

HB 6051

2020

1 A bill to be entitled
2 An act relating to medical negligence; amending s.
3 768.21, F.S.; deleting a provision which prohibits
4 certain damages in wrongful death cases to be
5 recoverable by adult children and the parents of adult
6 children; amending ss. 400.023, 400.0235, and 429.295,
7 F.S.; conforming provisions to changes made by the
8 act; providing an effective date.

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

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12 Section 1. Subsection (8) of section 768.21, Florida
13 Statutes, is amended to read:

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

18 ~~(8) The damages specified in subsection (3) shall not be~~
19 ~~recoverable by adult children and the damages specified in~~
20 ~~subsection (4) shall not be recoverable by parents of an adult~~
21 ~~child with respect to claims for medical negligence as defined~~
22 ~~by s. 766.106(1).~~

23 Section 2. Subsection (9) of section 400.023, Florida
24 Statutes, is amended to read:

25 400.023 Civil enforcement.—

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26 (9) An action under this part for a violation of rights or
27 negligence recognized herein is not a claim for medical
28 malpractice, ~~and s. 768.21(8) does not apply to a claim alleging~~
29 ~~death of the resident.~~

30 Section 3. Section 400.0235, Florida Statutes, is amended
31 to read:

32 400.0235 Certain provisions not applicable to actions
33 under this part.—An action under this part for a violation of
34 rights or negligence recognized under this part is not a claim
35 for medical malpractice, ~~and the provisions of s. 768.21(8) do~~
36 ~~not apply to a claim alleging death of the resident.~~

37 Section 4. Section 429.295, Florida Statutes, is amended
38 to read:

39 429.295 Certain provisions not applicable to actions under
40 this part.—An action under this part for a violation of rights
41 or negligence recognized herein is not a claim for medical
42 malpractice, ~~and the provisions of s. 768.21(8) do not apply to~~
43 ~~a claim alleging death of the resident.~~

44 Section 5. This act shall take effect July 1, 2020.