

Committee Substitute for House Bill No. 795

An act relating to wrongful death; amending s. 768.21, F.S.; specifying conditions for the determination of whether there is a surviving spouse under certain circumstances; providing an effective date.

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

Section 1. Subsection (3) of section 768.21, Florida Statutes, is amended to read:

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

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

Section 2. This act shall take effect upon becoming a law and shall apply to any action accruing on or after such date.

Approved by the Governor April 16, 2002.

Filed in Office Secretary of State April 16, 2002.