



26 | income after taxes, excluding income from investments continuing  
 27 | beyond death, that remains after deducting the decedent's  
 28 | personal expenses and support of survivors, excluding  
 29 | contributions in kind.

30 |     ~~(3)(4)~~ "Services" means tasks, usually of a household  
 31 | nature, regularly performed by the decedent that will be a  
 32 | necessary expense to the survivors of the decedent. These  
 33 | services may vary according to the identity of the decedent and  
 34 | survivor and shall be determined under the particular facts of  
 35 | each case.

36 |     ~~(4)(3)~~ "Support" includes contributions in kind as well as  
 37 | money.

38 |     ~~(5)(1)~~ "Survivors" means the decedent's spouse, children,  
 39 | parents, and, when partly or wholly dependent on the decedent  
 40 | for support or services, any blood relatives and adoptive  
 41 | brothers and sisters. It includes the child born out of wedlock  
 42 | of a mother, but not the child born out of wedlock of the father  
 43 | unless the father has recognized a responsibility for the  
 44 | child's support. It also includes the parents of an unborn  
 45 | child.

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

48 |     768.19 Right of action.—

49 |     ~~(1)~~ When the death of a person is caused by the wrongful  
 50 | act, negligence, default, or breach of contract or warranty of

51 any person, including those occurring on navigable waters, and  
52 the event would have entitled the person injured to maintain an  
53 action and recover damages if death had not ensued, the person  
54 or watercraft that would have been liable in damages if death  
55 had not ensued shall be liable for damages as specified in this  
56 act notwithstanding the death of the person injured, although  
57 death was caused under circumstances constituting a felony.

58 (2) Notwithstanding any other provision of this act, a  
59 wrongful death action for the death of an unborn child may not  
60 be brought against the mother of the unborn child.

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

63 768.21 Damages.—All potential beneficiaries of a recovery  
64 for wrongful death, including the decedent's estate, shall be  
65 identified in the complaint, and their relationships to the  
66 decedent shall be alleged. Damages may be awarded as follows:

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

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

73 (a) Loss of earnings of the deceased from the date of  
74 injury to the date of death, less lost support of survivors  
75 excluding contributions in kind, with interest. Loss of the

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76 prospective net accumulations of an estate, which might  
77 reasonably have been expected but for the wrongful death,  
78 reduced to present money value, may also be recovered:

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

81 2. If the decedent is not a minor child as defined in s.  
82 768.18 ~~s. 768.18(2)~~, there are no lost support and services  
83 recoverable under subsection (1), and there is a surviving  
84 parent.

85

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

87 Section 4. This act shall take effect July 1, 2024.