

Bill No. CS for CS for CS for SB 1202

Amendment No. Barcode 871964

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
---------------	----------------	--------------

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

.
.
.
.
.

Senator Brown-Waite moved the following amendment:

Senate Amendment

On page 96, lines 12-23, delete those lines

and insert: 768.79 or the Florida Rules of 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.~~

Bill No. CS for CS for CS for SB 1202

Amendment No. ____ Barcode 871964

1 ~~The remedies provided in this section are in addition to and~~
2 ~~cumulative with other legal and administrative remedies~~
3 ~~available to a resident or to the agency.~~
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31