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LEGISLATIVE ACTION

Senate	.	House
Comm: OO	.	
02/18/2026	.	
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The Committee on Rules (Grall) recommended the following:

1           **Senate Substitute for Amendment (567718) (with title**  
2 **amendment)**

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4           Before line 15

5 insert:

6           Section 1. Section 768.18, Florida Statutes, is reordered  
7 and amended to read:

8           768.18 Definitions.—As used in ss. 768.16-768.26:

9           (5)~~(1)~~ "Survivors" means the decedent's spouse, children,  
10 parents, and, when partly or wholly dependent on the decedent  
11 for support or services, any blood relatives and adoptive



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12 brothers and sisters. It includes the child born out of wedlock  
13 of a mother, but not the child born out of wedlock of the father  
14 unless the father has recognized a responsibility for the  
15 child's support. It also includes the parents of an unborn  
16 child.

17 (1)~~(2)~~ "Minor children" means children under 25 years of  
18 age, notwithstanding the age of majority.

19 (4)~~(3)~~ "Support" includes contributions in kind as well as  
20 money.

21 (3)~~(4)~~ "Services" means tasks, usually of a household  
22 nature, regularly performed by the decedent that will be a  
23 necessary expense to the survivors of the decedent. These  
24 services may vary according to the identity of the decedent and  
25 survivor and shall be determined under the particular facts of  
26 each case.

27 (2)~~(5)~~ "Net accumulations" means the part of the decedent's  
28 expected net business or salary income, including pension  
29 benefits, that the decedent probably would have retained as  
30 savings and left as part of her or his estate if the decedent  
31 had lived her or his normal life expectancy. "Net business or  
32 salary income" is the part of the decedent's probable gross  
33 income after taxes, excluding income from investments continuing  
34 beyond death, that remains after deducting the decedent's  
35 personal expenses and support of survivors, excluding  
36 contributions in kind.

37 (6) "Unborn child" has the same meaning as in s.  
38 775.021(5)(e).

39 Section 2. Section 768.19, Florida Statutes, is amended to  
40 read:



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41 768.19 Right of action.—

42 (1) When the death of a person is caused by the wrongful  
43 act, negligence, default, or breach of contract or warranty of  
44 any person, including those occurring on navigable waters, and  
45 the event would have entitled the person injured to maintain an  
46 action and recover damages if death had not ensued, the person  
47 or watercraft that would have been liable in damages if death  
48 had not ensued shall be liable for damages as specified in this  
49 act notwithstanding the death of the person injured, although  
50 death was caused under circumstances constituting a felony.

51 (2) Notwithstanding any other provision of this act, a  
52 wrongful death action for the death of an unborn child may not  
53 be brought against the mother of the unborn child, or against a  
54 health care provider as defined in s. 766.202, for lawful  
55 medical care provided in compliance with the applicable standard  
56 of care, including, but not limited to, care related to assisted  
57 reproductive technologies as defined in s. 742.13, provided with  
58 the consent of the mother.

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

61 768.21 Damages.—All potential beneficiaries of a recovery  
62 for wrongful death, including the decedent's estate, shall be  
63 identified in the complaint, and their relationships to the  
64 decedent shall be alleged. Damages may be awarded as follows:

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

69 (6) The decedent's personal representative may recover for



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70 the decedent's estate the following:

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

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

79 2. If the decedent is not a minor child or an unborn child  
80 as those terms are defined in s. 768.18 s. ~~768.18(2)~~, there are  
81 no lost support and services recoverable under subsection (1),  
82 and there is a surviving parent.

83  
84 Evidence of remarriage of the decedent's spouse is admissible.

85  
86 ===== T I T L E A M E N D M E N T =====

87 And the title is amended as follows:

88 Delete line 2

89 and insert:

90 An act relating to civil litigation; reordering and  
91 amending s. 768.18, F.S.; reordering, revising, and  
92 defining terms; amending s. 768.19, F.S.; prohibiting  
93 a right of action against the mother for the wrongful  
94 death of an unborn child or against a health care  
95 provider for lawful medical care provided in certain  
96 circumstances; amending s. 768.21, F.S.; authorizing  
97 parents of an unborn child to recover certain damages;  
98 prohibiting the recovery of certain damages if the



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decedent is an unborn child; conforming a cross-  
reference; amending s.