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# FLORIDA JUSTICE ASSOCIATION

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## **PROTECT FLORIDA'S FAMILIES BY REPEALING THE MEDICAL MALPRACTICE WRONGFUL DEATH EXEMPTION**

**Should the medical community be treated differently under Florida law than anyone else in cases involving wrongful death. The answer is NO.**

Florida's wrongful death statute currently allows adult children and parents of adult children to recover damages in all wrongful death cases where there are no other survivors – **except in medical malpractice cases.**

When this issue was originally introduced, the medical community was able to carve out for themselves an exemption for medical malpractice cases. **This bill deletes this special treatment of medical malpractice cases and allows recovery by certain survivors in all wrongful death cases.**

Example:

- ❖ If a doctor is involved in a car accident in which he drove negligently, and another person is killed, the victim's adult children can recover damages for the death. However, if a person is killed by a **negligent** doctor in an operating room, there is no recovery by the victim's adult children.

The majority of states allow adult children and parents of adult children to bring an action for the wrongful death of a loved one.

Under the current wrongful death statute in Florida, if there is no spouse, there are no survivors who can legally hold negligent health care providers accountable for their acts. **This exemption must be eliminated to allow the families of victims of medical negligence to recover damages for their loss.**

The Safety Of Florida's Families Is At Risk As Long  
As This Immunity Is In Our Law