

Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

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1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee  
2 Representative Waldman offered the following:

**Amendment (with title amendment)**

Between lines 321 and 322, insert:

6 Section 7. Subsection (8) of section 768.21, Florida  
7 Statutes, is amended to read:

8 768.21 Damages.—All potential beneficiaries of a recovery  
9 for wrongful death, including the decedent's estate, shall be  
10 identified in the complaint, and their relationships to the  
11 decedent shall be alleged. Damages may be awarded as follows:

12 ~~(8) The damages specified in subsection (3) shall not be~~  
13 ~~recoverable by adult children and the damages specified in~~  
14 ~~subsection (4) shall not be recoverable by parents of an adult~~  
15 ~~child with respect to claims for medical negligence as defined~~  
16 ~~by s. 766.106(1).~~

17 Section 8. Subsection (7) of section 400.023, Florida  
18 Statutes, is amended to read:

19 400.023 Civil enforcement.—

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

24 Section 9. Section 400.0235, Florida Statutes, is amended  
25 to read:

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

32 Section 10. Section 429.295, Florida Statutes, is amended  
33 to read:

34 429.295 ~~Certain provisions not applicable to~~ Actions under  
35 this part not medical malpractice claims.-An action under this  
36 part for a violation of rights or negligence recognized herein  
37 is not a claim for medical malpractice, ~~and the provisions of s.~~  
38 ~~768.21(8) do not apply to a claim alleging death of the~~  
39 ~~resident.~~

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**T I T L E A M E N D M E N T**

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Remove line 33 and insert:

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health care providers; amending s. 768.21, F.S.;

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deleting a provision relating to prevention of

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recovery of damages for wrongful death by adult

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children of a decedent or by parents of an adult child

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48 | with respect to claims for medical negligence;  
49 | amending ss. 400.023, 400.0235, and 429.295, F.S.;  
50 | conforming provisions to changes made by the act;  
51 | providing an effective date.