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1	A bill to be entitled
2	An act relating to civil liability for the wrongful
3	death of an unborn child; reordering and amending s.
4	768.18, F.S.; revising the definition of the term
5	"survivors" to include the parents of an unborn child;
6	amending s. 768.21, F.S.; authorizing parents of an
7	unborn child to recover certain damages; conforming a
8	cross-reference; providing an effective date.
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10	Be It Enacted by the Legislature of the State of Florida:
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12	Section 1. Section 768.18, Florida Statutes, is reordered
13	and amended to read:
14	768.18 Definitions.—As used in ss. 768.16-768.26:
15	(1)(2) "Minor children" means children under 25 years of
16	age, notwithstanding the age of majority.
17	(2) (5) "Net accumulations" means the part of the
18	decedent's expected net business or salary income, including
19	pension benefits, that the decedent probably would have retained
20	as savings and left as part of her or his estate if the decedent
21	had lived her or his normal life expectancy. "Net business or
22	salary income" is the part of the decedent's probable gross
23	income after taxes, excluding income from investments continuing
24	beyond death, that remains after deducting the decedent's
25	personal expenses and support of survivors, excluding
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26 contributions in kind.

27 <u>(3)</u>(4) "Services" means tasks, usually of a household 28 nature, regularly performed by the decedent that will be a 29 necessary expense to the survivors of the decedent. These 30 services may vary according to the identity of the decedent and 31 survivor and shall be determined under the particular facts of 32 each case.

33 <u>(4)(3)</u> "Support" includes contributions in kind as well as 34 money.

(5) (1) "Survivors" means the decedent's spouse, children, 35 36 parents, and, when partly or wholly dependent on the decedent for support or services, any blood relatives and adoptive 37 brothers and sisters. It includes the child born out of wedlock 38 39 of a mother, but not the child born out of wedlock of the father 40 unless the father has recognized a responsibility for the child's support. It also includes the parents of an unborn 41 42 child.

43 Section 2. Subsections (4) and (5) and paragraph (a) of 44 subsection (6) of section 768.21, Florida Statutes, are amended 45 to read:

46 768.21 Damages.—All potential beneficiaries of a recovery 47 for wrongful death, including the decedent's estate, shall be 48 identified in the complaint, and their relationships to the 49 decedent shall be alleged. Damages may be awarded as follows: 50 (4) Each parent of a deceased minor child or an unborn

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51 child may also recover for mental pain and suffering from the 52 date of injury. Each parent of an adult child may also recover 53 for mental pain and suffering if there are no other survivors. 54 (5) Medical or funeral expenses due to the decedent's 55 injury or death may be recovered by a survivor who has paid 56 them. Except for claims brought under chapter 766, each parent 57 of an unborn child may recover for medical or funeral expenses. The decedent's personal representative may recover for 58 (6) 59 the decedent's estate the following: 60 Loss of earnings of the deceased from the date of (a) injury to the date of death, less lost support of survivors 61 excluding contributions in kind, with interest. Loss of the 62 prospective net accumulations of an estate, which might 63 64 reasonably have been expected but for the wrongful death, 65 reduced to present money value, may also be recovered: 66 1. If the decedent's survivors include a surviving spouse or lineal descendants; or 67 If the decedent is not a minor child as defined in s. 68 2. 69 768.18 s. 768.18(2), there are no lost support and services 70 recoverable under subsection (1), and there is a surviving 71 parent. 72 73 Evidence of remarriage of the decedent's spouse is admissible. 74 Section 3. This act shall take effect July 1, 2024. Page 3 of 3

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