

By Senator Brown-Waite

10-264-01

1                                   A bill to be entitled  
2           An act relating to nursing home facilities;  
3           creating s. 400.0223, F.S.; providing that a  
4           nursing home facility may not prohibit the  
5           installation of audio or video recording  
6           devices in residents' rooms; providing a  
7           restriction; providing immunity from claims and  
8           legal actions for facilities that install  
9           recording devices in residents' rooms, unless  
10          negligence on the part of the facility is a  
11          cause of a resident's accident or injury;  
12          providing an effective date.

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14 Be It Enacted by the Legislature of the State of Florida:

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16           Section 1. Section 400.0223, Florida Statutes, is  
17          created to read:18           400.0223 Resident's right to have recording devices in  
19          room; notice; presumption of facilities' exemption from legal  
20          action.--21           (1) A nursing home facility may not prohibit a  
22          resident or a resident's family member from installing or  
23          having installed in the resident's room an audio recording  
24          device or a video recording device, provided that, if more  
25          than one person resides in a room, all residents of the room  
26          must give their prior written consent to the installation of a  
27          recording device.28           (2) A nursing home facility that purchases audio  
29          recording devices or video recording devices and installs the  
30          devices in its residents' rooms is immune from claims and  
31          legal action pertaining to any accident a resident is involved

1 in, or injury that a resident sustains, while on the  
2 facility's premises, unless the facility is negligent and the  
3 negligence is the legal cause of the resident's injury in  
4 whole or in part. A slip and fall, or any other naturally  
5 occurring accident, that could have occurred in a private home  
6 in the same circumstances must be regarded as simply an  
7 accident, unless there is contributory negligence on the part  
8 of the facility.

9 Section 2. This act shall take effect July 1, 2001.

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12 SENATE SUMMARY

13 Provides that a nursing home facility may not prohibit  
14 the installation of audio or video recording devices in a  
15 resident's room, as long as all residents in the room  
16 give their written consent. Provides immunity from claims  
17 and legal actions for facilities that purchase recording  
18 devices and install them in residents' rooms, unless  
19 negligence on the part of the facility is a cause of a  
20 resident's accident or injury.  
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