

By Representatives Bullard and Bendross-Mindingall

1                                   A bill to be entitled  
2           An act relating to wrongful death; repealing s.  
3           768.21(8), F.S.; deleting a provision  
4           precluding recovery for pain and suffering for  
5           wrongful death with respect to medical  
6           malpractice by certain persons; amending ss.  
7           400.023, 400.0235, and 400.4295, F.S.;  
8           conforming to the act; providing an effective  
9           date.

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

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14 Statutes, is hereby repealed.

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

17           400.023 Civil enforcement.--

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

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

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

29           Section 4. Section 400.4295, Florida Statutes, is  
30 amended to read:

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1           400.4295 Certain provisions not applicable to actions  
2 under this part.--An action under this part for a violation of  
3 rights or negligence recognized herein is not a claim for  
4 medical malpractice, ~~and the provisions of s. 768.21(8) do not~~  
5 ~~apply to a claim alleging death of the resident.~~

6           Section 5. This act shall take effect July 1, 2002.

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9           HOUSE SUMMARY

10          Deletes a provision of law precluding recovery for pain  
11 and suffering for wrongful death caused by medical  
12 malpractice with respect to certain persons. See bill for  
13 details.

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