

By Senator Martin

33-00603-24

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1 A bill to be entitled
2 An act relating to recovery of damages in claims for
3 medical negligence; amending s. 768.21, F.S.; removing
4 a provision that prohibits parents of an adult child
5 from recovering certain damages in medical negligence
6 suits; providing an effective date.

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8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Subsection (8) of section 768.21, Florida
11 Statutes, is amended, and subsection (4) of that section is
12 republished, to read:

13 768.21 Damages.—All potential beneficiaries of a recovery
14 for wrongful death, including the decedent's estate, shall be
15 identified in the complaint, and their relationships to the
16 decedent shall be alleged. Damages may be awarded as follows:

17 (4) Each parent of a deceased minor child may also recover
18 for mental pain and suffering from the date of injury. Each
19 parent of an adult child may also recover for mental pain and
20 suffering if there are no other survivors.

21 (8) The damages specified in subsection (3) shall not be
22 recoverable by adult children ~~and the damages specified in~~
23 ~~subsection (4) shall not be recoverable by parents of an adult~~
24 ~~child~~ with respect to claims for medical negligence as defined
25 by s. 766.106(1).

26 Section 2. This act shall take effect July 1, 2024.