

By the Committee on Elder Affairs & Long Term Care and  
Representatives Brooks, Jacobs, Argenziano, Carlton, Wiles,  
Reddick and Barreiro

1                                   A bill to be entitled  
2           An act relating to public records; providing an  
3           exemption from public records requirements for  
4           information obtained by the Agency for Health  
5           Care Administration or a nursing facility in  
6           connection with background screening of  
7           employees and prospective employees of the  
8           facility; providing for future review and  
9           repeal; providing a finding of public  
10          necessity; providing a contingent effective  
11          date.

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

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15           Section 1. Except as provided in ss. 400.215(2)(c) and  
16 435.10, Florida Statutes, criminal records, juvenile records,  
17 or abuse registry information that is obtained by the Agency  
18 for Health Care Administration in connection with background  
19 screening requirements that apply to an employee or a  
20 prospective employee of a nursing facility is confidential and  
21 exempt from the provisions of s. 119.07(1), Florida Statutes,  
22 and s. 24(a), Art. I of the State Constitution. This section  
23 is subject to the Open Government Sunset Review Act of 1995 in  
24 accordance with s. 119.15, Florida Statutes, and shall stand  
25 repealed on October 2, 2003, unless reviewed and saved from  
26 repeal through enactment by the Legislature.

27           Section 2. The Legislature finds that exempting  
28 criminal records, juvenile records, and abuse registry  
29 background screening information related to employees and  
30 prospective employees of nursing facilities from public  
31 disclosure is a public necessity, in that the health and

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

11 Section 3. This act shall take effect on the same date  
12 that Committee Substitute for House Bills 3089 and 171 or  
13 similar legislation creating the Nursing Home Facility  
14 Personnel Screening Act takes effect, if such legislation is  
15 adopted in the same legislative session or an extension  
16 thereof.

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19 HOUSE SUMMARY

20 Provides an exemption from public records requirements  
21 for information obtained by the Agency for Health Care  
22 Administration or a nursing facility in connection with  
23 background screening of employees and prospective  
employees of the facility. Provides for future review and  
repeal.

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