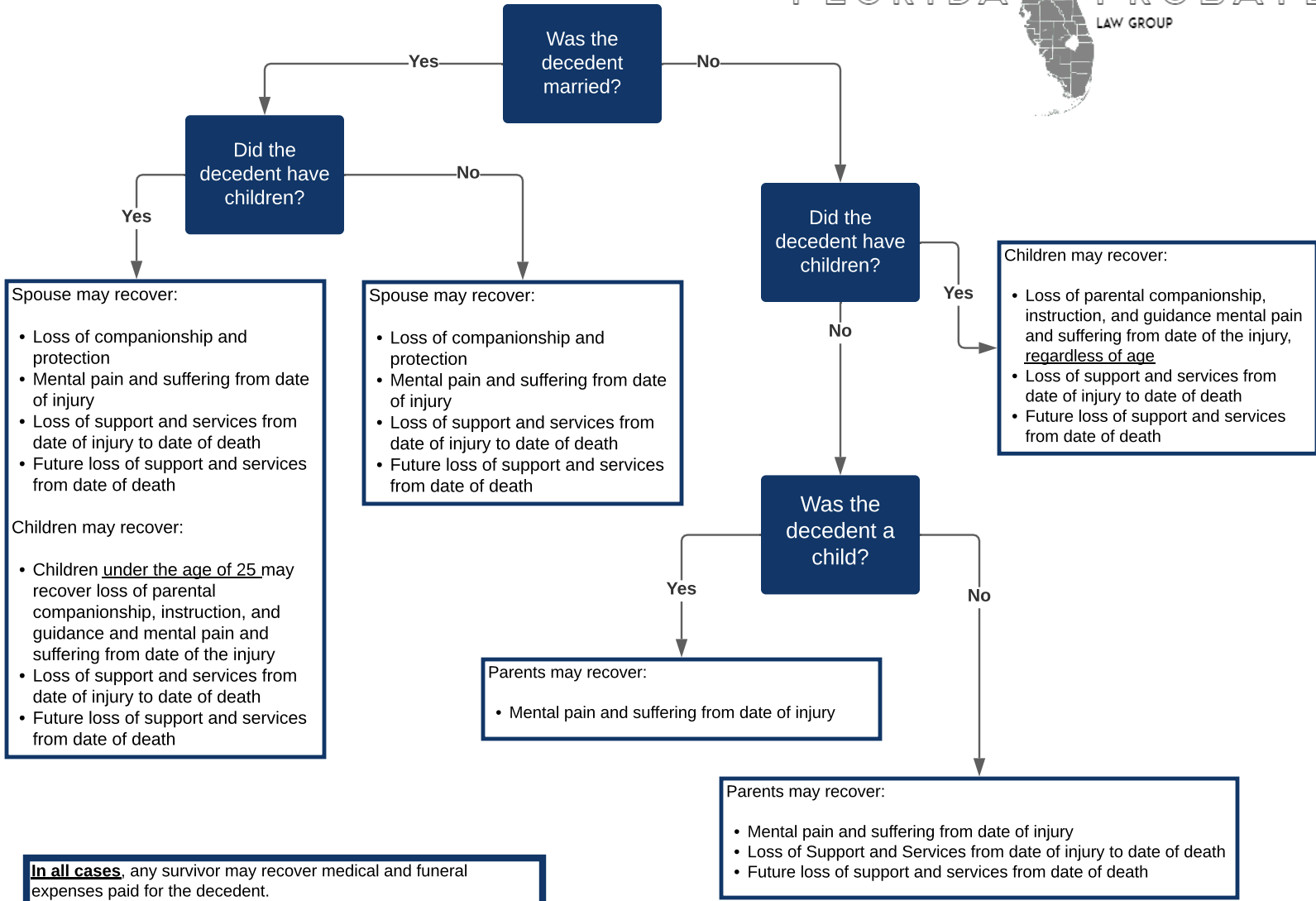


# Wrongful Death Damages Flowchart

Florida Statute Section 768.21



**In all cases**, any survivor may recover medical and funeral expenses paid for the decedent.

**In all cases**, the personal representative of the estate may recover:

- Loss of earnings of the decedent
- Loss of prospective net accumulations of an estate may also be recovered if
  - the decedent's survivors include a surviving spouse or children or
  - if decedent is over 25 years old, and there is no surviving parent or loss of support damages available
- Medical or funeral expenses due to decedent's injury or death that have resulted in a claim against decedent's estate

**In medical malpractice cases**

- Adult children may not recover damages for lost parental companionship or pain and suffering
- Parents of a deceased adult child may not recover damages mental pain and suffering.

Parents may recover:

- Mental pain and suffering from date of injury
- Loss of Support and Services from date of injury to date of death
- Future loss of support and services from date of death

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