

By the Council for Smarter Government and Representatives  
Seiler, Machek and Cantens

1                                   A bill to be entitled  
2           An act relating to wrongful death; amending s.  
3           768.21, F.S.; specifying conditions for the  
4           determination of whether there is a surviving  
5           spouse under certain circumstances; providing  
6           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 each other or if both spouses die as a  
23 result of the same wrongful act or series of acts arising out  
24 of the same incident, each spouse shall have been deemed to  
25 have been predeceased by the other.

26           Section 2. This act shall take effect upon becoming a  
27 law and shall apply to any action accruing on or after such  
28 date.

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