

HB 4023

2012

1                   A bill to be entitled  
 2           An act relating to damages for wrongful death;  
 3           amending s. 768.21, F.S.; deleting a provision  
 4           relating to prevention of recovery of damages for  
 5           wrongful death by adult children of a decedent or by  
 6           parents of an adult child with respect to claims for  
 7           medical negligence; amending ss. 400.023, 400.0235,  
 8           and 429.295, F.S.; conforming provisions to changes  
 9           made by the act; providing an effective date.

10  
 11 Be It Enacted by the Legislature of the State of Florida:

12  
 13           Section 1. Subsection (8) of section 768.21, Florida  
 14 Statutes, is amended 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           ~~(8) The damages specified in subsection (3) shall not be~~  
 20 ~~recoverable by adult children and the damages specified in~~  
 21 ~~subsection (4) shall not be recoverable by parents of an adult~~  
 22 ~~child with respect to claims for medical negligence as defined~~  
 23 ~~by s. 766.106(1).~~

24           Section 2. Subsection (7) of section 400.023, Florida  
 25 Statutes, is amended to read:

26           400.023 Civil enforcement.—

27           (7) An action under this part for a violation of rights or  
 28 negligence recognized under this part ~~herein~~ is not a claim for

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29 | ~~medical malpractice, and the provisions of s. 768.21(8) do not~~  
30 | ~~apply to a claim alleging death of the resident.~~

31 | Section 3. Section 400.0235, Florida Statutes, is amended  
32 | to read:

33 | 400.0235 ~~Certain provisions not applicable to~~ Actions  
34 | under this part not medical malpractice claims.-An action under  
35 | this part for a violation of rights or negligence recognized  
36 | under this part is not a claim for medical malpractice, ~~and the~~  
37 | ~~provisions of s. 768.21(8) do not apply to a claim alleging~~  
38 | ~~death of the resident.~~

39 | Section 4. Section 429.295, Florida Statutes, is amended  
40 | to read:

41 | 429.295 ~~Certain provisions not applicable to~~ Actions under  
42 | this part not medical malpractice claims.-An action under this  
43 | part for a violation of rights or negligence recognized under  
44 | this part herein is not a claim for medical malpractice, ~~and the~~  
45 | ~~provisions of s. 768.21(8) do not apply to a claim alleging~~  
46 | ~~death of the resident.~~

47 | Section 5. This act shall take effect July 1, 2012.