

By Senator Rodriguez

39-01277A-21

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1                   A bill to be entitled  
2           An act relating to damages recoverable by parents of  
3           an adult child in medical negligence actions; amending  
4           s. 768.21, F.S.; deleting a provision prohibiting  
5           parents of an adult child from recovering damages for  
6           mental pain and suffering in a medical negligence  
7           suit; providing an effective date.  
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9 Be It Enacted by the Legislature of the State of Florida:  
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11           Section 1. Subsection (8) of section 768.21, Florida  
12           Statutes, is amended, and subsection (4) of that section is  
13           republished, 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           (4) Each parent of a deceased minor child may also recover  
19           for mental pain and suffering from the date of injury. Each  
20           parent of an adult child may also recover for mental pain and  
21           suffering if there are no other survivors.

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

27           Section 2. This act shall take effect July 1, 2021.