

HB 6017

2025

1 A bill to be entitled
2 An act relating to recovery of damages for medical
3 negligence resulting in death; amending s. 768.21,
4 F.S.; deleting a provision that precluded certain
5 persons from recovering damages for medical negligence
6 resulting in death; amending ss. 400.023, 400.0235,
7 and 429.295, F.S.; conforming provisions to changes
8 made by the act; providing an effective date.

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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, and subsections (3) and (4) of that**
14 **section are republished, to read:**

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

19 (3) Minor children of the decedent, and all children of
20 the decedent if there is no surviving spouse, may also recover
21 for lost parental companionship, instruction, and guidance and
22 for mental pain and suffering from the date of injury. For the
23 purposes of this subsection, if both spouses die within 30 days
24 of one another as a result of the same wrongful act or series of
25 acts arising out of the same incident, each spouse is considered

26 | to have been predeceased by the other.

27 | (4) Each parent of a deceased minor child may also recover
 28 | for mental pain and suffering from the date of injury. Each
 29 | parent of an adult child may also recover for mental pain and
 30 | suffering if there are no other survivors.

31 | ~~(8) The damages specified in subsection (3) shall not be~~
 32 | ~~recoverable by adult children and the damages specified in~~
 33 | ~~subsection (4) shall not be recoverable by parents of an adult~~
 34 | ~~child with respect to claims for medical negligence as defined~~
 35 | ~~by s. 766.106(1).~~

36 | **Section 2. Subsection (9) of section 400.023, Florida**
 37 | **Statutes, is amended to read:**

38 | 400.023 Civil enforcement.—

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

43 | **Section 3. Section 400.0235, Florida Statutes, is amended**
 44 | **to read:**

45 | 400.0235 Certain provisions not applicable to actions
 46 | under this part.—An action under this part for a violation of
 47 | rights or negligence recognized under this part is not a claim
 48 | for medical malpractice, ~~and the provisions of s. 768.21(8) do~~
 49 | ~~not apply to a claim alleging death of the resident.~~

50 | **Section 4. Section 429.295, Florida Statutes, is amended**

51 **to read:**

52 429.295 Certain provisions not applicable to actions under
53 this part.—An action under this part for a violation of rights
54 or negligence recognized herein is not a claim for medical
55 malpractice, ~~and the provisions of s. 768.21(8) do not apply to~~
56 ~~a claim alleging death of the resident.~~

57 **Section 5.** This act shall take effect July 1, 2025.