

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Gaetz offered the following:

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3 **Amendment**

4 Remove lines 48-59 and insert:

5 (3) The action may be brought by the resident or his or
6 her guardian, by a person or organization acting on behalf of a
7 resident with the consent of the resident or his or her
8 guardian, or by the personal representative of the estate of a
9 deceased resident regardless of the cause of death. If the
10 action alleges a claim for the resident's rights or for
11 negligence that caused the death of the resident, the claimant
12 shall be required to elect either survival damages pursuant to
13 s. 46.021 or wrongful death damages pursuant to s. 768.21. In
14 any claim for wrongful death brought under this section,
15 noneconomic damages may not exceed \$300,000 per resident,
16 regardless of the number of claimants or defendants.

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