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LEGISLATIVE ACTION

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

Senate Amendment (with title amendment)

Before line 15
insert:

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

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

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



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

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

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

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

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

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

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



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768.19 Right of action.—

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

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

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

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

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

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



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

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

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

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

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

And the title is amended as follows:

Delete line 2

and insert:

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



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