

By Senator Campbell

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A bill to be entitled

An act relating to wrongful death; amending s.
768.21, F.S.; providing a presumption relating
to a minor child's recovery of damages
resulting from the wrongful death of the
child's parents; providing an effective date.

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

Section 1. Subsection (3) of section 768.21, Florida
Statutes, is amended to read:

768.21 Damages.--All potential beneficiaries of a
recovery for wrongful death, including the decedent's estate,
shall be identified in the complaint, and their relationships
to the decedent shall be alleged. Damages may be awarded as
follows:

(3) Minor children of the decedent, and all children
of the decedent if there is no surviving spouse, may also
recover for lost parental companionship, instruction, and
guidance and for mental pain and suffering from the date of
injury. For the purposes of this subsection, if both spouses
die within 30 days of one another or if both spouses die as a
result of the same wrongful act or series of acts arising out
of the same incident, each spouse is considered to have been
predeceased by the other.

Section 2. This act shall take effect July 1, 2002.

SENATE SUMMARY

Provides a legal presumption relating to a minor child's
recovery of damages for the wrongful death of the child's
parents.