

1 A bill to be entitled
2 An act relating to electronic monitoring devices in
3 long-term care facilities; creating ss. 400.025 and
4 429.265, F.S.; defining the terms "electronic
5 monitoring device" and "representative"; authorizing a
6 resident, or his or her representative, of a nursing
7 home facility or assisted living facility,
8 respectively, to install and use an electronic
9 monitoring device in the resident's room if specified
10 conditions are met; providing for notice; providing
11 for consent of a resident living in a shared room with
12 a resident who intends to install a device;
13 authorizing the other resident or his or her
14 representative to impose conditions on the consent;
15 providing for withdrawal of consent and modification
16 of conditions; requiring the Agency for Health Care
17 Administration to adopt forms by rule; providing
18 requirements for the forms; prohibiting facilities
19 from denying admission or otherwise discriminating
20 against a resident for installing an electronic
21 monitoring device; providing an administrative
22 penalty; providing a criminal penalty for unlawfully
23 obstructing, tampering with, or destroying an
24 electronic monitoring device or a recording made by
25 such device; specifying who may view images broadcast

or recorded by an electronic monitoring device;
providing applicability; authorizing the agency to
adopt rules; providing an effective date.

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

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

400.025 Electronic monitoring devices in residents' rooms.—

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

(a) "Electronic monitoring device" means a surveillance instrument with a fixed-position, non-rotatable video camera, or a combination thereof, which broadcasts or records movement occurring in the area being surveilled. An electronic monitoring device may only broadcast and record video and may not broadcast or record audio.

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

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

51 are met:

52 (a) The resident or the resident's representative notifies
53 the facility in writing using the agency form adopted pursuant
54 to subsection (4).

55 (b) The cost of the device and the cost of installing,
56 maintaining, and removing the device, and providing Internet
57 access for the device, not including the cost of electricity
58 used for the device, are paid for by the resident or the
59 resident's representative.

60 (c) If the resident is living in a room with another
61 resident, the other resident or that resident's representative
62 consents to the installation and use of the device in the shared
63 room by completing the agency consent form adopted pursuant to
64 subsection (5). The other resident or that resident's
65 representative may revoke the consent at any time by providing
66 notice in writing to the facility.

67 (3) (a) If a resident living in a room with another
68 resident wishes to use an electronic monitoring device in the
69 shared room, but the other resident or his or her representative
70 refuses to consent to the installation and use of an electronic
71 monitoring device in the shared room, the facility must make a
72 reasonable attempt to accommodate the resident wishing to use
73 such device by moving that resident to another similar available
74 room with the consent of such resident or his or her
75 representative.

76 (b) If the resident wishing to use an electronic
77 monitoring device lives in the same room as another resident,
78 the other resident or his or her representative may place
79 conditions on his or her consent to the use of such device,
80 including, but not limited to, pointing the device away from the
81 other resident or limiting or prohibiting the use of specific
82 devices. If conditions are placed on a resident's consent in
83 this manner, the electronic monitoring device must be installed
84 and used in a manner consistent with such conditions as long as
85 the resident who imposed the conditions is living in the same
86 room. The resident or representative imposing conditions must
87 document the conditions on the consent form adopted by the
88 agency pursuant to subsection (5), and may change the conditions
89 at any time by submitting a revised consent form.

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

94 (a) An explanation of this section.

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

98 (c) An acknowledgment that the resident or his or her
99 representative will comply with conditions placed on the use of
100 the electronic monitoring device by other residents of the room

101 or their representatives, if any.

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

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

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

113 (a) An explanation of this section.

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

117 (c) A section for listing any conditions the resident or
118 his or her representative places on the use of the device in the
119 room.

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

124 (6) A nursing home facility may post a notice in a
125 conspicuous location at the entrance of a resident's room having

126 an electronic monitoring device, stating that such device is in
127 use in that room.

128 (7) A nursing home facility may not deny a person
129 admission to, or discharge a resident from, the facility or
130 otherwise discriminate or retaliate against a resident based on
131 his or her decision to install and use an electronic monitoring
132 device in the resident's room at the facility. The agency shall
133 fine a nursing home facility \$500 for each violation of this
134 subsection.

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

142 (9) A person may not intentionally view the images
143 broadcast or recorded by an electronic monitoring device
144 installed in a resident's room, unless that person is:

145 (a) The resident;

146 (b) The resident's representative;

147 (c) Law enforcement personnel; or

148 (d) An individual authorized by the resident or the
149 resident's representative to view the images broadcast or
150 recorded by the device.

151 (10) A person may not intentionally publish or otherwise
152 make available on the Internet, in a manner accessible to the
153 general public, the images broadcast or recorded by an
154 electronic monitoring device installed in a resident's room.

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

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

159 **Section 2. Section 429.265, Florida Statutes, is created**
160 **to read:**

161 429.265 Electronic monitoring devices in residents'
162 rooms.—

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

164 (a) "Electronic monitoring device" means a surveillance
165 instrument with a fixed-position, non-rotatable video camera, or
166 a combination thereof, which broadcasts or records movement
167 occurring in the area being surveilled. An electronic monitoring
168 device may only broadcast and record video and may not broadcast
169 or record audio.

170 (b) "Representative" means a person granted a durable
171 power of attorney under chapter 709, a guardian appointed under
172 chapter 744, or a person designated as a health care surrogate
173 under chapter 765 who is authorized to make health care
174 decisions on behalf of a person.

175 (2) A resident or a resident's representative may install

176 and use an electronic monitoring device in the resident's room
177 in an assisted living facility if all of the following
178 conditions are met:

179 (a) The resident or the resident's representative notifies
180 the facility in writing using the agency form adopted pursuant
181 to subsection (4).

182 (b) The cost of the device and the cost of installing,
183 maintaining, and removing the device, and providing Internet
184 access for the device, not including the cost of electricity
185 used for the device, are paid for by the resident or the
186 resident's representative.

187 (c) If the resident is living in a room with another
188 resident, the other resident or that resident's representative
189 consents to the installation and use of the device in the shared
190 room by completing the agency consent form adopted pursuant to
191 subsection (5). The other resident or that resident's
192 representative may revoke the consent at any time by providing
193 notice in writing to the facility.

194 (3) (a) If a resident living in a room with another
195 resident wishes to use an electronic monitoring device in the
196 shared room, but the other resident or his or her representative
197 refuses to consent to the installation and use of an electronic
198 monitoring device in the shared room, the facility must make a
199 reasonable attempt to accommodate the resident wishing to use
200 such device by moving that resident to another similar available

201 room with the consent of such resident or his or her
202 representative.

203 (b) If the resident wishing to use an electronic
204 monitoring device lives in the same room as another resident,
205 the other resident or his or her representative may place
206 conditions on his or her consent to the use of such device,
207 including, but not limited to, pointing the device away from the
208 other resident or limiting or prohibiting the use of specific
209 devices. If conditions are placed on a resident's consent in
210 this manner, the electronic monitoring device must be installed
211 and used in a manner consistent with such conditions as long as
212 the resident who imposed the conditions is living in the same
213 room. The resident or representative imposing conditions must
214 document the conditions on the consent form adopted by the
215 agency pursuant to subsection (5), and may change the conditions
216 at any time by submitting a revised consent form.

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

221 (a) An explanation of this section.

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

225 (c) An acknowledgment that the resident or his or her

226 representative will comply with conditions placed on the use of
227 the electronic monitoring device by other residents of the room
228 or their representatives, if any.

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

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

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

240 (a) An explanation of this section.

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

244 (c) A section for listing any conditions the resident or
245 his or her representative places on the use of the device in the
246 room.

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

251 (6) An assisted living facility may post a notice in a
252 conspicuous location at the entrance of a resident's room having
253 an electronic monitoring device, stating that such device is in
254 use in that room.

255 (7) An assisted living facility may not deny a person
256 admission to, or discharge a resident from, the facility or
257 otherwise discriminate or retaliate against a resident based on
258 his or her decision to install and use an electronic monitoring
259 device in the resident's room at the facility. The agency shall
260 fine an assisted living facility \$500 for each violation of this
261 subsection.

262 (8) It is unlawful for a person, other than the resident
263 and resident's representative, if any, who owns an electronic
264 monitoring device in the resident's room in an assisted living
265 facility, to intentionally obstruct, tamper with, or destroy the
266 device or a recording made by the device. A person who violates
267 this subsection commits a misdemeanor of the first degree,
268 punishable as provided in s. 775.082 or s. 775.083.

269 (9) A person may not intentionally view the images
270 broadcast or recorded by an electronic monitoring device
271 installed in a resident's room, unless that person is:

272 (a) The resident;

273 (b) The resident's representative;

274 (c) Law enforcement personnel; or

275 (d) An individual authorized by the resident or the

276 resident's representative to view the images broadcast or
277 recorded by the device.

278 (10) A person may not intentionally publish or otherwise
279 make available on the Internet, in a manner accessible to the
280 general public, the images broadcast or recorded by an
281 electronic monitoring device installed in a resident's room.

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

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

286 **Section 3.** This act shall take effect July 1, 2026.