

Bill No. SB 292  
Amendment No. \_\_\_\_

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Brown-Waite moved the following amendment:		
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13	<b>Senate Amendment (with title amendment)</b>		
14	On page 2, line 30 through page 3, line 3, delete those		
15	lines		
16			
17	and insert:		
18	Section 5. <u>Except as provided in ss. 400.215(2)(c) and</u>		
19	<u>435.10, Florida Statutes, Federal Bureau of Investigation</u>		
20	<u>criminal records, juvenile records, or abuse registry</u>		
21	<u>information that is obtained by the Agency for Health Care</u>		
22	<u>Administration in connection with background screening</u>		
23	<u>requirements that apply to an employee or a prospective</u>		
24	<u>employee of a nursing facility is confidential and exempt from</u>		
25	<u>the provisions of s. 119.07(1), Florida Statutes, and s.</u>		
26	<u>24(a), Art. I of the State Constitution. This section is</u>		
27	<u>subject to the Open Government Sunset Review Act of 1995 in</u>		
28	<u>accordance with s. 119.15, Florida Statutes, and shall stand</u>		
29	<u>repealed on October 2, 2003, unless reviewed and saved from</u>		
30	<u>repeal through enactment by the Legislature.</u>		
31	Section 6. <u>The Legislature finds that exempting</u>		

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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, 2, 3, and 4 of this act shall  
17 take effect on the same date that Committee Substitute for  
18 Committee Substitute for Senate Bill 294 or similar  
19 legislation creating the Home Medical Equipment Provider  
20 Licensure Act takes effect, if such legislation is adopted in  
21 the same legislative session or an extension thereof. Sections  
22 5 and 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 1, line 13, 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;  
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