

By Senator Smith

29-01369-10

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1                   A bill to be entitled  
2           An act relating to wrongful death; repealing s.  
3           768.21, F.S., relating to a provision that prohibits  
4           an adult child of a deceased parent or a parent of a  
5           deceased adult child from being awarded damages with  
6           respect to a claim for medical negligence; amending  
7           ss. 400.023, 400.0235, and 429.295, F.S.; conforming  
8           cross-references; providing an effective date.

9  
10   Be It Enacted by the Legislature of the State of Florida:

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12           Section 1. Subsection (8) of section 768.21, Florida  
13 Statutes, is repealed.

14           Section 2. Subsection (7) of section 400.023, Florida  
15 Statutes, is amended to read:

16           400.023 Civil enforcement.—

17           (7) An action under this part for a violation of rights or  
18 negligence recognized under this part ~~herein~~ is not a claim for  
19 medical malpractice, ~~and the provisions of s. 768.21(8) do not~~  
20 ~~apply to a claim alleging death of the resident.~~

21           Section 3. Section 400.0235, Florida Statutes, is amended  
22 to read:

23           400.0235 Certain provisions not applicable to actions under  
24 this part.—An action under this part for a violation of rights  
25 or negligence recognized under this part is not a claim for  
26 medical malpractice, ~~and the provisions of s. 768.21(8) do not~~  
27 ~~apply to a claim alleging death of the resident.~~

28           Section 4. Section 429.295, Florida Statutes, is amended to  
29 read:

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30           429.295 Certain provisions not applicable to actions under  
31 this part.—An action under this part for a violation of rights  
32 or negligence recognized under this part ~~herein~~ is not a claim  
33 for medical malpractice, ~~and the provisions of s. 768.21(8) do~~  
34 ~~not apply to a claim alleging death of the resident.~~

35           Section 5. This act shall take effect upon becoming a law.