



The National
CONSUMER VOICE
for Quality Long-Term Care

March 17, 2023

Senator President Kathleen Passidomo
404 S. Monroe Street, 409
Tallahassee, FL 32399-1100

Dear Senator President Passidomo:

Recently, Consumer Voice learned of dangerous legislation that is currently pending in the Florida House and Senate. HB 1029 (and its Senate companion, S 1304), poses a serious threat to Florida's vulnerable older citizens residing in long term care facilities.

National Consumer Voice for Quality Long-Term Care is a non-profit advocacy group whose mission is to advocate for public policies that support quality care and quality of life responsive to consumers' needs in all long-term care settings. We are deeply concerned about this pending legislation.

HB 1029 and S 1304 would change existing Florida law on who can bring a wrongful death lawsuit against a long-term care provider. Under the proposed legislation, a wrongful death claim could only be brought if the victim is 1) married or 2) has children younger than twenty-five years of age. Most nursing home residents are widowed or unmarried. None have children younger than twenty-five.

The law appears to give nursing homes a free pass when their poor care kills unmarried residents. This would preclude adult children, who are the typical plaintiffs in these cases, from suing a nursing home when the facility kills their parent. This would effectively block the vast majority of nursing home abuse cases from being brought, essentially immunizing Florida's nursing home industry from accountability when they harm residents.

Wrongful death lawsuits provide the only real accountability and economic deterrent to systemic nursing home negligence. Florida's own Chapter 400 states that:

400.0061 Legislative findings and intent; long-term care facilities.—

(1) The Legislature finds that conditions in long-term care facilities in this state are such that the rights, health, safety, and welfare of residents are not fully ensured by rules of the Department of Elderly Affairs or the Agency for Health Care Administration or by the good faith of owners or operators of long-term care facilities . . . The Legislature finds that concerned citizens are often more effective advocates for the rights of others than governmental agencies.

This fact is why Florida's Legislature conferred a private cause of action to families when nursing homes and assisted living facilities harm residents. In many cases, a private lawsuit brought by a family against a facility is the most effective vehicle for change, and the only real avenue of accountability.

National Consumer Voice has researched this issue, and there is no other state law that resembles this proposal. It is inhumane and unfair to suggest that Floridians stop loving their parents after they turn twenty-five. We are tremendously concerned that this law will result in increased negative outcomes for residents at Florida long-term care facilities.

We at Consumer Voice strongly urge you to remove this dangerous bill from consideration. Florida, of all states, should protect and value its senior citizen population.

Sincerely,

A handwritten signature in black ink, appearing to read "Sam Brooks", with a long horizontal flourish extending to the right.

Sam Brooks

Director of Public Policy

National Consumer Voice for Quality Long-Term Care