



LEGISLATIVE ACTION

Senate	.	House
Comm: OO	.	
02/18/2026	.	
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The Committee on Rules (Grall) recommended the following:

1 **Senate Amendment (with title amendment)**

2

3 Before line 15

4 insert:

5 Section 1. Section 768.18, Florida Statutes, is reordered
6 and amended to read:

7 768.18 Definitions.—As used in ss. 768.16-768.26:

8 (5)(1) “Survivors” means the decedent’s spouse, children,
9 parents, and, when partly or wholly dependent on the decedent
10 for support or services, any blood relatives and adoptive
11 brothers and sisters. The term ~~It~~ includes the child born out of



12 wedlock of a mother, but not the child born out of wedlock of
13 the father unless the father has recognized a responsibility for
14 the child's support. The term also includes the parents of an
15 unborn child.

16 (1)+(2) "Minor children" means children under 25 years of
17 age, notwithstanding the age of majority.

18 (4)+(3) "Support" includes contributions in kind as well as
19 money.

20 (3)+(4) "Services" means tasks, usually of a household
21 nature, regularly performed by the decedent that will be a
22 necessary expense to the survivors of the decedent. These
23 services may vary according to the identity of the decedent and
24 survivor and must shall be determined under the particular facts
25 of each case.

26 (2)+(5) "Net accumulations" means the part of the decedent's
27 expected net business or salary income, including pension
28 benefits, that the decedent probably would have retained as
29 savings and left as part of her or his estate if the decedent
30 had lived her or his normal life expectancy. "Net business or
31 salary income" is the part of the decedent's probable gross
32 income after taxes, excluding income from investments continuing
33 beyond death, that remains after deducting the decedent's
34 personal expenses and support of survivors, excluding
35 contributions in kind.

36 (6) "Unborn child" means a member of the species *Homo*
37 *sapiens*, at any stage of development, who is carried in the
38 womb.

39 Section 2. Section 768.19, Florida Statutes, is amended to
40 read:



41 768.19 Right of action.—

42 (1) When the death of a person is caused by the wrongful
43 act, negligence, default, or breach of contract or warranty of
44 any person, including those occurring on navigable waters, and
45 the event would have entitled the person injured to maintain an
46 action and recover damages if death had not ensued, the person
47 or watercraft that would have been liable in damages if death
48 had not ensued shall be liable for damages as specified in this
49 act notwithstanding the death of the person injured, although
50 death was caused under circumstances constituting a felony.

51 (2) Notwithstanding any other provision of this act, a
52 wrongful death action for the death of an unborn child may not
53 be brought against the mother of the unborn child or against a
54 medical provider for lawful medical care provided in compliance
55 with the applicable standard of care, including, but not limited
56 to, care related to assisted reproductive technologies as
57 defined in s. 742.13, provided with the consent of the mother.

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

60 768.21 Damages.—All potential beneficiaries of a recovery
61 for wrongful death, including the decedent's estate, shall be
62 identified in the complaint, and their relationships to the
63 decedent shall be alleged. Damages may be awarded as follows:

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

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



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

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

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

82
83 Evidence of remarriage of the decedent's spouse is admissible.

84
85 ===== T I T L E A M E N D M E N T =====
86 And the title is amended as follows:

87 Delete line 2
88 and insert:

89 An act relating to civil litigation; reordering and
90 amending s. 768.18, F.S.; revising the definition of
91 the term "survivors" to include the parents of an
92 unborn child; defining the term "unborn child";
93 amending s. 768.19, F.S.; prohibiting a right of
94 action against the mother for the wrongful death of an
95 unborn child or against a medical provider for lawful
96 medical care provided in certain circumstances;
97 amending s. 768.21, F.S.; authorizing parents of an
98 unborn child to recover certain damages; prohibiting



99 the recovery of certain damages if the decedent is an
100 unborn child; conforming a cross-reference; amending
101 s.