

By Senator Rodriguez

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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, 2022.