

1                                   A bill to be entitled  
 2           An act relating to damages recoverable in wrongful  
 3           death actions; providing a short title; amending ss.  
 4           400.023, 400.0235, and 429.295, F.S.; conforming  
 5           provisions to changes made by the act; amending s.  
 6           768.21, F.S.; removing a provision that prohibits  
 7           adult children and parents of adult children from  
 8           recovering certain damages in medical negligence  
 9           suits; providing an effective date.

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

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 13           Section 1. This act may be cited as the "Keith Davis  
 14 Family Protection Act."

15           Section 2. Subsection (9) of section 400.023, Florida  
 16 Statutes, is amended to read:

17           400.023 Civil enforcement.—

18           (9) An action under this part for a violation of rights or  
 19 negligence recognized herein is not a claim for medical  
 20 malpractice, ~~and s. 768.21(8) does not apply to a claim alleging~~  
 21 ~~death of the resident.~~

22           Section 3. Section 400.0235, Florida Statutes, is amended  
 23 to read:

24           400.0235 Certain provisions not applicable to actions  
 25 under this part.—An action under this part for a violation of

26 | rights or negligence recognized under this part is not a claim  
 27 | for medical malpractice, ~~and the provisions of s. 768.21(8) do~~  
 28 | ~~not apply to a claim alleging death of the resident.~~

29 | Section 4. Section 429.295, Florida Statutes, is amended  
 30 | to read:

31 | 429.295 Certain provisions not applicable to actions under  
 32 | this part.—An action under this part for a violation of rights  
 33 | or negligence recognized herein is not a claim for medical  
 34 | malpractice, ~~and the provisions of s. 768.21(8) do not apply to~~  
 35 | ~~a claim alleging death of the resident.~~

36 | Section 5. Subsection (8) of section 768.21, Florida  
 37 | Statutes, is amended, and subsections (3) and (4) of that  
 38 | section are republished, to read:

39 | 768.21 Damages.—All potential beneficiaries of a recovery  
 40 | for wrongful death, including the decedent's estate, shall be  
 41 | identified in the complaint, and their relationships to the  
 42 | decedent shall be alleged. Damages may be awarded as follows:

43 | (3) Minor children of the decedent, and all children of  
 44 | the decedent if there is no surviving spouse, may also recover  
 45 | for lost parental companionship, instruction, and guidance and  
 46 | for mental pain and suffering from the date of injury. For the  
 47 | purposes of this subsection, if both spouses die within 30 days  
 48 | of one another as a result of the same wrongful act or series of  
 49 | acts arising out of the same incident, each spouse is considered  
 50 | to have been predeceased by the other.

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

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

60           Section 6. This act shall take effect July 1, 2024.