

By Senator Grall

29-00469-24

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1 A bill to be entitled
2 An act relating to civil liability; reordering and
3 amending s. 768.18, F.S.; revising the definition of
4 the term "survivors" to include the parents of an
5 unborn child; amending s. 768.21, F.S.; authorizing
6 parents of an unborn child to recover certain damages;
7 providing an effective date.
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9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Section 768.18, Florida Statutes, is reordered
12 and amended to read:

13 768.18 Definitions.—As used in ss. 768.16–768.26:

14 (5)~~(1)~~ "Survivors" means the decedent's spouse, children,
15 parents, and, when partly or wholly dependent on the decedent
16 for support or services, any blood relatives and adoptive
17 brothers and sisters. It includes the child born out of wedlock
18 of a mother, but not the child born out of wedlock of the father
19 unless the father has recognized a responsibility for the
20 child's support. It also includes the parents of an unborn
21 child.

22 (1)~~(2)~~ "Minor children" means children under 25 years of
23 age, notwithstanding the age of majority.

24 (4)~~(3)~~ "Support" includes contributions in kind as well as
25 money.

26 (3)~~(4)~~ "Services" means tasks, usually of a household
27 nature, regularly performed by the decedent that will be a
28 necessary expense to the survivors of the decedent. These
29 services may vary according to the identity of the decedent and

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30 survivor and shall be determined under the particular facts of
31 each case.

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

42 Section 2. Subsections (4) and (5) of section 768.21,
43 Florida Statutes, are amended to read:

44 768.21 Damages.—All potential beneficiaries of a recovery
45 for wrongful death, including the decedent's estate, shall be
46 identified in the complaint, and their relationships to the
47 decedent shall be alleged. Damages may be awarded as follows:

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

52 (5) Medical or funeral expenses due to the decedent's
53 injury or death may be recovered by a survivor who has paid
54 them. Except for claims brought under chapter 766, each parent
55 of an unborn child may recover for medical or funeral expenses.

56 Section 3. This act shall take effect July 1, 2024.