### Highlands County Satellite Office

1069 U.S. Highway 27 North  
Lake Placid, FL 33852  
(863) 699-1080

#### Staff

#### Legislative Aides

[Marty Mielke](#)  
[Sharon Stewart](#)  
[Micah Doster](#)  
[Tyler Wadsworth](#)

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District 29 consists of the following counties and municipalities:

Glades County

City of **Moore Haven**

Indian River County

City of **Fellsmere**

**Indian River Shores**

Towne of **Orchid**

City of **Sebastian**

City of **Vero Beach**

Highlands County

City of

**From:** Doster, Micah  
**Sent:** Thursday, February 22, 2024 4:41 PM EST  
**To:** Cody.Butler@gray.tv <Cody.Butler@gray.tv>  
**Subject:** RE: Gray TV Cap. Bureau Request

Hi Cody,

Could you please send the questions?

Thank you,

Micah Kobes Doster  
Legislative Aide  
**Senator Erin Grall**  
District 29



---

**From:** Cody Butler <Cody.Butler@gray.tv>  
**Sent:** Thursday, February 22, 2024 3:40 PM  
**To:** Stewart, Sharon <Stewart.Sharon@flsenate.gov>  
**Subject:** Gray TV Cap. Bureau Request

Sharon,

Would Sen. Grall be available Monday morning for a quick interview about SB 476 - Civil Liability for Wrongful death of unborn child? We likely won't be able to be at the committee meeting to make our deadline.

Thanks,  
Cody

**Cody Butler**

Gray TV Florida Capital Bureau Reporter  
*WCTV (Tallahassee) | WCJB (Gainesville) |*  
*WWSB (Sarasota) | WJHG (Panama City)*  
Cell: 850-933-3034 | Email: [cody.butler@gray.tv](mailto:cody.butler@gray.tv)



**From:** Cody Butler <Cody.Butler@gray.tv>  
**Sent:** Friday, February 23, 2024 1:29 PM EST  
**To:** Doster, Micah <Doster.Micah@flsenate.gov>  
**Subject:** Re: Gray TV Cap. Bureau Request

Micah,

I don't have a list of questions, but I'd ask about what the bill does, why bring it up, ect.

Thanks,  
Cody

### **Cody Butler**

Gray TV Florida Capital Bureau Reporter  
*WCTV (Tallahassee) | WCJB (Gainesville) |*  
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FL-SEN-24-0405-A-000018



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**From:** Murray, Paige <MURRAY.PAIGE@flsenate.gov>  
**Sent:** Thursday, February 22, 2024 1:12 PM EST  
**To:** Doster, Micah <Doster.Micah@flsenate.gov>  
**Subject:** RE: HB 651 Qs  
**Attachment(s):** "HB 651 Questions & Answers.docx"

Hi Micah,

Attached are the transcribed questions and answers from yesterday's Judiciary committee hearing on HB 651.

Paige

---

**From:** Doster, Micah <Doster.Micah@flsenate.gov>  
**Sent:** Wednesday, February 21, 2024 8:31 AM  
**To:** Murray, Paige <MURRAY.PAIGE@flsenate.gov>  
**Subject:** HB 651 Qs

Paige,

Please write down the questions and answers on HB 651 in the Judiciary committee on Wednesday.

Thank you!

Micah Kobes Doster  
Legislative Aide  
**Senator Erin Grall**  
District 29



## **HB 651 Questions & Answers**

Rep. Hart: what does the current civil law allow for under this wrongful death status?

The wrongful death act has been on the books for a long time it is a well settled statute. As I said in my opening it does provide for parents to seek monetary damages when a minor child is subject to wrongful death due to the wrongful or negligent act of another but it does not currently does not provide recovery for an unborn child.

Rep. Hart: Why doesn't this bill match the criminal status? Why are they not lining up?

That is part of the reason for bringing forward this bill is to provide consistency between our civil causes of action and our criminal statutes under Florida statutes currently, under Florida statute 782.09 as an example that if an unborn child is killed due to the injury caused to the mother, that the person could be prosecuted for the death of that child at any stage of development.

Rep. Hart: is there a cap on damages under this bill?

There is currently not a cap under the wrongful death statute in general for any damages, except in the case of sovereign immunity.

Rep. Hinson: just clearing up, if a women in 6 weeks pregnant and miscarried after a slip and fall at a grocery store let's say. Can she sue the store for civil liabilities?

This is a cause of action where the wrongful death is due or is caused by a wrongful act, negligence, default, breach of contract, or warranty, so in each case this just permits the cause of action to move forward in the civil court and each case is very fact specific and you would have to prove the wrongful or negligent act, causation, and prove damages.

Rep. Hinson: If a state law enforcement officer kills a pregnant person in the line of duty, is the other parent under this bill allowed to sue the state for damages?

I'll just clarify that the answer to both of those questions is first that anyone can sue anyone for anything at any time and what you are really trying to get at is that whether or not there would be a liability and I think that she just answered that question. It depends on the facts and circumstances and whether or not the conduct and any circumstance was wrongful or negligent.

Rep. Hinson: in situations where the cause of death is not clear, which is the problem I don't know how liability would determine I am really worried now about the shortage of practitioners and the fear we are putting in them so is it possible that a practitioner could be sued for a problem with a fetal death?

If a person caused the death of an unborn child either by a wrongful act, negligence, default, or breach of contract or warranty, it is possible that a cause of action could be

filed in court, however again each case will be fact specific we are only one of six states that does not currently provide for this type of recovery we have not seen an explosion of cases around the country or some of the concerns that I have heard we have not seen facts to support those concerns from other states but each case will be fact specific and it is hard to speculate as to how a court or jury would view those facts.

Rep. Joseph: following up on rep Hinson's question with the hypotheticals she described and the chairs elaborate that anybody can sue about anything I think the gist of her question is how does your bill impact either new or heightened liability? For example, the case she gave with the woman who slipped and fell, there is already negligence so what would be the point of your bill if it is just the same? So how does your bill which adds liability in this instance, impact that situation?

Currently there is not a statutory cause of action where the negligence or the wrongful intentional act causes the death of the unborn child. Let's take the case of a car accident if I was nine months pregnant. Due to the negligence of the other driver and I lost my child, there is not a statutory cause of action, but if my child was in my car and was one day old there would be under the current statute. We could get into a dissuasion on common law and other causes of action and in this state under common law the courts have found a cause of action for negligence still birth cases but there has only been a handful or less of those cases since 1997 and they are very fact specific and limited in the damages that can be recovered and there is not a clear cause of action under a certain scenario of fact s so this provides this clear cause of action under Florida statues we already have the wrongful death act. We are not changing any of the procedures or processes or other parts involved in that act, but we are just adding another class of survivors to it and that is parents and unborn children.

Rep. Joseph: So in the instance that we gave for the slip and fall, it sounds like the intention of your bill and the effect of your bill would be to create a new cause of action so that the mother who miscarried by slipping and falling in the store can now sue the store if that store was found negligent?

The purpose of this bill is to create a new cause of action for parents to be able to recover in those situations as set forward in the wrongful death act.

Rep. Joseph: How does this bill impact probate law in Florida as well as how does it apply to embryos that are frozen for IVF?

For the later part of that question, we do have an amendment that I will be presenting shortly that defines an unborn child and that may clear up that question. Regarding the first question, this bill makes no changes to the statues regarding probate law and it also makes no changes in regards to how a wrongful death action is filed and who can

bring a wrongful death action and currently under Florida statutes that action has to be brought by a personal representative.

Rep. Davis: would be agreeable to amend this bill so that the killing of an unborn child matches the criminal statute?

I would have to flush out exactly what you mean by matching the criminal statute and the amendment that we are bringing up we do bring in a definition that matches the definition that is currently under criminal statutes.

Rep. Davis: Is unborn child a medically defining term?

I will be presenting an amendment that will be setting forth the definition of an unborn child and perhaps there may be questions when we get to that.

Rep. Gottlieb: Let's assume that a woman is raped and within the time limits prescribed by Florida has an abortion can the offender bring an action against the mother of that unborn child for having an abortion?

One the bill specially precludes bringing a cause of action against the mother under any circumstances for the wrongful death so that would be a no, but second, there would have to be wrongful act or negligence involved to bring any cause of action but that cause of action could never be brought against the mother

Rep. Gottlieb: What about other parties? The doctors, nurses, the hospital any one that assisted in the medical process?

Again, in that scenario I do not see what the wrongful or negligent act would be that would lead to a cause of action.

Rep. Gottlieb: As it relates to your bill, does your bill allow adult children or the parents of adult children to recover damages in a wrongful death case?

This bill does not impact or change the current right of recovery where the parent is a survivor of an adult child.

Rep. Hinson: back to my clarity on unborn child, we had a conversation on the high infant mortality rate before a baby is born. According to the American college of OBGYN's, 26% of pregnancies just end in natural loss. It is getting worse, women are having trouble bringing babies to term. Are you at all concerned that this may create a situation for frivolous and unnecessary lawsuits?

Again, when we talk about practitioners and any medical malpractice cases the statute is very specific that there has to be a wrongful act or negligence involved and in that case we are probably talking about negligence in providing the care. But we also have the medical malpractice statute that have very specific procedures and requirements in

order to bring those types of cases and there are safeguards in that process. I have not heard of any facts or scenarios that have led me to have concern that this would lead to practitioners leaving the state and again the majority of the county provides for this cause of action. I have not seen direct impacts on practitioners that would lead me to concern, but what is important is that if there is real negligence, that this provides a cause of action. And that parent has a real loss and that child has a real value and that parent should be able to seek their day in court to have redress.

### **Questions on amendment**

Rep. Davis: at what point in a pregnancy would the term unborn child be applicable?

At any stage of development that is carried in the womb.

Rep. Hart: is it your intention to institute fetal parenthood with the passing of this legislation because you say that from the moment it is carried in the womb, it seems that the definition is rather broad, so I am trying to understand what you mean?

I think you meant does it create fetal personhood, I would ask does this create personhood I would ask in what context are you talking about?

Rep. Hart: So are we saying that from the moment the child is in the womb that that is a person, regardless of time it's been in womb?

The definition that we are adding into the act is already a definition the books in Florida statute. And that is the definition we turned to in terms of defining an unborn child when the criminal statutes are implicated so we are referring to a definition that is already on the books, but this definition is specifically limited for the context of the wrongful death act.

Rep. Joseph: in the amendment you are adopting the criminal definition that already exists in criminal law. That same definition also creates and acknowledges an exception for abortion so why not carry that exception into your definition for this bill?

The definition does not have any exceptions.

Rep. Joseph: My question to be clear is not about the specific definition. My question is because you are pulling the definition from the criminal statutes that does have an exception, why not bring that same exception into your bill since you are pulling that definition into your bill so that the frameworks you are trying to establish are harmonious under the law?

Can I ask you to clarify which exception that you are speaking to and how you read that exception to mean?

Rep. Joseph: Abortion.

May I ask for clarification? Abortion in compliance with chapter 390 or abortion that is not in compliance with the law or both?

Rep. Joseph: I'll go for both

When we are talking about procedures that are unlawful I do not see any need for exception in a wrongful death act. Obviously there would need to be a wrongful or negligent act. When you are talking about a procedure that is in compliance with Florida statues an exception would appear completely unnecessary because you are following the law under that statue, and I am failing to see the wrongful or negligent act. But I do want to point out that in one of the criminal statues where it takes about where you would be liable for prosecution for the death of an unborn child, it exempts procedures pursuant to chapter 390. That is the chapter that governs termination of pregnancies but you also need to know that that chapter provides for its own criminal penalties when abortions are provided that are unlawful and that provides that a person can be changed for a felony under that stature.

**From:** Doster, Micah  
**Sent:** Tuesday, April 09, 2024 8:09 AM EDT  
**To:** Kate Hertz <khertz@capstonedc.com>  
**Subject:** RE: Question on Fertility Benefits Space

Hi Kate,

To my knowledge, there was not any legislation that passed this Session that would impact those areas.

Sincerely,

Micah Kobes Doster  
Legislative Aide  
**Senator Erin Grall**  
District 29



---

**From:** Kate Hertz <khertz@capstonedc.com>  
**Sent:** Monday, April 8, 2024 3:50 PM  
**To:** Doster, Micah <Doster.Micah@flsenate.gov>  
**Subject:** Question on Fertility Benefits Space

Hi Micah,

I hope all is well. My name is Kate and I'm reaching out from Capstone, a DC-based research and policy analysis firm. My team is spending some time better understanding the fertility space and the outlook for fertility benefits, including in the commercial, Medicaid, and employer markets. Specifically, we're hoping to learn more about the impacts of recent regulatory changes and better gauge your team's perspective on recent issues.

Would you or a colleague be available for a phone call to help us learn a bit more? This would not be for attribution – we're just hoping to better understand the issue. Happy to keep it brief!

Thank you for your time!



**Web** [www.capstonedc.com](http://www.capstonedc.com)  
**Email** [khertz@capstonedc.com](mailto:khertz@capstonedc.com)

**From:** Kate Hertz <khertz@capstonedc.com>  
**Sent:** Tuesday, April 09, 2024 3:46 PM EDT  
**To:** Doster, Micah <Doster.Micah@flsenate.gov>  
**Subject:** Re: Question on Fertility Benefits Space

Hi Micah,

It's great to connect with you and definitely understood. We're hoping to understand the broader outlook for this issue in the state and what your team is seeing, so it would be great to speak with you or a colleague who could help provide some perspective.

Thank you so much and please let me know if this would be possible.

Best,



**Kate Hertz**  
**Outreach, Capstone LLC**

**Web** [www.capstonedc.com](http://www.capstonedc.com)  
**Email** [khertz@capstonedc.com](mailto:khertz@capstonedc.com)

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