

1                   A bill to be entitled  
2           An act relating to civil liability for the wrongful  
3           death of an unborn child; reordering and amending s.  
4           768.18, F.S.; revising the definition of the term  
5           "survivors" to include the parents of an unborn child;  
6           providing a definition for the term "unborn child";  
7           amending s. 768.19, F.S.; prohibiting a right of  
8           action against the mother for the wrongful death of an  
9           unborn child or against a medical provider for lawful  
10          medical care provided in certain circumstances;  
11          amending s. 768.21, F.S.; authorizing parents of an  
12          unborn child to recover certain damages; prohibiting  
13          the recovery of certain damages if the decedent is an  
14          unborn child; conforming a cross-reference; providing  
15          an effective date.

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17   Be It Enacted by the Legislature of the State of Florida:

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19           **Section 1. Section 768.18, Florida Statutes, is reordered**  
20           **and amended to read:**

21           768.18 Definitions.—As used in ss. 768.16–768.26:

22           (1)~~(2)~~ "Minor children" means children under 25 years of  
23           age, notwithstanding the age of majority.

24           (2)~~(5)~~ "Net accumulations" means the part of the  
25           decedent's expected net business or salary income, including

26 pension benefits, that the decedent probably would have retained  
27 as savings and left as part of her or his estate if the decedent  
28 had lived her or his normal life expectancy. "Net business or  
29 salary income" is the part of the decedent's probable gross  
30 income after taxes, excluding income from investments continuing  
31 beyond death, that remains after deducting the decedent's  
32 personal expenses and support of survivors, excluding  
33 contributions in kind.

34 (3)~~(4)~~ "Services" means tasks, usually of a household  
35 nature, regularly performed by the decedent that will be a  
36 necessary expense to the survivors of the decedent. These  
37 services may vary according to the identity of the decedent and  
38 survivor and shall be determined under the particular facts of  
39 each case.

40 (4)~~(3)~~ "Support" includes contributions in kind as well as  
41 money.

42 (5)~~(1)~~ "Survivors" means the decedent's spouse, children,  
43 parents, and, when partly or wholly dependent on the decedent  
44 for support or services, any blood relatives and adoptive  
45 brothers and sisters. It includes the child born out of wedlock  
46 of a mother, but not the child born out of wedlock of the father  
47 unless the father has recognized a responsibility for the  
48 child's support. It also includes the parents of an unborn  
49 child.

50 (6) "Unborn child" means a member of the species *Homo*

51 sapiens, at any stage of development, who is carried in the  
52 womb.

53 **Section 2. Section 768.19, Florida Statutes, is amended to**  
54 **read:**

55 768.19 Right of action.—

56 (1) When the death of a person is caused by the wrongful  
57 act, negligence, default, or breach of contract or warranty of  
58 any person, including those occurring on navigable waters, and  
59 the event would have entitled the person injured to maintain an  
60 action and recover damages if death had not ensued, the person  
61 or watercraft that would have been liable in damages if death  
62 had not ensued shall be liable for damages as specified in this  
63 act notwithstanding the death of the person injured, although  
64 death was caused under circumstances constituting a felony.

65 (2) Notwithstanding any other provision of this act, a  
66 wrongful death action for the death of an unborn child may not  
67 be brought against the mother of the unborn child or against a  
68 medical provider for lawful medical care provided in compliance  
69 with the applicable standard of care, including, but not limited  
70 to, care related to assisted reproductive technologies as  
71 defined in s. 742.13, provided with the consent of the mother.

72 **Section 3. Subsection (4) and paragraph (a) of subsection**  
73 **(6) of section 768.21, Florida Statutes, are amended to read:**

74 768.21 Damages.—All potential beneficiaries of a recovery  
75 for wrongful death, including the decedent's estate, shall be

76 identified in the complaint, and their relationships to the  
77 decedent shall be alleged. Damages may be awarded as follows:

78 (4) Each parent of a deceased minor child or an unborn  
79 child may also recover for mental pain and suffering from the  
80 date of injury. Each parent of an adult child may also recover  
81 for mental pain and suffering if there are no other survivors.

82 (6) The decedent's personal representative may recover for  
83 the decedent's estate the following:

84 (a) Loss of earnings of the deceased from the date of  
85 injury to the date of death, less lost support of survivors  
86 excluding contributions in kind, with interest. Loss of the  
87 prospective net accumulations of an estate, which might  
88 reasonably have been expected but for the wrongful death,  
89 reduced to present money value, may also be recovered:

90 1. If the decedent's survivors include a surviving spouse  
91 or lineal descendants; or

92 2. If the decedent is not a minor child or an unborn child  
93 as those terms are defined in s. 768.18 ~~s. 768.18(2)~~, there are  
94 no lost support and services recoverable under subsection (1),  
95 and there is a surviving parent.

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97 Evidence of remarriage of the decedent's spouse is admissible.

98 **Section 4.** This act shall take effect July 1, 2025.