

Bill No. CS for CS for CS for SB 1202

Amendment No. Barcode 585886

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Brown-Waite moved the following amendment:

Senate Amendment

On page 18, lines 15-25, delete those lines

and insert: Civil Procedure. Sections 400.023-400.0238
provide the exclusive remedy for a cause of action for
recovery of damages for the personal injury or death of a
nursing home resident arising out of negligence or a violation
of rights specified in s. 400.022. This section does not
preclude theories of recovery not arising out of negligence or
s. 400.022 which are available to a resident or to the agency.
The provisions of chapter 766 do not apply to any cause of
action brought under ss. 400.023-400.0238.~~Any plaintiff who~~
~~prevails in any such action may be entitled to recover~~
~~reasonable attorney's fees, costs of the action, and damages,~~
~~unless the court finds that the plaintiff has acted in bad~~
~~faith, with malicious purpose, and that there was a complete~~
~~absence of a justiciable issue of either law or fact. A~~
~~prevailing defendant may be entitled to recover reasonable~~
~~attorney's fees pursuant to s. 57.105. The remedies provided~~

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1 ~~in this section are in addition to and cumulative with other~~
2 ~~legal and administrative remedies available to a resident and~~
3 ~~to the agency.~~
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