

1                                   A bill to be entitled  
2           An act relating to wrongful death; amending s.  
3           768.21, F.S.; providing a presumption relating  
4           to a minor child's recovery of damages  
5           resulting from the wrongful death of the  
6           child's parents; providing an effective date.

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

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

12           768.21 Damages.--All potential beneficiaries of a  
13   recovery for wrongful death, including the decedent's estate,  
14   shall be identified in the complaint, and their relationships  
15   to the decedent shall be alleged. Damages may be awarded as  
16   follows:

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

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