

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Ambler offered the following:

**Amendment (with title amendment)**

Remove line(s) 1358-1380, and insert:

Section 38. Subsection (8) 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:

(8) Notwithstanding any other provision of law to the contrary, for purposes of a wrongful death action arising out of medical negligence, only individuals named as beneficiaries under a testamentary estate may recover noneconomic damages as though they were within that class of survivors identified in this section. The personal representative of the estate shall be entitled to assert a cause of action on behalf of the class of

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28 beneficiaries for the noneconomic damages of such beneficiaries  
 29 which shall be in addition to any other damages that the estate  
 30 would otherwise be entitled to assert. However, in no event  
 31 shall the total of noneconomic damages for the entire class of  
 32 beneficiaries exceed any limitation on noneconomic damages  
 33 imposed under chapter 766. ~~The damages specified in subsection~~  
 34 ~~(3) shall not be recoverable by adult children and the damages~~  
 35 ~~specified in subsection (4) shall not be recoverable by parents~~  
 36 ~~of an adult child with respect to claims for medical malpractice~~  
 37 ~~as defined by s. 766.106(1).~~

38  
 39 ===== T I T L E A M E N D M E N T =====

40 Remove line(s) 99-103, and insert:  
 41 amending s. 768.21, F.S.; permitting the recovery of damages in  
 42 wrongful death actions involving medical negligence by  
 43 beneficiaries of the decedent's estate; removing the prohibition  
 44 against certain parties from bringing suit for wrongful death as  
 45 a result of medical malpractice; providing