

By Senator Diaz de la Portilla

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A bill to be entitled

An act relating to wrongful death; amending s. 768.21, F.S.; repealing a provision prohibiting recovery of damages for wrongful death in certain cases when the decedent or survivor is an adult child; amending ss. 400.023, 400.0235, 400.4295, F.S., to conform; providing an effective date.

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

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 Subsection (8) of section 768.21, Florida Statutes, is repealed.

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

400.023 Civil enforcement.--

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

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

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

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

400.4295 Certain provisions not applicable to actions under this part.--An action under this part for a violation of

1 rights or negligence recognized herein is not a claim for
2 medical malpractice, ~~and the provisions of s. 768.21(8) do not~~
3 ~~apply to a claim alleging death of the resident.~~

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

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8 SENATE SUMMARY

9 Repeals a statutory provision that disallows recovery of
10 wrongful-death damages by an adult child or by the
11 parents of an adult child.

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