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LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Book) recommended the following:

1 **Senate Amendment to Amendment (932842) (with title**
2 **amendment)**

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4 Delete lines 26 - 326

5 and insert:

6 Section 4. Subsection (8) of section 768.21, Florida
7 Statutes, is amended, and subsections (3) and (4) of that
8 section are republished, to read:

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



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12 decedent shall be alleged. Damages may be awarded as follows:

13 (3) Minor children of the decedent, and all children of the
14 decedent if there is no surviving spouse, may also recover for
15 lost parental companionship, instruction, and guidance and for
16 mental pain and suffering from the date of injury. For the
17 purposes of this subsection, if both spouses die within 30 days
18 of one another as a result of the same wrongful act or series of
19 acts arising out of the same incident, each spouse is considered
20 to have been predeceased by the other.

21 (4) Each parent of a deceased minor child may also recover
22 for mental pain and suffering from the date of injury. Each
23 parent of an adult child may also recover for mental pain and
24 suffering if there are no other survivors.

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

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31 ===== T I T L E A M E N D M E N T =====

32 And the title is amended as follows:

33 Delete lines 334 - 418

34 and insert:

35 An act relating to medical exemption in wrongful death
36 actions; amending ss. 400.023, 400.0235, and 429.295,
37 F.S.; conforming provisions to changes made by the
38 act; amending s. 768.21, F.S.; deleting a provision
39 that prohibits adult children and parents of adult
40 children from recovering certain damages in medical



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negligence suits; providing an effective date.