

1 A bill to be entitled
 2 An act relating to damages for wrongful death; repealing
 3 s. 768.21(8), F.S., relating to prevention of recovery of
 4 damages for wrongful death by adult children of a decedent
 5 or by parents of an adult child with respect to claims for
 6 medical negligence; amending ss. 400.023, 400.0235, and
 7 429.295, F.S.; conforming provisions to changes made by
 8 the act; providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Subsection (8) of section 768.21, Florida
 13 Statutes, is repealed.

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

16 400.023 Civil enforcement.—

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

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

23 400.0235 ~~Certain provisions not applicable to~~ Actions
 24 under this part not medical malpractice claims.—An action under
 25 this part for a violation of rights or negligence recognized
 26 under this part is not a claim for medical malpractice, ~~and the~~
 27 ~~provisions of s. 768.21(8) do not apply to a claim alleging~~
 28 ~~death of the resident.~~

HB 865

2010

29 Section 4. Section 429.295, Florida Statutes, is amended
30 to read:

31 429.295 ~~Certain provisions not applicable to~~ Actions under
32 this part not medical malpractice claims.—An action under this
33 part for a violation of rights or negligence recognized herein
34 is not a claim for medical malpractice, ~~and the provisions of s.~~
35 ~~768.21(8) do not apply to a claim alleging death of the~~
36 ~~resident.~~

37 Section 5. This act shall take effect July 1, 2010.