

By the Committees on Governmental Operations, 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, Federal Bureau of Investigation
17 criminal records, juvenile records, or abuse registry
18 information that is obtained by the Agency for Health Care
19 Administration in connection with background screening
20 requirements that apply to an employee or a prospective
21 employee of a nursing facility is confidential and exempt from
22 the provisions of s. 119.07(1), Florida Statutes, and s.
23 24(a), Art. I of the State Constitution. This section is
24 subject to the Open Government Sunset Review Act of 1995 in
25 accordance with s. 119.15, Florida Statutes, and shall stand
26 repealed on October 2, 2003, unless reviewed and saved from
27 repeal through enactment by the Legislature.
28 Section 2. The Legislature finds that exempting
29 Federal Bureau of Investigation criminal records, juvenile
30 records, and abuse registry background screening information
31 related to employees and prospective employees of nursing

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

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

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