

Bill No. CS for SB 1408, 1st Eng.

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Brown-Waite moved the following amendment to House Amendment 1:

Senate Amendment (with title amendment)

On page 2, lines 13-18, delete those lines

and insert:

Section 5. Except as provided in ss. 400.215(2)(c) and 435.10, Florida Statutes, Federal Bureau of Investigation criminal records, juvenile records, or abuse registry information that is obtained by the Agency for Health Care Administration in connection with background screening requirements that apply to an employee or a prospective employee of a nursing facility is confidential and exempt from the provisions of s. 119.07(1), Florida Statutes, and s. 24(a), Art. I of the State Constitution. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, Florida Statutes, and shall stand repealed on October 2, 2003, unless reviewed and saved from repeal through enactment by the Legislature.

Section 6. The Legislature finds that exempting

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1 Federal Bureau of Investigation criminal records, juvenile
2 records, and abuse registry background screening information
3 related to employees and prospective employees of nursing
4 facilities from public disclosure is a public necessity, in
5 that the health and safety of the public necessitates having
6 available applicants for positions as nursing facility
7 personnel. Allowing such information concerning employees or
8 applicants to be disseminated would have a chilling effect
9 upon the willingness to apply for such positions on the part
10 of any person about whom there is information of past
11 misbehavior contained in juvenile records or criminal records
12 or in the central abuse registry, even if the person were
13 fully rehabilitated and would be a suitable employee.
14 Juvenile records and central abuse registry information are
15 otherwise already exempt.

16 Section 7. Sections 1 and 2 of this act shall take
17 effect on the effective date of CS/CS/SB 1406, or similar
18 legislation, relating to the powers of the Division of
19 Workers' Compensation of the Department of Labor and
20 Employment Security; this section and sections 3 and 4 of this
21 act shall take effect upon becoming a law; and sections 5 and
22 6 of this act shall take effect on the same date that
23 Committee Substitute for House Bills 3089 and 171 or similar
24 legislation creating the Nursing Home Facility Personnel
25 Screening Act takes effect, if such legislation is adopted in
26 the same legislative session or an extension thereof.

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29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 On page 3, line 1, after the semicolon,

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1 insert:

2 providing an exemption from public records
3 requirements for information obtained by the
4 Agency for Health Care Administration or a
5 nursing facility in connection with background
6 screening of employees and prospective
7 employees of the facility; providing for future
8 review and repeal; providing a finding of
9 public necessity;

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