

By the Committee on Declaration of Rights; and Commissioner Heuchan

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1 A proposal to create
2 a new section in Article I of the State Constitution to
3 establish certain rights for residents of assisted living
4 facilities and nursing home facilities in this state.

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6 Be It Proposed by the Constitution Revision Commission of
7 Florida:

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9 A new section is added to Article I of the State
10 Constitution to read:

11 ARTICLE I

12 DECLARATION OF RIGHTS

13 Nursing Home and Assisted Living Facility Residents' Bill
14 of Rights.-

15 (a) In addition to any other rights provided by law, the
16 residents of nursing home facilities and assisted living
17 facilities are entitled to be treated courteously, fairly, and
18 with the fullest measure of dignity by the facilities' owners,
19 operators, employees, professionals, and others who care for
20 residents at such facilities.

21 (b) The right to be treated courteously, fairly, and with
22 the fullest measure of dignity includes, but is not limited to:

23 (1) The right to adequate and appropriate health care and
24 treatment that prioritizes the residents' needs and best
25 interests.

26 (2) The right to a safe, clean, comfortable, and homelike
27 environment that protects residents from harm and includes
28 reasonable precautions to safeguard them from adverse effects
29 caused by extreme climatic conditions and natural disasters.

30 (3) The right to access courts and a jury system that
31 allows for a speedy trial and relief and remedies, without

305-00191-17

201788c1

32 limitations, for loss, injury, and damages caused to residents
33 and their families by the abuse, negligence, neglect,
34 exploitation, or violation of residents' rights by the owners,
35 operators, employees, professionals, and others who care for
36 residents at such facilities.

37 (4) The right to know and hold accountable all persons or
38 entities who either directly or indirectly own or operate the
39 facilities.

40 (5) The right that the facilities will have the financial
41 resources or liability insurance sufficient to ensure that
42 residents and their families are justly compensated for any
43 loss, injury, and damage they suffer because of abuse,
44 negligence, neglect, exploitation, or violations of residents'
45 rights by owners, operators, employees, professionals, and
46 others who care for the residents at such facilities.

47 (c) Nursing home facilities and assisted living facilities,
48 including the owners, operators, employees, professionals, and
49 others who care for residents at such facilities, may not
50 solicit, require, or ask residents to waive the rights provided
51 herein or by other laws. Nothing in this section shall be
52 construed to mean that residents are prohibited from voluntarily
53 waiving the rights provided herein or by other laws.

54 (d) Any rights granted under this section do not dissolve
55 upon the death or incapacity of a resident. Upon the death or
56 incapacity of a resident, such resident's heirs, estate, family
57 members, legal representatives, or other appropriate persons are
58 entitled to any of the rights granted under this section and as
59 may be provided by general law.

60 (e) A nursing home or assisted living facility resident may

305-00191-17

201788c1

61 not be deprived of any right on the basis of their admission to
62 or their residence in a nursing home or assisted living
63 facility.

64 (f) This section is self-executing and does not require any
65 implementing legislation or administrative rules.