

Amendment No. 3e

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Arrington offered the following:

3
 4 **Amendment to Amendment (047663) by Representative Gregory**
 5 **(with title amendment)**

6 Remove lines 391-570 of the amendment and insert:

7
 8 Section 6. Subsection (1) of section 768.18, Florida
 9 Statutes, is amended to read:

10 768.18 Definitions.—As used in ss. 768.16-768.26:

11 (1) "Survivors" means the decedent's spouse, children,
 12 parents, and, when partly or wholly dependent on the decedent
 13 for support or services, any blood relatives and adoptive
 14 brothers and sisters. It includes the child born out of wedlock
 15 of a mother, but not the child born out of wedlock of the father
 16 unless the father has recognized a responsibility for the

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17 child's support. The term also includes the parents of an unborn
18 fetus.

19 Section 6. Subsections (5) through (8) of section 768.21,
20 Florida Statutes, are renumbered as subsections (6) through (9),
21 respectively, a new subsection (5) is added to that section, and
22 present subsection (6) of that section is amended, to read:

23 768.21 Damages.— All potential beneficiaries of a recovery
24 for wrongful death, including the decedent's estate, shall be
25 identified in the complaint, and their relationships to the
26 decedent shall be alleged. Damages may be awarded as follows:

27 (5) Each parent of an unborn fetus may recover for medical
28 and funeral expenses and mental pain and suffering caused by the
29 death of an unborn fetus if such death was caused by the
30 negligence of a third party.

31 (6)-(5) Medical or funeral expenses due to the decedent's
32 injury or death may be recovered by a survivor who has paid
33 them.

34 (7)-(6) The decedent's personal representative may recover
35 for the decedent's estate the following:

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

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

44 2. If the decedent is not a minor child as defined in s.
45 768.18(2), there are no lost support and services recoverable
46 under subsection (1), and there is a surviving parent.

47 (b) Medical or funeral expenses due to the decedent's
48 injury or death that have become a charge against her or his
49 estate or that were paid by or on behalf of decedent, excluding
50 amounts recoverable under subsection (6) ~~(5)~~.

51
52 Evidence of remarriage of the decedent's spouse is admissible.

53 ~~(8)~~ ~~(7)~~ All awards for the decedent's estate are subject to
54 the claims of creditors who have complied with the requirements
55 of probate law concerning claims.

56 ~~(9)~~ ~~(8)~~ The damages specified in subsection (3) shall not be
57 recoverable by adult children and the damages specified in
58 subsection (4) shall not be recoverable by parents of an adult
59 child with respect to claims for medical negligence as defined
60 by s. 766.106(1).

61
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63 **T I T L E A M E N D M E N T**

64 Remove lines 810-818 of the amendment and insert:
65 single occurrence exceed policy limits; amending s. 768.18,
66 F.S.; revising the definition of "survivors" for purposes

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 837 (2023)

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67 | of the wrongful death act to include the parents of an
68 | unborn fetus; amending s. 768.21, F.S.; providing that
69 | parents of an unborn fetus may recover specified damages if
70 | the unborn fetus's death was caused by the negligence of a
71 | third party;