

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Health Care Facilities &  
2 Systems Subcommittee

3 Representative Plasencia offered the following:

4  
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 **Section 1. Section 400.025, Florida Statutes, is created**  
8 **to read:**

9 400.025 .- Electronic monitoring devices in residents'  
10 rooms.-

11 (1) As used in this section, the term:

12 (a) "Electronic monitoring device" means a surveillance  
13 instrument with a fixed-position, non-rotatable, video camera or  
14 an audio recording device, or a combination thereof, which  
15 broadcasts or records movement or sounds occurring in the area  
16 being surveilled.

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17 (b) "Representative" means a person granted a durable  
18 power of attorney under chapter 709, a guardian appointed under  
19 chapter 744, or a person designated as a health care surrogate  
20 under chapter 765 who is authorized to make health care  
21 decisions on behalf of a person.

22 (2) A resident or a resident's representative may install  
23 and use an electronic monitoring device in the resident's room  
24 in a nursing home facility if all of the following conditions  
25 are met:

26 (a) The resident or the resident's representative notifies  
27 the facility in writing using the agency form adopted pursuant  
28 to subsection (4).

29 (b) The cost of the device and the cost of installing,  
30 maintaining, and removing the device, and providing Internet  
31 access for the device, not including the cost of electricity  
32 used for the device, are paid for by the resident or the  
33 resident's representative.

34 (c) If the resident is living in a room with another  
35 resident, the other resident or that resident's representative  
36 consents to the installation and use of the device in the shared  
37 room, by completing the agency consent form adopted pursuant to  
38 subsection (5). The other resident or that resident's  
39 representative may revoke the consent at any time by providing  
40 notice in writing to the facility.

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41 (3) (a) If a resident living in a room with another  
42 resident wishes to use an electronic monitoring device in the  
43 shared room, but the other resident or his or her representative  
44 refuses to consent, the facility must make a reasonable attempt  
45 to accommodate the resident wishing to use such device by moving  
46 that resident to another, similar, available room, with the  
47 consent of such resident or his or her representative.

48 (b) If the resident wishing to use an electronic  
49 monitoring device lives in the same room as another resident,  
50 the other resident or his or her representative may place  
51 conditions on his or her consent to the use of such device,  
52 including, but not limited to, pointing the device away from the  
53 other resident or limiting or prohibiting the use of specific  
54 devices. If conditions are placed on a resident's consent in  
55 this manner, the electronic monitoring device must be installed  
56 and used in a manner consistent with such conditions as long as  
57 the resident who imposed the conditions is living in the same  
58 room. The resident or representative imposing conditions must  
59 document the conditions on the consent form adopted by the  
60 agency pursuant to subsection (5), and may change the conditions  
61 at any time by submitting a revised consent form.

62 (4) The agency shall adopt by rule a standard form for use  
63 by a resident or his or her representative to notify a nursing  
64 home facility of the intent to install and use an electronic  
65 monitoring device in the facility. This form must include:

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- 66        (a) An explanation of this section.
- 67        (b) An acknowledgment that the resident or his or her  
68 representative has consented to the installation and use of the  
69 device in the resident's room.
- 70        (c) An acknowledgment that the resident or his or her  
71 representative will comply with conditions placed on the use of  
72 the electronic monitoring device by other residents of the room  
73 or their representatives, if any.
- 74        (d) A section for providing the facility with information  
75 regarding the type, function, and use of the device to be  
76 installed and used.
- 77        (e) A statement releasing the facility from liability in  
78 any civil or criminal action or administrative proceeding for a  
79 violation of the resident's right to privacy in connection with  
80 using the device.
- 81        (5) The agency shall adopt by rule a standard consent form  
82 for use by a resident living in the same room as a resident who  
83 intends to use an electronic monitoring device in the room. This  
84 form must include:
- 85        (a) An explanation of this section.
- 86        (b) An acknowledgment that the resident or his or her  
87 representative has consented to the installation and use of the  
88 device in the resident's room.

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89 (c) A section for listing any conditions the resident or  
90 his or her representative places on the use of the device in the  
91 room.

92 (d) A statement releasing the facility from liability in  
93 any civil or criminal action or administrative proceeding for a  
94 violation of the resident's right to privacy in connection with  
95 using the device.

96 (6) A nursing home facility may post a notice in a  
97 conspicuous location at the entrance of a resident's room having  
98 an electronic monitoring device, stating that such device is in  
99 use in that room.

100 (7) A nursing home facility may not deny a person  
101 admission to, or discharge a resident from, the facility or  
102 otherwise discriminate or retaliate against a resident based on  
103 his or her decision to install and use an electronic monitoring  
104 device in the resident's room at the facility. The agency shall  
105 fine a nursing home facility \$500 for each violation of this  
106 subsection.

107 (8) It is unlawful for a person, other than the resident  
108 and resident's representative, if any, who owns an electronic  
109 monitoring device in the resident's room in a nursing home  
110 facility, to intentionally obstruct, tamper with, or destroy the  
111 device or a recording made by the device. A person who violates  
112 this subsection commits a misdemeanor of the first degree,  
113 punishable as provided in s. 775.082 or s. 775.083.

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114 (9) A person may not intentionally view or listen to the  
115 images and sounds broadcast or recorded by an electronic  
116 monitoring device installed in a resident's room, unless that  
117 person is:

118 (a) The resident;

119 (b) The resident's representative;

120 (c) Law enforcement personnel; or

121 (d) An individual authorized by the resident or the  
122 resident's representative to view or listen to the images and  
123 sounds broadcast or recorded by the device.

124 (10) A person may not intentionally publish or otherwise  
125 make available on the Internet, in a manner accessible to the  
126 general public, the images and sounds broadcast or recorded by  
127 an electronic monitoring device installed in a resident's room.

128 (11) This section does not apply to an electronic  
129 monitoring device installed by a law enforcement agency and used  
130 solely for legitimate law enforcement purposes.

131 (12) The agency may adopt rules to implement this section.

132

133 **Section 2. Section 429.265, Florida Statutes, is created**  
134 **to read:**

135 429.265 .- Electronic monitoring devices in residents'  
136 rooms.-

137 (1) As used in this section, the term:

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138 (a) "Electronic monitoring device" means a surveillance  
139 instrument with a fixed-position, non-rotatable, video camera or  
140 an audio recording device, or a combination thereof, which  
141 broadcasts or records movement or sounds occurring in the area  
142 being surveilled.

143 (b) "Representative" means a person granted a durable  
144 power of attorney under chapter 709, a guardian appointed under  
145 chapter 744, or a person designated as a health care surrogate  
146 under chapter 765 who is authorized to make health care  
147 decisions on behalf of a person.

148 (2) A resident or a resident's representative may install  
149 and use an electronic monitoring device in the resident's room  
150 in an assisted living facility if all of the following  
151 conditions are met:

152 (a) The resident or the resident's representative notifies  
153 the facility in writing using the agency form adopted pursuant  
154 to subsection (4).

155 (b) The cost of the device and the cost of installing,  
156 maintaining, and removing the device, and providing internet  
157 access for the device, not including the cost of electricity  
158 used for the device, are paid for by the resident or the  
159 resident's representative.

160 (c) If the resident is living in a room with another  
161 resident, the other resident or that resident's representative  
162 consents to the installation and use of the device in the shared

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163 room by completing the agency consent form adopted pursuant to  
164 subsection (5). The other resident or that resident's  
165 representative may revoke the consent at any time by providing  
166 notice in writing to the facility.

167 (3) (a) If a resident living in a room with another  
168 resident wishes to use an electronic monitoring device in the  
169 residents' shared room, but the other resident or his or her  
170 representative refuses to consent to the installation and use of  
171 an electronic monitoring device in the shared room, the facility  
172 must make a reasonable attempt to accommodate the resident  
173 wishing to use such device by moving that resident to another,  
174 similar, available room with the consent of such resident or his  
175 or her representative.

176 (b) If the resident wishing to use an electronic  
177 monitoring device lives in the same room as another resident,  
178 the other resident or his or her representative may place  
179 conditions on his or her consent to the use of such device,  
180 including, but not limited to, pointing the device away from the  
181 other resident or limiting or prohibiting the use of specific  
182 devices. If conditions are placed on a resident's consent in  
183 this manner, the electronic monitoring device must be installed  
184 and used in a manner consistent with such conditions as long as  
185 the resident who imposed the conditions is living in the same  
186 room. The resident or representative imposing conditions must  
187 document the conditions on the consent form adopted by the



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188 agency pursuant to subsection (5), and may change the conditions  
189 at any time by submitting a revised consent form.

190 (4) The agency shall adopt by rule a standard form for use  
191 by a resident or his or her representative to notify an assisted  
192 living facility of the intent to install and use an electronic  
193 monitoring device in the facility. This form must include:

194 (a) An explanation of this section.

195 (b) An acknowledgment that the resident or his or her  
196 representative has consented to the installation and use of the  
197 device in the resident's room.

198 (c) An acknowledgment that the resident or his or her  
199 representative will comply with conditions placed on the use of  
200 the electronic monitoring device by other residents of the room  
201 or their representatives, if any.

202 (d) A section for providing the facility with information  
203 regarding the type, function, and use of the device to be  
204 installed and used.

205 (e) A statement releasing the facility from liability in  
206 any civil or criminal action or administrative proceeding for a  
207 violation of the resident's right to privacy in connection with  
208 using the device.

209 (5) The agency shall adopt by rule a standard consent form  
210 for use by a resident living in the same room as a resident who  
211 intends to use an electronic monitoring device in the room. This  
212 form must include:

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- 213        (a) An explanation of this section.
- 214        (b) An acknowledgment that the resident or his or her  
215 representative has consented to the installation and use of the  
216 device in the resident's room.
- 217        (c) A section for listing any conditions the resident or  
218 his or her representative places on the use of the device in the  
219 room.
- 220        (d) A statement releasing the facility from liability in  
221 any civil or criminal action or administrative proceeding for a  
222 violation of the resident's right to privacy in connection with  
223 using the device.
- 224        (6) An assisted living facility may post a notice in a  
225 conspicuous location at the entrance of a resident's room having  
226 an electronic monitoring device, stating that such device is in  
227 use in that room.
- 228        (7) An assisted living facility may not deny a person  
229 admission to, or discharge a resident from, the facility or  
230 otherwise discriminate or retaliate against a resident based on  
231 his or her decision to install and use an electronic monitoring  
232 device in the resident's room at the facility. The agency shall  
233 fine an assisted living facility \$500 for each violation of this  
234 subsection.
- 235        (8) It is unlawful for a person, other than the resident  
236 and resident's representative, if any, who owns an electronic  
237 monitoring device in the resident's room in an assisted living

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238 facility, to intentionally obstruct, tamper with, or destroy the  
239 device or a recording made by the device. A person who violates  
240 this subsection commits a misdemeanor of the first degree,  
241 punishable as provided in s. 775.082 or s. 775.083.

242 (9) A person may not intentionally view or listen to the  
243 images and sounds broadcast or recorded by an electronic  
244 monitoring device installed in a resident's room, unless that  
245 person is:

246 (a) The resident;

247 (b) The resident's representative;

248 (c) Law enforcement personnel; or

249 (d) An individual authorized by the resident or the  
250 resident's representative to view or listen to the images and  
251 sounds broadcast or recorded by the device.

252 (10) A person may not intentionally publish or otherwise  
253 make available on the Internet, in a manner accessible to the  
254 general public, the images and sounds broadcast or recorded by  
255 an electronic monitoring device installed in a resident's room.

256 (11) This section does not apply to an electronic  
257 monitoring device installed by a law enforcement agency and used  
258 solely for legitimate law enforcement purposes.

259 (12) The agency may adopt rules to implement this section.

260 **Section 3.** This act shall take effect July 1, 2025.

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262 -----

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**T I T L E   A M E N D M E N T**

Remove everything before the enacting clause and insert:  
An act relating to electronic monitoring devices in long-term care facilities; creating ss. 400.025 and 429.265, F.S.; defining the terms "electronic monitoring device" and "representative"; authorizing a resident, or his or her representative, of a nursing home facility or assisted living facility, respectively, to install and use an electronic monitoring device in the resident's room if specified conditions are met; providing for notice; providing for consent of a resident living in a shared room with a resident who intends to install a device; authorizing the other resident or his or her representative to impose conditions on the consent; providing for withdrawal of consent and modification of conditions; requiring the Agency for Health Care Administration to adopt forms by rule; providing requirements for the forms; prohibiting facilities from denying admission or otherwise discriminating against a resident for installing an electronic monitoring device; providing an administrative penalty; providing a criminal penalty for unlawfully obstructing, tampering with, or destroying an electronic monitoring device or a recording made by

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288 | such device; specifying who may view or listen to  
289 | images and sounds broadcast or recorded by an  
290 | electronic monitoring device; providing applicability;  
291 | authorizing the Agency for Health Care Administration  
292 | to adopt rules; providing an effective date.