Wrongful Death Damages Flowchart
Florida Statute Section 768.21

**Did the decedent have children?**
- Yes: Spouse may recover:
  - Loss of companionship and protection
  - 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
- No: Children may recover:
  - Children under the age of 25 may recover loss of parental companionship, instruction, and guidance and 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

**Was the decedent married?**
- Yes: Spouse may recover:
  - Loss of companionship and protection
  - 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
- No: Children may recover:
  - Loss of parental companionship, instruction, and guidance mental pain and suffering from date of injury, regardless of age
  - Loss of support and services from date of injury to date of death
  - Future loss of support and services from date of death

**Did the decedent have children?**
- No: Parents may recover:
  - Mental pain and suffering from date of injury
- Yes: 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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**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
  - 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.

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