

THE FLORIDA SENATE
2025 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

HB 6017 — Recovery of Damages for Medical Negligence Resulting in Death

by Reps. Trabulsy, López, J., and others (SB 734 by Senators Yarborough, Burgess, Rouson, and Martin)

One aspect of the state’s wrongful death law allows certain surviving family members the right to sue for their noneconomic damages (commonly referred to as “pain and suffering damages”) for the loss of their family member. However, there is a limited exception by which neither an adult child (25+) of an unmarried person who dies due to medical negligence, nor the parents of an adult child (25+) who dies due to medical negligence, may recover noneconomic damages.

The bill repeals this exception and thus provides that, where a wrongful death occurs as a result of medical negligence, a decedent’s adult children may recover noneconomic damages if there is no surviving spouse and provides that the parents of an adult decedent may recover noneconomic damages if there is no surviving spouse or surviving minor or adult children. Accordingly, survivors of a person who dies as a result of medical negligence have the same right to recover noneconomic damages as the survivors of a person who dies from any other form of negligence.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2025.

Vote: Senate 33-4; House 104-6