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Bill No. HB 1993, 1st Eng.

Amendment No. \_\_\_\_ (for drafter's use only)

|   | <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
|---|---------------|----------------|--------------|
| 1 |               | .              |              |
| 2 |               | .              |              |
| 3 |               | .              |              |
| 4 |               | .              |              |

ORIGINAL STAMP BELOW

11 Representative(s) Russell and Argenziano offered the  
12 following:

14 **Amendment (with title amendment)**

15 remove from the bill: everything after the enacting clause,  
16  
17 and insert in lieu thereof:

18 Section 1. (1) There is created the Task Force on the  
19 Availability and Affordability of Long-term Care, to study  
20 issues related to the provision of long-term care to the  
21 elderly in nursing homes and alternatives to nursing homes,  
22 and to make recommendations to the Governor and the  
23 Legislature. The task force shall, at a minimum, study and  
24 make recommendations concerning the following:

25 (a) The availability of alternative housing and care  
26 settings for the elderly, including the use of rent-subsidized  
27 facilities, assisted living facilities, and adult family care  
28 homes.

29 (b) The availability of community-based care  
30 arrangements that support elderly individuals to age in place  
31 in their own homes and in alternative housing and care

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1 settings.

2 (c) The role of family members in caring for elderly  
3 relatives and ways in which quality family care can be  
4 encouraged.

5 (d) The adequacy of reimbursements for the cost of  
6 providing care to the elderly in nursing homes and in  
7 alternative housing and care settings.

8 (e) The availability and affordability of  
9 long-term-care insurance coverage and the potential for  
10 funding long-term care through such coverage.

11 (f) The role of the certificate-of-need process in the  
12 development of systems of long-term care for the elderly.

13 (g) The extent to which the quality of care in  
14 long-term-care facilities in this state is compromised because  
15 of market changes that affect the financial stability of the  
16 long-term-care industry.

17 (h) The effect of lawsuits against nursing homes and  
18 long-term care facilities on the cost of nursing home care and  
19 on the financial stability of the nursing home industry in the  
20 state.

21 (i) The kinds of incidents that lead to the filing of  
22 lawsuits and the extent to which frivolous lawsuits are filed.

23 (j) The cost of liability insurance coverage for  
24 long-term-care providers and the extent to which such costs  
25 affect the affordability of care.

26 (k) The availability of liability insurance coverage  
27 for long-term-care providers through Florida insurance  
28 companies.

29 (l) The primary causes for recent bankruptcies facing  
30 the nursing home industry.

31 (m) The additional costs to Medicaid, Medicare, and

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- 1 the family when a patient suffering from a preventable  
2 condition has to be admitted to a hospital.
- 3 (n) The ways in which other states have promoted the  
4 development of alternative and homebased care and what they  
5 have learned from these innovations.
- 6 (o) The difference between the quality of care  
7 provided by for-profit skilled nursing facilities and by  
8 not-for-profit skilled nursing facilities.
- 9 (p) An evaluation of how the quality of care in the  
10 long-term care facilities of this state compare with the  
11 quality of care in such facilities in other states.
- 12 (2) The task force shall be composed of 19 members, as  
13 follows:
- 14 (a) The Lieutenant Governor, who shall serve as chair  
15 of the task force.
- 16 (b) The Secretary of Elderly Affairs.
- 17 (c) The director of the state Medicaid program.
- 18 (d) A member of The Florida Bar, appointed by The  
19 Florida Bar.
- 20 (e) A representative of the Florida Assisted Living  
21 Association, appointed by the association.
- 22 (f) A representative of the Florida Association of  
23 Homes for the Aging, appointed by the association.
- 24 (g) A representative of the insurance industry who has  
25 experience in the insurance markets affecting long-term care,  
26 appointed by the Governor in consultation with the President  
27 of the Senate and the Speaker of the House of Representatives.
- 28 (h) A member to represent private sponsors of housing  
29 for the elderly financed through the United States Department  
30 of Housing and Urban Development, appointed by the Secretary  
31 of Elderly Affairs.

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1           (i) An investment banker who has experience in  
2 long-term-care economics, appointed by the Governor in  
3 consultation with the President of the Senate and the Speaker  
4 of the House of Representatives.

5           (j) An academic gerontologist appointed by the  
6 Chancellor of the State University System.

7           (k) A physician whose specialty is geriatrics and who  
8 is experienced in treating people with memory-related  
9 disorders, appointed by the Florida Medical Association.

10           (l) A member of a Florida chapter of the American  
11 Association of Retired Persons who has experience  
12 administering a long-term care facility, appointed by the  
13 Governor in consultation with the President of the Senate and  
14 the Speaker of the House of Representatives.

15           (m) An individual who has experience with periodic  
16 review of nursing homes and other long-term care facilities,  
17 appointed by the Attorney General.

18           (n) A representative of the Florida Health Care  
19 Association, appointed by the association.

20           (o) A local volunteer long-term care ombudsman with at  
21 least two years of experience in assisting residents of  
22 nursing homes and assisted living facilities, appointed by the  
23 State Long-term Care Ombudsman.

24           (p) Two consumer representatives, one appointed by the  
25 President of the Senate and one appointed by the Speaker of  
26 the House of Representatives.

27           (q) Two members of the Legislature, one appointed by  
28 the President of the Senate and one appointed by the Speaker  
29 of the House of Representatives.

30           (3) The task force shall conduct research, hold public  
31 meetings, receive testimony, employ consultants, and undertake

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1 other activities determined by its members to be necessary to  
2 complete its responsibilities.

3 (4) The members of the task force may not delegate  
4 their attendance or voting power to designees.

5 (5) The task force shall be located at the University  
6 of South Florida for administrative purposes. The Florida  
7 Policy Exchange Center on Aging at the University of South  
8 Florida shall provide staff and support services to the task  
9 force. Members of the task force shall serve without  
10 compensation, but are entitled to receive reimbursement for  
11 travel and per diem as provided in section 112.061, Florida  
12 Statutes.

13 (6) The appointments to the task force must be  
14 completed within 30 days after the effective date of this act,  
15 and the task force must hold its initial meeting within 45  
16 days after the effective date of this act. The task force  
17 shall submit a report containing its recommendations by  
18 January 1, 2001, to the Governor, the President of the Senate,  
19 and the Speaker of the House of Representatives. The  
20 recommendations of the task force must include proposed  
21 legislation. The task force shall expire on March 1, 2001.

22 Section 2. For the 2000-2001 fiscal year, the  
23 nonrecurring sum of \$200,000 is appropriated from the General  
24 Revenue Fund to the University of South Florida for the  
25 purposes of implementing this act.

26 Section 3. Subsection (3) of section 400.6065, Florida  
27 Statutes, is amended, and subsections (4) through (8) are  
28 added to said section, to read:

29 400.6065 Background screening.--

30 (3) The agency may grant a provisional license to a  
31 hospice applying for an initial license when each individual

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1 required by this section to undergo screening has completed  
2 the ~~abuse registry and~~ Department of Law Enforcement  
3 background check checks, but has not yet received results from  
4 the Federal Bureau of Investigation.

5 (4) The agency shall require employment or contractor  
6 screening as provided in chapter 435, using the level 1  
7 standards for screening set forth in that chapter, for hospice  
8 personnel.

9 (5) The agency may grant exemptions from  
10 disqualification from employment under this section as  
11 provided in s. 435.07.

12 (6) The administration of each hospice must sign an  
13 affidavit annually, under penalty of perjury, stating that all  
14 personnel employed or contracted with on or after October 1,  
15 1998, who provide hospice services in a facility, or who enter  
16 the home of a patient in their service capacity, have been  
17 screened.

18 (7) Proof of compliance with the screening  
19 requirements of chapter 435 shall be accepted in lieu of the  
20 requirements of this section if the person has been  
21 continuously employed or registered without a breach in  
22 service that exceeds 180 days, the proof of compliance is not  
23 more than 2 years old, and the person has been screened, at  
24 the discretion of the hospice.

25 (8)(a) It is a misdemeanor of the first degree,  
26 punishable under s. 775.082 or s. 775.083, for any person  
27 willfully, knowingly, or intentionally to:

28 1. Fail, by false statement, misrepresentation,  
29 impersonation, or other fraudulent means, to disclose in any  
30 application for voluntary or paid employment a material fact  
31 used in making a determination as to such person's

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1 qualifications to be employed or contracted with under this  
2 section;

3 2. Operate or attempt to operate an entity licensed  
4 under this part with persons who do not meet the minimum  
5 standards for good moral character as contained in this  
6 section; or

7 3. Use information from the criminal records obtained  
8 under this section for any purpose other than screening as  
9 specified in this section, or release such information to any  
10 other person for any purpose other than screening under this  
11 section.

12 (b) It is a felony of the third degree, punishable  
13 under s. 775.082, s. 775.083, or s. 775.084, for any person  
14 willfully, knowingly, or intentionally to use information from  
15 the juvenile records of a person obtained under this section  
16 for any purpose other than screening for employment under this  
17 section.

18 Section 4. Part XII of chapter 400, Florida Statutes,  
19 consisting of s. 400.980, Florida Statutes, is created,  
20 entitled "Health Care Services Pools."

21 Section 5. Section 402.48, Florida Statutes, is  
22 renumbered as section 400.980, Florida Statutes, and amended  
23 to read:

24 400.980~~402.48~~ Health care services pools.--

25 (1) As used in this section, the term:

26 (a) "Agency" means the Agency for Health Care  
27 Administration.~~"Department" means the Department of Health.~~

28 (b) "Health care services pool" means any person,  
29 firm, corporation, partnership, or association engaged for  
30 hire in the business of providing temporary employment in  
31 health care facilities, residential facilities, and agencies

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1 for licensed, certified, or trained health care personnel  
2 including, without limitation, nursing assistants, nurses'  
3 aides, and orderlies. However, the term does not include  
4 nursing registries, a facility licensed under chapter 400, a  
5 health care services pool established within a health care  
6 facility to provide services only within the confines of such  
7 facility, or any individual contractor directly providing  
8 temporary services to a health care facility without use or  
9 benefit of a contracting agent.

10 (2) Each person who operates a health care services  
11 pool must register each separate business location with the  
12 agency department. The agency department shall adopt rules  
13 and provide forms required for such registration and shall  
14 impose a registration fee in an amount sufficient to cover the  
15 cost of administering this section. In addition, the  
16 registrant must provide the agency department with any change  
17 of information contained on the original registration  
18 application within 14 days prior to ~~after~~ the change. The  
19 agency department may inspect the offices of any health care  
20 services pool at any reasonable time for the purpose of  
21 determining compliance with this section or the rules adopted  
22 under this section.

23 (3) Each application for registration must include:

24 (a) The name and address of any person who has an  
25 ownership interest in the business, and, in the case of a  
26 corporate owner, copies of the articles of incorporation,  
27 bylaws, and names and addresses of all officers and directors  
28 of the corporation.

29 (b) Any other information required by the agency  
30 department.

31 (4) Each applicant for registration must comply with



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1 the following requirements:

2 (a) Upon receipt of a completed, signed, and dated  
3 application, the agency shall require background screening, in  
4 accordance with the level 1 standards for screening set forth  
5 in chapter 435, of every individual who will have contact with  
6 patients. The agency shall require background screening of the  
7 managing employee or other similarly titled individual who is  
8 responsible for the operation of the entity, and of the  
9 financial officer or other similarly titled individual who is  
10 responsible for the financial operation of the entity,  
11 including billings for services in accordance with the level 2  
12 standards for background screening as set forth in chapter  
13 435.

14 (b) The agency may require background screening of any  
15 other individual who is affiliated with the applicant if the  
16 agency has a reasonable basis for believing that he or she has  
17 been convicted of a crime or has committed any other offense  
18 prohibited under the level 2 standards for screening set forth  
19 in chapter 435.

20 (c) Proof of compliance with the level 2 background  
21 screening requirements of chapter 435 which has been submitted  
22 within the previous 5 years in compliance with any other  
23 health care or assisted living licensure requirements of this  
24 state is acceptable in fulfillment of paragraph (a).

25 (d) A provisional registration may be granted to an  
26 applicant when each individual required by this section to  
27 undergo background screening has met the standards for the  
28 Department of Law Enforcement background check but the agency  
29 has not yet received background screening results from the  
30 Federal Bureau of Investigation. A standard registration may  
31 be granted to the applicant upon the agency's receipt of a

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1 report of the results of the Federal Bureau of Investigation  
2 background screening for each individual required by this  
3 section to undergo background screening which confirms that  
4 all standards have been met, or upon the granting of a  
5 disqualification exemption by the agency as set forth in  
6 chapter 435. Any other person who is required to undergo level  
7 2 background screening may serve in his or her capacity  
8 pending the agency's receipt of the report from the Federal  
9 Bureau of Investigation. However, the person may not continue  
10 to serve if the report indicates any violation of background  
11 screening standards and if a disqualification exemption has  
12 not been requested of and granted by the agency as set forth  
13 in chapter 435.

14 (e) Each applicant must submit to the agency, with its  
15 application, a description and explanation of any exclusions,  
16 permanent suspensions, or terminations of the applicant from  
17 the Medicare or Medicaid programs. Proof of compliance with  
18 the requirements for disclosure of ownership and controlling  
19 interests under the Medicaid or Medicare programs may be  
20 accepted in lieu of this submission.

21 (f) Each applicant must submit to the agency a  
22 description and explanation of any conviction of an offense  
23 prohibited under the level 2 standards of chapter 435 which  
24 was committed by a member of the board of directors of the  
25 applicant, its officers, or any individual owning 5 percent or  
26 more of the applicant. This requirement does not apply to a  
27 director of a not-for-profit corporation or organization who  
28 serves solely in a voluntary capacity for the corporation or  
29 organization, does not regularly take part in the day-to-day  
30 operational decisions of the corporation or organization,  
31 receives no remuneration for his or her services on the

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1 corporation's or organization's board of directors, and has no  
2 financial interest and no family members having a financial  
3 interest in the corporation or organization, if the director  
4 and the not-for-profit corporation or organization include in  
5 the application a statement affirming that the director's  
6 relationship to the corporation satisfies the requirements of  
7 this paragraph.

8 (g) A registration may not be granted to an applicant  
9 if the applicant or managing employee has been found guilty  
10 of, regardless of adjudication, or has entered a plea of nolo  
11 contendere or guilty to, any offense prohibited under the  
12 level 2 standards for screening set forth in chapter 435,  
13 unless an exemption from disqualification has been granted by  
14 the agency as set forth in chapter 435.

15 (h) The provisions of this section which require an  
16 applicant for registration to undergo background screening  
17 shall stand repealed on June 30, 2001, unless reviewed and  
18 saved from repeal through reenactment by the Legislature.

19 (i) Failure to provide all required documentation  
20 within 30 days after a written request from the agency will  
21 result in denial of the application for registration.

22 (j) The agency must take final action on an  
23 application for registration within 60 days after receipt of  
24 all required documentation.

25 (k) The agency may deny, revoke, or suspend the  
26 registration of any applicant or registrant who:

27 1. Has falsely represented a material fact in the  
28 application required by paragraph (e) or paragraph (f), or has  
29 omitted any material fact from the application required by  
30 paragraph (e) or paragraph (f); or

31 2. Has had prior action taken against the applicant

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1 under the Medicaid or Medicare program as set forth in  
2 paragraph (e).

3 3. Fails to comply with this section or applicable  
4 rules.

5 4. Commits an intentional, reckless, or negligent act  
6 that materially affects the health or safety of a person  
7 receiving services.

8 (5) It is a misdemeanor of the first degree,  
9 punishable under s. 775.082 or s. 775.083, for any person  
10 willfully, knowingly, or intentionally to:

11 (a) Fail, by false statement, misrepresentation,  
12 impersonation, or other fraudulent means, to disclose in any  
13 application for voluntary or paid employment a material fact  
14 used in making a determination as to an applicant's  
15 qualifications to be a contractor under this section;

16 (b) Operate or attempt to operate an entity registered  
17 under this part with persons who do not meet the minimum  
18 standards of chapter 435 as contained in this section; or

19 (c) Use information from the criminal records obtained  
20 under this section for any purpose other than screening an  
21 applicant for temporary employment as specified in this  
22 section, or release such information to any other person for  
23 any purpose other than screening for employment under this  
24 section.

25 (6) It is a felony of the third degree, punishable  
26 under s. 775.082, s. 775.083, or s. 775.084, for any person  
27 willfully, knowingly, or intentionally to use information from  
28 the juvenile records of a person obtained under this section  
29 for any purpose other than screening for employment under this  
30 section.

31 (7) It is unlawful for a person to offer or advertise

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1 services, as defined by rule, to the public without obtaining  
2 a certificate of registration from the Agency for Health Care  
3 Administration. It is unlawful for any holder of a certificate  
4 of registration to advertise or hold out to the public that he  
5 or she holds a certificate of registration for other than that  
6 for which he or she actually holds a certificate of  
7 registration. Any person who violates this subsection is  
8 subject to injunctive proceedings under s. 400.515.

9 (8)(4) Each registration shall be for a period of 2  
10 years. The application for renewal must be received by the  
11 agency department at least 30 ~~20~~ days before the expiration  
12 date of the registration. An application for a new  
13 registration is required within 30 days prior to ~~upon~~ the sale  
14 of a controlling interest in a health care services pool.

15 (9)(5) A health care services pool may not require an  
16 employee to recruit new employees from persons employed at a  
17 health care facility to which the health care services pool  
18 employee is assigned. Nor shall a health care facility to  
19 which employees of a health care services pool are assigned  
20 recruit new employees from the health care services pool.

21 (10)(6) A health care services pool shall document  
22 that each temporary employee provided to a health care  
23 facility ~~is licensed and~~ has met the licensing, certification,  
24 training, or ~~and~~ continuing education requirements, as  
25 established by the appropriate regulatory agency, for the  
26 position in which he or she will be working.

27 (11)(7) When referring persons for temporary  
28 employment in health care facilities, a health care services  
29 pool shall comply with all pertinent state and federal laws,  
30 rules, and regulations ~~of the appropriate regulatory agency~~  
31 relating to health, background screening, and other

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1 qualifications required of persons working in a facility of  
2 that type of personnel employed in health care facilities.

3 (12)(8)(a) As a condition of registration and prior to  
4 the issuance or renewal of a certificate of registration, a  
5 health care services pool applicant must prove financial  
6 responsibility to pay claims, and costs ancillary thereto,  
7 arising out of the rendering of services or failure to render  
8 services by the pool or by its employees in the course of  
9 their employment with the pool. The agency department shall  
10 promulgate rules establishing minimum financial responsibility  
11 coverage amounts which shall be adequate to pay potential  
12 claims and costs ancillary thereto.

13 (b) Each health care services pool shall give written  
14 notification to the agency department within 20 days after any  
15 change in the method of assuring financial responsibility or  
16 upon cancellation or nonrenewal of professional liability  
17 insurance. Unless the pool demonstrates that it is otherwise  
18 in compliance with the requirements of this section, the  
19 agency department shall suspend the registration license of  
20 the pool pursuant to ss. 120.569 and 120.57. Any suspension  
21 under this section shall remain in effect until the pool  
22 demonstrates compliance with the requirements of this section.

23 (c) Proof of financial responsibility must be  
24 demonstrated to the satisfaction of the agency department,  
25 through one of the following methods:

26 1. Establishing and maintaining an escrow account  
27 consisting of cash or assets eligible for deposit in  
28 accordance with s. 625.52;

29 2. Obtaining and maintaining an unexpired irrevocable  
30 letter of credit established pursuant to chapter 675. Such  
31 letters of credit shall be nontransferable and nonassignable

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1 and shall be issued by any bank or savings association  
2 organized and existing under the laws of this state or any  
3 bank or savings association organized under the laws of the  
4 United States that has its principal place of business in this  
5 state or has a branch office which is authorized under the  
6 laws of this state or of the United States to receive deposits  
7 in this state; or

8           3. Obtaining and maintaining professional liability  
9 coverage from one of the following:

10           a. An authorized insurer as defined under s. 624.09;  
11           b. An eligible surplus lines insurer as defined under  
12 s. 626.918(2);

13           c. A risk retention group or purchasing group as  
14 defined under s. 627.942; or

15           d. A plan of self-insurance as provided in s. 627.357.

16           (d) If financial responsibility requirements are met  
17 by maintaining an escrow account or letter of credit, as  
18 provided in this section, upon the entry of an adverse final  
19 judgment arising from a medical malpractice arbitration award  
20 from a claim of medical malpractice either in contract or  
21 tort, or from noncompliance with the terms of a settlement  
22 agreement arising from a claim of medical malpractice either  
23 in contract or tort, the financial institution holding the  
24 escrow account or the letter of credit shall pay directly to  
25 the claimant the entire amount of the judgment together with  
26 all accrued interest or the amount maintained in the escrow  
27 account or letter of credit as required by this section,  
28 whichever is less, within 60 days after the date such judgment  
29 became final and subject to execution, unless otherwise  
30 mutually agreed to in writing by the parties. If timely  
31 payment is not made, the agency department shall suspend the

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1 registration license of the pool pursuant to procedures set  
2 forth by the department through rule. Nothing in this  
3 paragraph shall abrogate a judgment debtor's obligation to  
4 satisfy the entire amount of any judgment.

5 (e) Each health care services pool carrying  
6 claims-made coverage must demonstrate proof of extended  
7 reporting coverage through either tail or nose coverage, in  
8 the event the policy is canceled, replaced, or not renewed.  
9 Such extended coverage shall provide coverage for incidents  
10 that occurred during the claims-made policy period but were  
11 reported after the policy period.

12 (f) The financial responsibility requirements of this  
13 section shall apply to claims for incidents that occur on or  
14 after January 1, 1991, or the initial date of registration in  
15 this state, whichever is later.

16 (g) Meeting the financial responsibility requirements  
17 of this section must be established at the time of issuance or  
18 renewal of a certificate of registration.

19 ~~(13)(9)~~ The agency department shall adopt rules to  
20 implement this section, including rules providing for the  
21 establishment of:

22 (a) Minimum standards for the operation and  
23 administration of health care personnel pools, including  
24 procedures for recordkeeping and personnel.

25 (b) Fines for the violation of this section in an  
26 amount not to exceed \$2,500~~\$1,000~~ and suspension or  
27 revocation of registration.

28 (c) Disciplinary sanctions for failure to comply with  
29 this section or the rules adopted under this section.

30 Section 6. All powers, duties and functions, rules,  
31 records, personnel, property, and unexpended balances of



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1 appropriations, allocations, or other funds of the Department  
 2 of Health relating to the regulation of health care services  
 3 pools are transferred by a type two transfer, as defined in s.  
 4 20.06(2), Florida Statutes, from the Department of Health to  
 5 the Agency for Health Care Administration.

6 Section 7. Section 415.102, Florida Statutes, is  
 7 amended to read:

8 415.102 Definitions of terms used in ss.  
 9 415.101-415.113.--As used in ss. 415.101-415.113, the term:

10 (1) "Abuse" means any willful act or threatened act  
 11 that causes or is likely to cause significant impairment to a  
 12 vulnerable adult's physical, mental, or emotional health.

13 ~~Abuse includes acts and omissions. "Abuse" means the~~  
 14 ~~nonaccidental infliction of physical or psychological injury~~  
 15 ~~or sexual abuse upon a disabled adult or an elderly person by~~  
 16 ~~a relative, caregiver, or household member, or an action by~~  
 17 ~~any of those persons which could reasonably be expected to~~  
 18 ~~result in physical or psychological injury, or sexual abuse of~~  
 19 ~~a disabled adult or an elderly person by any person. "Abuse"~~  
 20 ~~also means the active encouragement of any person by a~~  
 21 ~~relative, caregiver, or household member to commit an act that~~  
 22 ~~inflicts or could reasonably be expected to result in physical~~  
 23 ~~or psychological injury to a disabled adult or an elderly~~  
 24 ~~person.~~

25 (2) "Alleged perpetrator" means a person who has been  
 26 named by a reporter as the person responsible for abusing,  
 27 neglecting, or exploiting a vulnerable disabled adult or an  
 28 elderly person. ~~"Alleged perpetrator" also means a person who~~  
 29 ~~has been named by an adult protective investigator, in a~~  
 30 ~~report that has been classified as proposed confirmed, as the~~  
 31 ~~person responsible for abusing, neglecting, or exploiting a~~

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1 ~~disabled adult or an elderly person.~~

2           (3) "Capacity to consent" means that a vulnerable  
3 ~~disabled adult or elderly person~~ has sufficient understanding  
4 to make and communicate responsible decisions regarding the  
5 vulnerable disabled adult's ~~or elderly person's~~ person or  
6 property, including whether or not to accept protective  
7 services offered by the department.

8           (4) "Caregiver" means a person who has been entrusted  
9 with or has assumed the responsibility for frequent and  
10 regular care of or services to a vulnerable disabled adult ~~or~~  
11 ~~an elderly person~~ on a temporary or permanent basis and who  
12 has a commitment, agreement, or understanding with that person  
13 or that person's guardian that a caregiver role exists.

14 "Caregiver" includes, but is not limited to, relatives,  
15 household members, guardians, neighbors, and employees and  
16 volunteers of facilities as defined in subsection (8) ~~(13)~~.  
17 For the purpose of departmental investigative jurisdiction,  
18 the term "caregiver" does not include law enforcement officers  
19 or employees of municipal or county detention facilities or  
20 the Department of Corrections while acting in an official  
21 capacity.

22           ~~(5) "Closed without classification" means the closure~~  
23 ~~of a report in which an adult protective investigator~~  
24 ~~determines that:~~

25           ~~(a) Some evidence exists that abuse, neglect, or~~  
26 ~~exploitation has occurred, but a preponderance of evidence~~  
27 ~~cannot be established; or~~

28           ~~(b) A preponderance of the evidence exists that abuse,~~  
29 ~~neglect, or exploitation has occurred, but no perpetrator can~~  
30 ~~be identified.~~

31           ~~(6) "Confirmed report" means a proposed confirmed~~

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1 ~~report that has been determined to be valid after a hearing~~  
2 ~~under s. 415.1075(2), a proposed confirmed report for which~~  
3 ~~the alleged perpetrator has failed to request amendment or~~  
4 ~~expunction within the time allotted for such a request under~~  
5 ~~s. 415.1075(1), or a proposed confirmed report for which the~~  
6 ~~alleged perpetrator has failed to request an administrative~~  
7 ~~hearing within the time allotted by s. 415.1075(2).~~

8 ~~(7) "Criminal justice agency" means any court, any law~~  
9 ~~enforcement agency, or any government agency or subunit~~  
10 ~~thereof as defined under s. 943.045(10).~~

11 ~~(5)(8) "Deception" means a misrepresentation or~~  
12 ~~concealment of a material fact relating to services rendered,~~  
13 ~~disposition of property, or the use of property intended to~~  
14 ~~benefit a vulnerable disabled adult or an elderly person.~~

15 ~~(6)(9) "Department" means the Department of Children~~  
16 ~~and Family Services.~~

17 ~~(10) "Disabled adult" means a person 18 years of age~~  
18 ~~or older who suffers from a condition of physical or mental~~  
19 ~~incapacitation due to a developmental disability, organic~~  
20 ~~brain damage, or mental illness, or who has one or more~~  
21 ~~physical or mental limitations that substantially restrict the~~  
22 ~~ability to perform the normal activities of daily living.~~

23 ~~(11) "Disabled adult in need of services" means a~~  
24 ~~disabled adult who has been determined by an adult protective~~  
25 ~~services investigator to be suffering from the ill effects of~~  
26 ~~neglect not caused by a second party perpetrator and is in~~  
27 ~~need of protective services or other services to prevent~~  
28 ~~further harm.~~

29 ~~(12) "Elderly person" means a person 60 years of age~~  
30 ~~or older who is suffering from the infirmities of aging as~~  
31 ~~manifested by advanced age or organic brain damage, or other~~

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1 ~~physical, mental, or emotional dysfunctioning to the extent~~  
2 ~~that the ability of the person to provide adequately for the~~  
3 ~~person's own care or protection is impaired.~~

4 ~~(13) "Elderly person in need of services" means an~~  
5 ~~elderly person who has been determined by an adult protective~~  
6 ~~services investigator to be suffering from the ill effects of~~  
7 ~~neglect not caused by a second party perpetrator and is in~~  
8 ~~need of protective services or other services to prevent~~  
9 ~~further harm.~~

10 ~~(7)(14)(a)~~ "Exploitation" means a person who:

11 1. Stands in a position of trust and confidence with a  
12 vulnerable disabled adult ~~or an elderly person~~ and knowingly,  
13 by deception or intimidation, obtains or uses, or endeavors to  
14 obtain or use, a vulnerable disabled adult's ~~or an elderly~~  
15 ~~person's~~ funds, assets, or property with the intent to  
16 temporarily or permanently deprive a vulnerable disabled adult  
17 ~~or an elderly person~~ of the use, benefit, or possession of the  
18 funds, assets, or property for the benefit of someone other  
19 than the vulnerable disabled adult ~~or elderly person~~; or

20 2. Knows or should know that the vulnerable disabled  
21 ~~adult or elderly person~~ lacks the capacity to consent, and  
22 obtains or uses, or endeavors to obtain or use, the vulnerable  
23 ~~disabled~~ adult's ~~or elderly person's~~ funds, assets, or  
24 property with the intent to temporarily or permanently deprive  
25 the vulnerable disabled adult ~~or elderly person~~ of the use,  
26 benefit, or possession of the funds, assets, or property for  
27 the benefit of someone other than the vulnerable disabled  
28 ~~adult or elderly person~~.

29 (b) "Exploitation" may include, but is not limited to:

30 1. Breaches of fiduciary relationships, such as the  
31 misuse of a power of attorney or the abuse of guardianship

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1 duties, resulting in the unauthorized appropriation, sale, or  
2 transfer of property;

3 2. Unauthorized taking of personal assets;

4 3. Misappropriation, misuse, or transfer of moneys  
5 belonging to a vulnerable disabled adult ~~or elderly person~~  
6 from a personal or joint account; or

7 4. Intentional or negligent failure to effectively use  
8 a vulnerable disabled adult's ~~or elderly person's~~ income and  
9 assets for the necessities required for that person's support  
10 and maintenance.

11 ~~(8)(15)~~ "Facility" means any location providing day or  
12 residential care or treatment for vulnerable disabled adults  
13 ~~or elderly persons~~. The term "facility" may include, but is  
14 not limited to, any hospital, ~~training center~~, state  
15 institution, nursing home, assisted living facility, adult  
16 family-care home, adult day care center, group home, or mental  
17 health treatment center.

18 ~~(9)(16)~~ "False report" means a report of abuse,  
19 neglect, or exploitation of a vulnerable disabled adult ~~or an~~  
20 ~~elderly person~~ to the central abuse hotline registry and  
21 ~~tracking system~~ which is not true unfounded and is maliciously  
22 made for the purpose of:

23 (a) Harassing, embarrassing, or harming another  
24 person;

25 (b) Personal financial gain for the reporting person;

26 (c) Acquiring custody of a vulnerable disabled adult  
27 ~~or an elderly person~~; or

28 (d) Personal benefit for the reporting person in any  
29 other private dispute involving a vulnerable disabled adult ~~or~~  
30 ~~an elderly person~~.

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1 The term "false report" does not include a report of abuse,  
 2 neglect, or exploitation of a vulnerable disabled adult ~~or an~~  
 3 ~~elderly person~~ which is made in good faith to the central  
 4 abuse hotline registry and tracking system and which is  
 5 ~~classified as unfounded at the conclusion of the~~  
 6 ~~investigation.~~

7 (10)~~(17)~~ "Fiduciary relationship" means a relationship  
 8 based upon the trust and confidence of the vulnerable disabled  
 9 adult ~~or elderly person~~ in the caregiver, relative, household  
 10 member, or other person entrusted with the use or management  
 11 of the property or assets of the vulnerable disabled adult ~~or~~  
 12 ~~elderly person~~. The relationship exists where there is a  
 13 special confidence reposed in one who in equity and good  
 14 conscience is bound to act in good faith and with due regard  
 15 to the interests of the vulnerable disabled adult ~~or elderly~~  
 16 ~~person~~. For the purposes of this part, a fiduciary  
 17 relationship may be formed by an informal agreement between  
 18 the vulnerable disabled adult ~~or elderly person~~ and the other  
 19 person and does not require a formal declaration or court  
 20 order for its existence. A fiduciary relationship includes,  
 21 but is not limited to, court-appointed or voluntary guardians,  
 22 trustees, attorneys, or conservators of a vulnerable disabled  
 23 adult's ~~or an elderly person's~~ assets or property.

24 (11)~~(18)~~ "Guardian" means a person who has been  
 25 appointed by a court to act on behalf of a person; a preneed  
 26 guardian, as provided in chapter 744; or a health care  
 27 surrogate expressly designated ~~by a principal to make health~~  
 28 ~~care decisions on behalf of the principal upon the principal's~~  
 29 ~~incapacity~~, as provided in chapter 765.

30 (12)~~(19)~~ "In-home services" means the provision of  
 31 nursing, personal care, supervision, or other services to

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1 vulnerable disabled adults ~~or elderly persons~~ in their own  
2 homes.

3 (13)~~(20)~~ "Intimidation" means the communication by  
4 word or act to a vulnerable disabled adult ~~or an elderly~~  
5 ~~person~~ that that person will be deprived of food, nutrition,  
6 clothing, shelter, supervision, medicine, medical services,  
7 money, or financial support or will suffer physical violence.

8 (14)~~(21)~~ "Lacks capacity to consent" means a mental  
9 impairment that causes a vulnerable disabled adult ~~or an~~  
10 ~~elderly person~~ to lack sufficient understanding or capacity to  
11 make or communicate responsible decisions concerning ~~the~~  
12 ~~disabled adult's or elderly person's~~ person or property,  
13 including whether or not to accept protective services ~~offered~~  
14 ~~by the department~~.

15 (15)~~(22)~~ "Neglect" means the failure or omission on  
16 the part of the caregiver ~~or disabled adult or elderly person~~  
17 to provide the care, supervision, and services necessary to  
18 maintain the physical and mental health of the vulnerable  
19 disabled adult ~~or elderly person~~, including, but not limited  
20 to, food, clothing, medicine, shelter, supervision, and  
21 medical services, that a prudent person would consider  
22 essential for the well-being of a vulnerable disabled adult ~~or~~  
23 ~~an elderly person~~. The term "neglect" also means the failure  
24 of a caregiver to make a reasonable effort to protect a  
25 vulnerable disabled adult ~~or an elderly person~~ from abuse,  
26 neglect, or exploitation by others. "Neglect" is repeated  
27 conduct or a single incident of carelessness which produces or  
28 could reasonably be expected to result in serious physical or  
29 psychological injury or a substantial risk of death.

30 ~~(23)~~ ~~"No jurisdiction" means the disposition of a~~  
31 ~~report that the department does not investigate because the~~

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1 ~~report does not meet the criteria specified in ss.~~  
2 ~~415.101-415.113.~~

3       (16)(24) "Obtains or uses" means any manner of:  
4       (a) Taking or exercising control over property; ~~or~~  
5       (b) Making any use, disposition, or transfer of  
6 property;~~-~~  
7       (c) Obtaining property by fraud, willful  
8 misrepresentation of a future act, or false promise; or  
9       (d)1. Conduct otherwise known as stealing; larceny;  
10 purloining; abstracting; embezzlement; misapplication;  
11 misappropriation; conversion; or obtaining money or property  
12 by false pretenses, fraud, or deception; or  
13       2. Other conduct similar in nature.

14       ~~(25) "Perpetrator" means the person who has been named~~  
15 ~~as causing abuse, neglect, or exploitation of a disabled adult~~  
16 ~~or an elderly person in a report that has been classified as~~  
17 ~~confirmed.~~

18       (17)(26) "Position of trust and confidence" with  
19 respect to a vulnerable disabled adult or an elderly person  
20 means the position of a person who:  
21       (a) Is a parent, spouse, adult child, or other  
22 relative by blood or marriage ~~of the disabled adult or elderly~~  
23 ~~person;~~  
24       (b) Is a joint tenant or tenant in common ~~with the~~  
25 ~~disabled adult or elderly person;~~  
26       (c) Has a legal or fiduciary relationship ~~with the~~  
27 ~~disabled adult or elderly person~~, including, but not limited  
28 to, a court-appointed or voluntary guardian, trustee,  
29 attorney, or conservator; or  
30       (d) Is a caregiver ~~of the disabled adult or elderly~~  
31 ~~person~~ or any other person who has been entrusted with or has



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1 assumed responsibility for the use or management of the  
 2 vulnerable elderly person's or disabled adult's funds, assets,  
 3 or property.

4 (18) "Protective investigation" means acceptance of a  
 5 report from the central abuse hotline alleging abuse, neglect,  
 6 or exploitation as defined in this section; investigation of  
 7 the report; determination as to whether action by the court is  
 8 warranted; and referral of the vulnerable adult to another  
 9 public or private agency when appropriate.

10 ~~(27) "Property" means anything of value, and includes:~~

11 ~~(a) Real property, including things growing on,~~  
 12 ~~affixed to, and found in land.~~

13 ~~(b) Tangible personal property, including, but not~~  
 14 ~~limited to, furniture, jewelry, or clothing and intangible~~  
 15 ~~personal property, including rights, privileges, interests,~~  
 16 ~~and claims.~~

17 ~~(28) "Proposed confirmed report" means a report of~~  
 18 ~~abuse, neglect, or exploitation which is made pursuant to s.~~  
 19 ~~415.1034 when an adult protective investigation alleges that~~  
 20 ~~there is a preponderance of evidence that abuse, neglect, or~~  
 21 ~~exploitation occurred and which identifies the alleged~~  
 22 ~~perpetrator.~~

23 (19)~~(29)~~ "Protective investigator" means an authorized  
 24 agent of the department who receives and investigates reports  
 25 of abuse, neglect, or exploitation of vulnerable adults.

26 ~~"Protective investigator" means an employee of the department~~  
 27 ~~responsible for:~~

28 ~~(a) The onsite investigation, classification, and~~  
 29 ~~disposition of all reports alleging abuse, neglect, or~~  
 30 ~~exploitation of a disabled adult or an elderly person;~~

31 ~~(b) The determination of immediate risk to a disabled~~

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1 ~~adult or an elderly person, which determination must include~~  
2 ~~the provision of emergency services and the arrangement for~~  
3 ~~immediate in-home and nonemergency services to prevent the~~  
4 ~~recurrence of further abuse, neglect, or exploitation; and~~

5 ~~(c) The evaluation of the need for and referrals to~~  
6 ~~ongoing protective services for a disabled adult or an elderly~~  
7 ~~person.~~

8 ~~(20)(30) "Protective services" means the provision or~~  
9 ~~arrangement of services to protect a vulnerable disabled adult~~  
10 ~~or an elderly person from further occurrences of abuse,~~  
11 ~~neglect, or exploitation. Such services may include, but are~~  
12 ~~not limited to, protective supervision, placement, and in-home~~  
13 ~~and community-based services.~~

14 ~~(21)(31) "Protective supervision" means those services~~  
15 ~~arranged for or implemented by the department to protect~~  
16 ~~vulnerable disabled adults or elderly persons from further~~  
17 ~~occurrences of abuse, neglect, or exploitation during an~~  
18 ~~investigation or following a report that has been classified~~  
19 ~~as proposed confirmed or confirmed, or has been closed without~~  
20 ~~classification.~~

21 ~~(22)(32) "Psychological injury" means an injury to the~~  
22 ~~intellectual functioning or emotional state of a vulnerable~~  
23 ~~disabled adult or an elderly person as evidenced by an~~  
24 ~~observable or measurable reduction in the vulnerable disabled~~  
25 ~~adult's or elderly person's ability to function within that~~  
26 ~~person's customary range of performance and that person's~~  
27 ~~behavior.~~

28 ~~(23)(33) "Records" means all documents, papers,~~  
29 ~~letters, maps, books, tapes, photographs, films, sound~~  
30 ~~recordings, videotapes, or other material, regardless of~~  
31 ~~physical form or characteristics, made or received pursuant to~~

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1 a ~~an~~ adult protective investigation.

2 ~~(24)(34)~~ "Sexual abuse" means acts of a sexual nature  
 3 committed ~~for the sexual gratification of the abuser and in~~  
 4 the presence of a vulnerable disabled adult ~~or an elderly~~  
 5 ~~person~~ without that person's informed consent. "Sexual abuse"  
 6 includes, but is not limited to, the acts defined in s.  
 7 794.011(1)(h), fondling, exposure of a vulnerable disabled  
 8 ~~adult's or elderly person's~~ sexual organs, or the use of a  
 9 vulnerable disabled adult ~~or an elderly person~~ to solicit for  
 10 or engage in prostitution or sexual performance. "Sexual  
 11 abuse" does not include any act intended for a valid medical  
 12 purpose or any act that may reasonably be construed to be  
 13 normal caregiving action or appropriate display of affection.

14 ~~(35)~~ "Specified medical personnel" means ~~licensed or~~  
 15 ~~certified physicians, osteopathic physicians, nurses,~~  
 16 ~~paramedics, advanced registered nurse practitioners,~~  
 17 ~~psychologists, psychiatrists, mental health professionals, or~~  
 18 ~~any other licensed or certified medical personnel.~~

19 ~~(36)~~ "Unfounded report" means ~~a report made pursuant~~  
 20 ~~to s. 415.1034 in which the department determines that no~~  
 21 ~~evidence of abuse, neglect, or exploitation exists.~~

22 ~~(25)(37)~~ "Victim" means any vulnerable disabled adult  
 23 ~~or elderly person~~ named in a report of abuse, neglect, or  
 24 exploitation.

25 (26) "Vulnerable adult" means a person 18 years of age  
 26 or older whose ability to perform the normal activities of  
 27 daily living or to provide for his or her own care or  
 28 protection is impaired due to a mental, emotional, physical,  
 29 or developmental disability or dysfunctioning, or brain  
 30 damage, or the infirmities of aging.

31 (27) "Vulnerable adult in need of services" means a

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1 vulnerable adult who has been determined by a protective  
2 investigator to be suffering from the ill effects of neglect  
3 not caused by a second party perpetrator and is in need of  
4 protective services or other services to prevent further harm.

5 Section 8. Section 415.103, Florida Statutes, is  
6 amended to read:

7 415.103 Central abuse hotline ~~registry and tracking~~  
8 ~~system.~~--

9 (1) The department shall establish and maintain a  
10 central abuse hotline ~~registry and tracking system~~ that  
11 receives all reports made pursuant to s. 415.1034 in writing  
12 or through a single statewide toll-free telephone number. Any  
13 person may use the statewide toll-free telephone number to  
14 report known or suspected abuse, neglect, or exploitation of a  
15 vulnerable disabled ~~adult or an elderly person~~ at any hour of  
16 the day or night, any day of the week. The central abuse  
17 hotline ~~registry and tracking system~~ must be operated in such  
18 a manner as to enable the department to:

19 (a) Accept reports for investigation when there is a  
20 reasonable cause to suspect that a vulnerable disabled ~~adult~~  
21 ~~or an elderly person~~ has been or is being abused, neglected,  
22 or exploited.

23 (b) Determine whether the allegations made by the  
24 reporter require an immediate, 24-hour, or next-working-day  
25 response priority.

26 (c) When appropriate, refer calls that do not allege  
27 the abuse, neglect, or exploitation of a vulnerable disabled  
28 ~~adult or an elderly person~~ to other organizations that might  
29 better resolve the reporter's concerns.

30 (d) Immediately identify and locate prior reports of  
31 abuse, neglect, or exploitation through the central abuse

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1 ~~hotline registry and tracking system.~~

2 (e) Track critical steps in the investigative process  
3 to ensure compliance with all requirements for all reports.

4 (f) Maintain data to facilitate the production of  
5 aggregate statistical reports for monitoring patterns of  
6 abuse, neglect, or exploitation of ~~disabled adults or elderly~~  
7 ~~persons.~~

8 (g) Serve as a resource for the evaluation,  
9 management, and planning of preventive and remedial services  
10 for vulnerable ~~disabled adults or elderly persons~~ who have  
11 been subject to abuse, neglect, or exploitation.

12 (2) Upon receiving an oral or written report of known  
13 or suspected abuse, neglect, or exploitation of a vulnerable  
14 ~~disabled adult or an elderly person~~, the central abuse hotline  
15 ~~registry and tracking system~~ must determine if the report  
16 requires an immediate onsite protective investigation. For  
17 reports requiring an immediate onsite protective  
18 investigation, the central abuse hotline ~~registry and tracking~~  
19 ~~system~~ must immediately notify the department's designated  
20 ~~adult~~ protective investigative district staff responsible for  
21 protective investigations to ensure prompt initiation of an  
22 onsite investigation. For reports not requiring an immediate  
23 onsite protective investigation, the central abuse hotline  
24 ~~registry and tracking system~~ must notify the department's  
25 designated ~~adult~~ protective investigative district staff  
26 responsible for protective investigations in sufficient time  
27 to allow for an investigation to be commenced within 24 hours.  
28 At the time of notification of district staff with respect to  
29 the report, the central abuse hotline ~~registry and tracking~~  
30 ~~system~~ must also provide any known information on any previous  
31 report concerning a subject of the present report or any

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1 pertinent information relative to the present report or any  
2 noted earlier reports.

3 (3) The department shall set standards, priorities,  
4 and policies to maximize the efficiency and effectiveness of  
5 the central abuse hotline ~~registry and tracking system~~.

6 Section 9. Section 415.1034, Florida Statutes, is  
7 amended to read:

8 415.1034 Mandatory reporting of abuse, neglect, or  
9 exploitation of vulnerable ~~disabled~~ adults or ~~elderly persons~~;  
10 mandatory reports of death.--

11 (1) MANDATORY REPORTING.--

12 (a) Any person, including, but not limited to, any:

13 1. Physician, osteopathic physician, medical examiner,  
14 chiropractic physician, nurse, or hospital personnel engaged  
15 in the admission, examination, care, or treatment of  
16 vulnerable ~~disabled~~ adults or ~~elderly persons~~;

17 2. Health professional or mental health professional  
18 other than one listed in subparagraph 1.;

19 3. Practitioner who relies solely on spiritual means  
20 for healing;

21 4. Nursing home staff; assisted living facility staff;  
22 adult day care center staff; adult family-care home staff;  
23 social worker; or other professional adult care, residential,  
24 or institutional staff;

25 5. State, county, or municipal criminal justice  
26 employee or law enforcement officer;

27 6. Human rights advocacy committee or long-term care  
28 ombudsman council member; or

29 7. Bank, savings and loan, or credit union officer,  
30 trustee, or employee,

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1 who knows, or has reasonable cause to suspect, that a  
2 vulnerable disabled adult ~~or an elderly person~~ has been or is  
3 being abused, neglected, or exploited shall immediately report  
4 such knowledge or suspicion to the central abuse hotline  
5 ~~registry and tracking system on the single statewide toll-free~~  
6 ~~telephone number.~~

7 (b) To the extent possible, a report made pursuant to  
8 paragraph (a) must contain, but need not be limited to, the  
9 following information:

10 1. Name, age, race, sex, physical description, and  
11 location of each victim disabled adult ~~or an elderly person~~  
12 alleged to have been abused, neglected, or exploited.

13 2. Names, addresses, and telephone numbers of the  
14 victim's disabled adult's ~~or elderly person's~~ family members.

15 3. Name, address, and telephone number of each alleged  
16 perpetrator.

17 4. Name, address, and telephone number of the  
18 caregiver of the victim disabled adult ~~or elderly person~~, if  
19 different from the alleged perpetrator.

20 5. Name, address, and telephone number of the person  
21 reporting the alleged abuse, neglect, or exploitation.

22 6. Description of the physical or psychological  
23 injuries sustained.

24 7. Actions taken by the reporter, if any, such as  
25 notification of the criminal justice agency.

26 8. Any other information available to the reporting  
27 person which may establish the cause of abuse, neglect, or  
28 exploitation that occurred or is occurring.

29 (2) MANDATORY REPORTS OF DEATH.--Any person who is  
30 required to investigate reports of abuse, neglect, or  
31 exploitation and who has reasonable cause to suspect that a

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1 ~~vulnerable disabled adult or an elderly person~~ died as a  
2 result of abuse, neglect, or exploitation shall immediately  
3 report the suspicion to the appropriate medical examiner, to  
4 the appropriate criminal justice agency, and to the  
5 department, notwithstanding the existence of a death  
6 certificate signed by a practicing physician. The medical  
7 examiner shall accept the report for investigation pursuant to  
8 s. 406.11 and shall report the findings of the investigation,  
9 in writing, to the appropriate local criminal justice agency,  
10 the appropriate state attorney, and the department. Autopsy  
11 reports maintained by the medical examiner are not subject to  
12 the confidentiality requirements provided for in s. 415.107.

13 Section 10. Section 415.1035, Florida Statutes, is  
14 amended to read:

15 415.1035 Facility's duty to inform residents of their  
16 right to report abusive, neglectful, or exploitive  
17 practices.--The department shall work cooperatively with the  
18 Agency for Health Care Administration and the Department of  
19 Elderly Affairs to ensure that every facility that serves  
20 vulnerable adults informs residents of their right to report  
21 abusive, neglectful, or exploitive practices. Each facility  
22 must establish appropriate policies and procedures to  
23 facilitate such reporting.

24 ~~(1) Every facility that serves disabled adults or~~  
25 ~~elderly persons must inform residents of their right to report~~  
26 ~~abusive, neglectful, or exploitive practices and must~~  
27 ~~establish appropriate policies and procedures to facilitate~~  
28 ~~such reporting.~~

29 ~~(2) The statewide toll-free telephone number for the~~  
30 ~~central abuse registry and tracking system must be posted in~~  
31 ~~all facilities operated by, under contract with, or licensed~~



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1 ~~by the department or the Agency for Health Care Administration~~  
 2 ~~which provide services to disabled adults or elderly persons.~~  
 3 ~~Such posting must be clearly visible and in a prominent place~~  
 4 ~~within the facility and must be accompanied by the words, "To~~  
 5 ~~Report the Abuse, Neglect, or Exploitation of a Disabled Adult~~  
 6 ~~or an Elderly Person, Please Call:....."~~

7 Section 11. Subsection (1) of section 415.1036,  
 8 Florida Statutes, is amended to read:

9 415.1036 Immunity.--

10 (1) Any person who participates in making a report  
 11 under s. 415.1034 or participates in a judicial proceeding  
 12 resulting therefrom is presumed to be acting in good faith  
 13 and, unless lack of good faith is shown by clear and  
 14 convincing evidence, is immune from any liability, civil or  
 15 criminal, that otherwise might be incurred or imposed. This  
 16 section does not grant immunity, civil or criminal, to any  
 17 person who is suspected of having abused, neglected, or  
 18 exploited, or committed any illegal act upon or against, a  
 19 vulnerable disabled adult ~~or an elderly person~~. Further, a  
 20 resident or employee of a facility that serves vulnerable  
 21 ~~disabled~~ adults ~~or elderly persons~~ may not be subjected to  
 22 reprisal or discharge because of the resident's or employee's  
 23 actions in reporting abuse, neglect, or exploitation pursuant  
 24 to s. 415.1034.

25 Section 12. Section 415.104, Florida Statutes, is  
 26 amended to read:

27 415.104 Protective ~~services~~ investigations of cases of  
 28 abuse, neglect, or exploitation of vulnerable aged persons ~~or~~  
 29 ~~disabled~~ adults; transmittal of records to state attorney.--

30 (1) The department shall, upon receipt of a report  
 31 alleging abuse, neglect, or exploitation of a vulnerable an

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1 ~~aged person or disabled adult, begin commence, or cause to be~~  
2 ~~commenced within 24 hours, a protective ~~services~~ investigation~~  
3 ~~of the facts alleged therein. If, ~~upon arrival of the~~~~  
4 ~~protective investigator at the scene of the incident, a~~  
5 ~~caregiver refuses to allow the department to begin a~~  
6 ~~protective ~~services~~ investigation or interferes with the~~  
7 ~~department's ability to conduct of such an investigation, the~~  
8 ~~appropriate law enforcement agency shall be contacted for~~  
9 ~~assistance to assist the department in commencing the~~  
10 ~~protective ~~services~~ investigation. If, during the course of~~  
11 ~~the investigation, the department has reason to believe that~~  
12 ~~the abuse, neglect, or exploitation is perpetrated by a second~~  
13 ~~party, the appropriate law enforcement ~~criminal justice~~ agency~~  
14 ~~and state attorney shall be orally notified. The department~~  
15 ~~and the law enforcement agency shall cooperate to allow the~~  
16 ~~criminal investigation to proceed concurrently with, and not~~  
17 ~~be hindered by, the protective investigation. ~~in order that~~~~  
18 ~~~~such agencies may begin a criminal investigation concurrent~~~~  
19 ~~~~with the protective ~~services~~ investigation of the department.~~~~  
20 ~~In an institutional investigation, the alleged perpetrator may~~  
21 ~~be represented by an attorney, at his or her own expense, or~~  
22 ~~accompanied by another person, if the person or the attorney~~  
23 ~~executes an affidavit of understanding with the department and~~  
24 ~~agrees to comply with the confidentiality provisions of s.~~  
25 ~~415.107. The absence of an attorney or other person does not~~  
26 ~~prevent the department from proceeding with other aspects of~~  
27 ~~the investigation, including interviews with other persons.~~  
28 ~~The department shall make a preliminary written report to the~~  
29 ~~law enforcement ~~criminal justice~~ agencies within 5 working~~  
30 ~~days after the oral report. The department shall, within 24~~  
31 ~~hours after receipt of the report, notify the appropriate~~

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1 human rights advocacy committee, or long-term care ombudsman  
2 council, when appropriate, that an alleged abuse, neglect, or  
3 exploitation perpetrated by a second party has occurred.  
4 Notice to the human rights advocacy committee or long-term  
5 care ombudsman council may be accomplished orally or in  
6 writing and shall include the name and location of the  
7 vulnerable ~~aged person or disabled~~ adult alleged to have been  
8 abused, neglected, or exploited and the nature of the report.

9 (2) Upon commencing an investigation, the protective  
10 investigator shall inform all of the vulnerable adults and  
11 alleged perpetrators named in the report of the following:

12 (a) The names of the investigators and identifying  
13 credentials from the department.

14 (b) The purpose of the investigation.

15 (c) That the victim, the victim's guardian, the  
16 victim's caregiver, and the alleged perpetrator, and legal  
17 counsel for any of those persons, have a right to a copy of  
18 the report at the conclusion of the investigation.

19 (d) The name and telephone number of the protective  
20 investigator's supervisor available to answer questions.

21 (e) That each person has the right to obtain his or  
22 her own attorney.

23  
24 Any person being interviewed by a protective investigator may  
25 be represented by an attorney, at the person's own expense, or  
26 may choose to have another person present. The other person  
27 present may not be an alleged perpetrator in any report  
28 currently under investigation. Before participating in such  
29 interview, the other person present shall execute an agreement  
30 to comply with the confidentiality requirements of ss.  
31 415.101-415.113. The absence of an attorney or other person

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1 does not prevent the department from proceeding with other  
 2 aspects of the investigation, including interviews with other  
 3 persons. In an investigative interview with a vulnerable  
 4 adult, the protective investigator may conduct the interview  
 5 with no other person present.

6 (3) For each report it receives, the department shall  
 7 perform an onsite investigation to:

8 (a) Determine that the person is a vulnerable ~~an aged~~  
 9 ~~person or disabled~~ adult as defined in s. 415.102.

10 (b) Determine whether the person is a vulnerable adult  
 11 in need of services, as defined in s. 415.102.

12 ~~(c)(b)~~ Determine the composition of the family or  
 13 household, including the name, address, date of birth, social  
 14 security number, sex, and race of each aged person in the  
 15 household ~~or disabled adult named in the report; any others in~~  
 16 ~~the household or in the care of the caregiver, or any other~~  
 17 ~~persons responsible for the aged person's or disabled adult's~~  
 18 ~~welfare; and any other adults in the same household.~~

19 ~~(d)(c)~~ Determine whether there is an indication that a  
 20 vulnerable ~~any aged person or disabled~~ adult is abused,  
 21 neglected, or exploited., ~~including a determination of harm or~~  
 22 ~~threatened harm to any aged person or disabled adult;~~

23 (e) Determine the nature and extent of present or  
 24 prior injuries, abuse, or neglect, and any evidence thereof.

25 (f) Determine, if possible, ~~and a determination as to~~  
 26 the person or persons apparently responsible for the abuse,  
 27 neglect, or exploitation, including ~~the~~ name, address, date of  
 28 birth, social security number, sex, and race ~~of each person to~~  
 29 ~~be classified as an alleged perpetrator in a proposed~~  
 30 ~~confirmed report. An alleged perpetrator named in a proposed~~  
 31 ~~confirmed report of abuse, neglect, or exploitation shall~~

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1 ~~cooperate in the provision of the required data for the~~  
2 ~~central abuse registry and tracking system to the fullest~~  
3 ~~extent possible.~~

4 ~~(g)(d)~~ Determine the immediate and long-term risk to  
5 each vulnerable ~~aged person or disabled~~ adult through  
6 utilization of standardized risk assessment instruments.

7 ~~(h)(e)~~ Determine the protective, treatment, and  
8 ameliorative services necessary to safeguard and ensure the  
9 vulnerable ~~aged person's or disabled~~ adult's well-being and  
10 cause the delivery of those services ~~through the early~~  
11 ~~intervention of the departmental worker responsible for~~  
12 ~~service provision and management of identified services.~~

13 ~~(4)(2)~~ No later than 60 ~~30~~ days after receiving the  
14 initial report, the designated protective investigative adult  
15 ~~services~~ staff of the department shall complete the ~~its~~  
16 investigation and ~~classify the report as proposed confirmed or~~  
17 ~~unfounded or close the report without classification and~~  
18 notify the guardian of the vulnerable ~~aged person or disabled~~  
19 adult, the vulnerable ~~aged person or disabled~~ adult, and the  
20 caregiver of any recommendations of services to be provided to  
21 ameliorate the causes or effects of abuse, neglect, or  
22 exploitation ~~alleged perpetrator. These findings must be~~  
23 ~~reported to the department's central abuse registry and~~  
24 ~~tracking system. For proposed confirmed reports, after~~  
25 ~~receiving the final administrative order rendered in a hearing~~  
26 ~~requested pursuant to s. 415.103(3)(d) or after the 30-day~~  
27 ~~period during which an alleged perpetrator may request such a~~  
28 ~~hearing has expired, the department shall classify the report~~  
29 ~~of abuse, neglect, or exploitation as confirmed or unfounded~~  
30 ~~and shall report its findings to the department's central~~  
31 ~~abuse registry and tracking system, and must do so in~~

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1 ~~accordance with the final order if a hearing was held.~~

2       ~~(5)(3)~~ Whenever the law enforcement ~~criminal justice~~  
3 agency and the department have conducted independent  
4 investigations, the law enforcement ~~criminal justice~~ agency  
5 shall, within 5 working days after concluding its  
6 investigation, report its findings ~~from its investigation~~ to  
7 the state attorney and to the department.

8       ~~(6)(4)~~ Upon receipt of a report which alleges that an  
9 employee or agent of the department acting in an official  
10 capacity has committed an act of abuse, neglect, or  
11 exploitation, the department shall commence, or cause to be  
12 commenced ~~within 24 hours~~, a protective ~~services~~ investigation  
13 and shall notify the state attorney in whose circuit the  
14 alleged abuse, neglect, or exploitation occurred.

15       ~~(7)(5)~~ With respect to any case of reported abuse,  
16 neglect, or exploitation of a vulnerable ~~an aged person or~~  
17 ~~disabled~~ adult, the department, when appropriate, shall  
18 transmit all relevant reports ~~received by it which pertain to~~  
19 ~~the investigation~~ to the state attorney of the circuit where  
20 the incident occurred.

21       ~~(8)(6)~~ Within 15 days after ~~of~~ completion of the state  
22 attorney's investigation of a case reported to him or her  
23 pursuant to this section, the state attorney shall report his  
24 or her findings to the department and shall include a  
25 determination of whether or not prosecution is justified and  
26 appropriate in view of the circumstances of the specific case.

27       ~~(9)(7)~~ The department shall not use a warning,  
28 reprimand, or disciplinary action against an employee found  
29 in that employee's personnel records, as the sole basis for a  
30 finding of abuse, neglect, or exploitation.

31       Section 13. Section 415.1045, Florida Statutes, is

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1 amended to read:

2 415.1045 ~~Protective investigations; onsite~~  
 3 ~~investigations; Photographs, videotapes, and medical~~  
 4 ~~examinations; abrogation of privileged communications;~~  
 5 ~~confidential records and documents; classification or closure~~  
 6 ~~of records.--~~

7 ~~(1) PROTECTIVE INVESTIGATIONS.--~~

8 ~~(a) The department shall, upon receipt of a report~~  
 9 ~~alleging abuse or neglect of a disabled adult or an elderly~~  
 10 ~~person, commence, or cause to be commenced within 24 hours, a~~  
 11 ~~protective investigation of the facts alleged therein. The~~  
 12 ~~department shall, upon receipt of a report alleging only the~~  
 13 ~~exploitation of a disabled adult or an elderly person,~~  
 14 ~~commence, or cause to be commenced within 24 hours, excluding~~  
 15 ~~Saturdays, Sundays, and legal holidays, a protective~~  
 16 ~~investigation of the facts alleged therein.~~

17 ~~(b) Upon commencing an investigation, the adult~~  
 18 ~~protective investigator shall inform all disabled adults and~~  
 19 ~~elderly persons and alleged perpetrators named in the report~~  
 20 ~~of the following:~~

- 21 1. ~~The names of the investigators and identifying~~  
 22 ~~credentials from the department.~~
- 23 2. ~~The purpose of the investigation.~~
- 24 3. ~~The possible consequences of the investigation.~~
- 25 4. ~~That the victim, the victim's guardian, the~~  
 26 ~~victim's caregiver, and the alleged perpetrator, and legal~~  
 27 ~~counsel for any of those persons, have a right to a copy of~~  
 28 ~~the report at the conclusion of the investigation.~~
- 29 5. ~~That appeal rights may exist and that such rights~~  
 30 ~~will be explained in writing when appropriate and necessary at~~  
 31 ~~the conclusion of the investigation.~~

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1           ~~6. The name and telephone number of the adult~~  
2 ~~protective investigator's supervisor available to answer~~  
3 ~~questions.~~

4           ~~(c) Except as provided in paragraph (d), in an~~  
5 ~~investigative interview, any person being interviewed may be~~  
6 ~~represented by an attorney, at the person's own expense, or~~  
7 ~~may choose to have another person present. The other person~~  
8 ~~present may not be an alleged perpetrator in any report~~  
9 ~~currently under investigation. Before participating in such~~  
10 ~~interview, the other person present shall execute an agreement~~  
11 ~~to comply with the confidentiality requirements of ss.~~  
12 ~~415.101-415.113. The absence of an attorney or other person~~  
13 ~~does not prevent the department from proceeding with other~~  
14 ~~aspects of the investigation, including interviews with other~~  
15 ~~persons.~~

16           ~~(d) In an investigative interview with the disabled~~  
17 ~~adult or an elderly person, the protective investigator may~~  
18 ~~conduct the interview with no other person present.~~

19           ~~(2) ONSITE INVESTIGATIONS. For each report it~~  
20 ~~receives, the department shall perform an onsite investigation~~  
21 ~~to:~~

22           ~~(a) Determine whether the person is a disabled adult~~  
23 ~~or an elderly person as defined in s. 415.102.~~

24           ~~(b) Determine whether the person is a disabled adult~~  
25 ~~in need of services or an elderly person in need of services,~~  
26 ~~as defined in s. 415.102.~~

27           ~~(c) Determine whether there is an indication that any~~  
28 ~~disabled adult or elderly person has been or is being abused,~~  
29 ~~neglected, or exploited, including a determination of the~~  
30 ~~immediate and long-term risk; the nature and extent of present~~  
31 ~~or prior injuries; and the nature and extent of any abuse,~~



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1 ~~neglect, or exploitation, and any evidence thereof.~~

2 ~~(d) Determine whether protective and ameliorative~~  
 3 ~~services are necessary to safeguard and ensure the disabled~~  
 4 ~~adult's or elderly person's well-being and cause the delivery~~  
 5 ~~of those services.~~

6 ~~(e) Determine the person or persons apparently~~  
 7 ~~responsible for the abuse, neglect, or exploitation.~~

8 ~~(f) Determine the composition of the family or~~  
 9 ~~household, including all disabled adults and elderly persons~~  
 10 ~~named in the report, all persons in the care of the caregiver,~~  
 11 ~~any other persons responsible for the disabled adult's or~~  
 12 ~~elderly person's welfare, and any other adults or children in~~  
 13 ~~the same household.~~

14 ~~(g) Gather appropriate demographic data. Each person~~  
 15 ~~must cooperate to the fullest extent possible by providing the~~  
 16 ~~person's name, address, date of birth, social security number,~~  
 17 ~~sex, and race to the department's representative.~~

18 (1)~~(3)~~ PHOTOGRAPHS AND VIDEOTAPES.--

19 (a) The ~~adult~~ protective investigator, while  
 20 investigating a report of abuse, neglect, or exploitation, may  
 21 take or cause to be taken photographs and videotapes of the  
 22 vulnerable disabled ~~adult or elderly person~~, and of his or her  
 23 ~~the disabled adult's or elderly person's~~ environment, which  
 24 are relevant to the investigation. All photographs and  
 25 videotapes taken during the course of the protective  
 26 investigation are confidential and exempt from public  
 27 disclosure as provided in s. 415.107.

28 (b) Any photographs or videotapes made pursuant to  
 29 this subsection, or copies thereof, must be sent to the  
 30 department as soon as possible.

31 (2)~~(4)~~ MEDICAL EXAMINATIONS.--

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1           (a) With the consent of the vulnerable disabled adult  
2 ~~or elderly person~~ who has the capacity to consent or the  
3 vulnerable disabled adult's ~~or elderly person's~~ guardian, or  
4 pursuant to s. 415.1051, the department may cause the  
5 vulnerable disabled adult ~~or elderly person~~ to be referred to  
6 a licensed physician or any emergency department in a hospital  
7 or health care facility for medical examination, diagnosis, or  
8 treatment if any of the following circumstances exist:

9           1. The areas of trauma visible on the vulnerable  
10 ~~disabled~~ adult ~~or elderly person~~ indicate a need for medical  
11 examination;

12           2. The vulnerable disabled adult ~~or elderly person~~  
13 verbally complains or otherwise exhibits signs or symptoms  
14 indicating a need for medical attention as a consequence of  
15 suspected abuse, neglect, or exploitation; or

16           3. The vulnerable disabled adult ~~or elderly person~~ is  
17 alleged to have been sexually abused.

18           (b) Upon admission to a hospital or health care  
19 facility, with the consent of the vulnerable disabled adult ~~or~~  
20 ~~elderly person~~ who has capacity to consent or that person's  
21 guardian, or pursuant to s. 415.1051, the medical staff of the  
22 facility may examine, diagnose, or treat the vulnerable  
23 ~~disabled~~ adult ~~or elderly person~~. If a person who has legal  
24 authority to give consent for the provision of medical  
25 treatment to a vulnerable disabled adult ~~or elderly person~~ has  
26 not given or has refused to give such consent, examination and  
27 treatment must be limited to reasonable examination of the  
28 patient to determine the medical condition of the patient and  
29 treatment reasonably necessary to alleviate the medical  
30 condition or to stabilize the patient pending a determination  
31 by the court of the department's petition authorizing

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1 protective services. Any person may seek an expedited  
 2 judicial intervention under rule 5.900 of the Florida Probate  
 3 Rules concerning medical treatment procedures.

4 (c) Medical examination, diagnosis, and treatment  
 5 provided under this subsection must be paid for by third-party  
 6 reimbursement, if available, or by the vulnerable disabled  
 7 adult, if he or she is ~~or elderly person or that person's~~  
 8 ~~guardian from the disabled adult's or elderly person's assets,~~  
 9 ~~if the disabled adult or elderly person is determined to be~~  
 10 ~~financially able to pay; or, if he or she the disabled adult~~  
 11 ~~or elderly person~~ is unable to pay, the department shall pay  
 12 the costs within available emergency services funds.

13 (d) Reports of examination, diagnosis, and treatment  
 14 made under this subsection, or copies thereof, must be sent to  
 15 the department as soon as possible.

16 (e) This subsection does not obligate the department  
 17 to pay for any treatment other than that necessary to  
 18 alleviate the immediate presenting problems.

19 (3)(5) ABROGATION OF PRIVILEGED COMMUNICATIONS.--The  
 20 privileged quality of communication between husband and wife  
 21 and between any professional and the professional's patient or  
 22 client, and any other privileged communication except that  
 23 between attorney and client or clergy and person, as such  
 24 communication relates to both the competency of the witness  
 25 and to the exclusion of confidential communications, does not  
 26 apply to any situation involving known or suspected abuse,  
 27 neglect, or exploitation of a vulnerable disabled adult ~~or an~~  
 28 ~~elderly person~~ and does not constitute grounds for failure to  
 29 report as required by s. 415.1034, for failure to cooperate  
 30 with the department in its activities under ss.  
 31 415.101-415.113, or for failure to give evidence in any

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1 judicial or administrative proceeding relating to abuse,  
 2 neglect, or exploitation of a vulnerable ~~disabled~~ adult ~~or an~~  
 3 ~~elderly person~~.

4 ~~(4)(6)~~ MEDICAL, SOCIAL, OR FINANCIAL RECORDS OR  
 5 DOCUMENTS.--

6 (a) The ~~adult~~ protective investigator, while  
 7 investigating a report of abuse, neglect, or exploitation,  
 8 must have access to, inspect, and copy all medical, social, or  
 9 financial records or documents in the possession of any  
 10 person, caregiver, guardian, or facility which are relevant to  
 11 the allegations under investigation, unless specifically  
 12 prohibited by the vulnerable ~~disabled~~ adult ~~or elderly person~~  
 13 who has capacity to consent.

14 (b) The confidentiality of any medical, social, or  
 15 financial record or document that is confidential under state  
 16 law does not constitute grounds for failure to:

- 17 1. Report as required by s. 415.1034;
- 18 2. Cooperate with the department in its activities  
 19 under ss. 415.101-415.113;
- 20 3. Give access to such records or documents; or
- 21 4. Give evidence in any judicial or administrative  
 22 proceeding relating to abuse, neglect, or exploitation of a  
 23 vulnerable ~~disabled~~ adult ~~or an elderly person~~.

24 (5) ACCESS TO RECORDS AND DOCUMENTS.--If any person  
 25 refuses to allow the protective investigator to have access  
 26 to, inspect, or copy any medical, social, or financial record  
 27 or document in the possession of any person, caregiver,  
 28 guardian, or facility which is relevant to the allegations  
 29 under investigation, the department may petition the court for  
 30 an order requiring the person to allow access to the record or  
 31 document. The petition must allege specific facts sufficient

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1 to show that the record or document is relevant to the  
2 allegations under investigation and that the person refuses to  
3 allow access to such record or document. If the court finds  
4 by a preponderance of the evidence that the record or document  
5 is relevant to the allegations under investigation, the court  
6 may order the person to allow access to and permit the  
7 inspection or copying of the medical, social, or financial  
8 record or document.

9 (6) WORKING AGREEMENTS.--The department shall enter  
10 into working agreements with the jurisdictionally responsible  
11 county sheriffs' office or local police department that will  
12 be the lead agency when conducting any criminal investigation  
13 arising from an allegation of abuse, neglect, or exploitation  
14 of a vulnerable adult. The working agreement must specify how  
15 the requirements of this chapter will be met. For the purposes  
16 of such agreement, the jurisdictionally responsible law  
17 enforcement entity is authorized to share Florida criminal  
18 history and local criminal history information that is not  
19 otherwise exempt from s. 119.07(1) with the district  
20 personnel. A law enforcement entity entering into such  
21 agreement must comply with s. 943.0525. Criminal justice  
22 information provided by such law enforcement entity shall be  
23 used only for the purposes specified in the agreement and  
24 shall be provided at no charge. Notwithstanding any other  
25 provision of law, the Department of Law Enforcement shall  
26 provide to the department electronic access to Florida  
27 criminal justice information which is lawfully available and  
28 not exempt from s. 119.07(1), only for the purpose of  
29 protective investigations and emergency placement. As a  
30 condition of access to such information, the department shall  
31 be required to execute an appropriate user agreement

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1 addressing the access, use, dissemination, and destruction of  
2 such information and to comply with all applicable laws and  
3 rules of the Department of Law Enforcement.

4 ~~(7) CLASSIFICATIONS AND CLOSURES.--No later than 45~~  
5 ~~days after receiving an initial report in which the department~~  
6 ~~has jurisdiction, the adult protective investigator shall~~  
7 ~~complete the investigation and classify the report as proposed~~  
8 ~~confirmed or unfounded, or close the report without~~  
9 ~~classification. The adult protective investigator must~~  
10 ~~document the details of the investigation, close the report,~~  
11 ~~and enter the data into the central abuse registry and~~  
12 ~~tracking system no later than 60 days after receiving the~~  
13 ~~initial report.~~

14 Section 14. Section 415.105, Florida Statutes, is  
15 amended to read:

16 415.105 Provision of protective services with consent;  
17 withdrawal of consent; interference.--

18 (1) PROTECTIVE SERVICES WITH CONSENT.--If the  
19 department determines through its investigation that a  
20 vulnerable disabled adult ~~or an elderly person~~ demonstrates a  
21 need for protective services or protective supervision, the  
22 department shall immediately provide, or arrange for the  
23 provision of, protective services or protective supervision,  
24 including in-home services, provided that the vulnerable  
25 ~~disabled~~ adult ~~or elderly person~~ consents. A vulnerable adult  
26 ~~disabled person~~ in need of services as defined in s. 415.102  
27 shall be referred to the community care for disabled adults  
28 program, ~~or. An elderly person in need of services as defined~~  
29 ~~in s. 415.102 shall be referred~~ to the community care for the  
30 elderly program administered by the Department of Elderly  
31 Affairs.

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1           (2) WITHDRAWAL OF CONSENT.--If the vulnerable disabled  
2 adult ~~or elderly person~~ withdraws consent to the receipt of  
3 protective services or protective supervision, the services  
4 may not be provided, except pursuant to s. 415.1051.

5           (3) INTERFERENCE WITH THE PROVISION OF PROTECTIVE  
6 SERVICES.--When any person refuses to allow the provision of  
7 protective services to a vulnerable adult who has the capacity  
8 to consent to services, the department shall petition the  
9 court for an order enjoining the person from interfering with  
10 the provision of protective services. The petition must  
11 allege specific facts sufficient to show that the vulnerable  
12 adult is in need of protective services and that the person  
13 refuses to allow the provision of such services. If the court  
14 finds by clear and convincing evidence that the vulnerable  
15 adult is in need of protective services and that the person  
16 refuses to allow the provision of such services, the court may  
17 issue an order enjoining the person from interfering with the  
18 provision of protective services to the vulnerable adult.

19           Section 15. Section 415.1051, Florida Statutes, is  
20 amended to read:

21           415.1051 Protective services interventions when  
22 capacity to consent is lacking; nonemergencies; emergencies;  
23 orders; limitations.--

24           (1) NONEMERGENCY PROTECTIVE SERVICES  
25 INTERVENTIONS.--If the department has reasonable cause to  
26 believe that a vulnerable disabled adult ~~or elderly person~~ is  
27 being abused, neglected, or exploited and is in need of  
28 protective services but lacks the capacity to consent to  
29 protective services, the department shall petition the court  
30 for an order authorizing the provision of protective services.

31           (a) Nonemergency protective services petition.--The

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1 petition must state the name, age, and address of the  
2 vulnerable disabled adult ~~or elderly person~~, allege specific  
3 facts sufficient to show that the vulnerable disabled adult ~~or~~  
4 ~~elderly person~~ is in need of protective services and lacks the  
5 capacity to consent to them, and indicate the services needed.

6 (b) Notice.--Notice of the filing of the petition and  
7 a copy of the petition must be given to the vulnerable  
8 ~~disabled~~ adult ~~or elderly person~~, to that person's spouse,  
9 guardian, and legal counsel, and, when known, to the adult  
10 children or next of kin of the vulnerable disabled adult ~~or~~  
11 ~~elderly person~~. Such notice must be given at least 5 days  
12 before the hearing.

13 (c) Hearing.--

14 1. The court shall set the case for hearing within 14  
15 days after the filing of the petition. The vulnerable  
16 ~~disabled~~ adult ~~or elderly person~~ and any person given notice  
17 of the filing of the petition have the right to be present at  
18 the hearing. The department must make reasonable efforts to  
19 ensure the presence of the vulnerable disabled adult ~~or~~  
20 ~~elderly person~~ at the hearing.

21 2. The vulnerable disabled adult ~~or elderly person~~ has  
22 the right to be represented by legal counsel at the hearing.  
23 The court shall appoint legal counsel to represent a  
24 vulnerable disabled adult ~~or elderly person~~ who is without  
25 legal representation.

26 3. The court shall determine whether:

27 a. Protective services, including in-home services,  
28 are necessary ~~for the disabled adult or elderly person;~~ and

29 b. The vulnerable disabled adult ~~or elderly person~~  
30 lacks the capacity to consent to the provision of such  
31 services.



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1           (d) Hearing findings.--If at the hearing the court  
2 finds by clear and convincing evidence that the vulnerable  
3 ~~disabled adult or elderly person~~ is in need of protective  
4 services and lacks the capacity to consent to ~~protective~~  
5 ~~services~~, the court may issue an order authorizing the  
6 provision of protective services. If an order for protective  
7 services is issued, it must include a statement of the  
8 services to be provided and designate an individual or agency  
9 to be responsible for performing or obtaining the essential  
10 services on behalf of the vulnerable disabled adult ~~or elderly~~  
11 ~~person~~ or otherwise consenting to protective services on  
12 behalf of the vulnerable disabled adult ~~or elderly person~~.

13           (e) Continued protective services.--

14           1. No more than 60 days after the date of the order  
15 authorizing the provision of protective services, the  
16 department shall petition the court to determine whether:

17           a. Protective services will be continued with the  
18 consent of the vulnerable disabled adult ~~or elderly person~~  
19 pursuant to subsection (1);

20           b. Protective services will be continued for the  
21 vulnerable disabled adult ~~or elderly person~~ who lacks  
22 capacity;

23           c. Protective services will be discontinued; or

24           d. A petition for guardianship should be filed  
25 pursuant to chapter 744.

26           2. If the court determines that a petition for  
27 guardianship should be filed pursuant to chapter 744, the  
28 court, for good cause shown, may order continued protective  
29 services until it makes a determination regarding ~~the disabled~~  
30 ~~adult's or elderly person's~~ capacity.

31           (f) Costs.--The costs of services ordered under this

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1 section must be paid by the perpetrator if the perpetrator is  
2 financially able to do so; or by third-party reimbursement, if  
3 available. If the vulnerable ~~disabled adult or elderly person~~  
4 is unable to pay for guardianship, application may be made to  
5 the public guardian for public guardianship services, if  
6 available.

7 (2) EMERGENCY PROTECTIVE SERVICES INTERVENTION.--If  
8 the department has reasonable cause to believe that a  
9 vulnerable ~~disabled adult or an elderly person~~ is suffering  
10 from abuse or neglect that presents a risk of death or serious  
11 physical injury to the vulnerable ~~disabled adult or elderly~~  
12 ~~person~~ and that the vulnerable ~~disabled adult or elderly~~  
13 ~~person~~ lacks the capacity to consent to emergency protective  
14 services, the department may take action under this  
15 subsection. If the vulnerable ~~disabled adult or elderly~~  
16 ~~person~~ has the capacity to consent and refuses consent to  
17 emergency protective services, emergency protective services  
18 may not be provided.

19 (a) Emergency entry of premises.--If, upon arrival at  
20 the scene of the incident, consent is not obtained for access  
21 to the alleged victim for purposes of conducting a protective  
22 investigation under this subsection and the department has  
23 reason to believe that the situation presents a risk of death  
24 or serious physical injury, a representative of the department  
25 and a law enforcement officer may forcibly enter the premises.  
26 If, after obtaining access to the alleged victim, it is  
27 determined through a personal assessment of the situation that  
28 no emergency exists and there is no basis for emergency  
29 protective services intervention under this subsection, the  
30 department shall terminate the emergency entry ~~and may provide~~  
31 ~~protective services with the consent of the disabled adult or~~

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1 ~~elderly person or may petition the court to provide~~  
2 ~~nonemergency protective services or protective supervision~~  
3 ~~pursuant to subsection (1).~~

4 (b) Emergency removal from premises.--If it appears  
5 that the vulnerable disabled adult ~~or elderly person~~ lacks the  
6 capacity to consent to emergency protective services and that  
7 the vulnerable disabled adult ~~or elderly person~~, from the  
8 personal observations of the representative of the department  
9 and specified medical personnel or law enforcement officers,  
10 is likely to incur a risk of death or serious physical injury  
11 if such person is not immediately removed from the premises,  
12 then the representative of the department shall transport or  
13 arrange for the transportation of the vulnerable disabled  
14 adult ~~or elderly person~~ to an appropriate medical or  
15 protective services facility in order to provide emergency  
16 protective services. Law enforcement personnel have a duty to  
17 transport when medical transportation is not available or  
18 needed and the vulnerable disabled adult ~~or elderly person~~  
19 presents a threat of injury to self or others. If the  
20 vulnerable disabled adult's ~~or elderly person's~~ caregiver or  
21 guardian is present, the ~~adult~~ protective investigator must  
22 seek the caregiver's or guardian's consent pursuant to  
23 subsection (4) before the vulnerable disabled adult ~~or elderly~~  
24 ~~person~~ may be removed from the premises, unless the ~~adult~~  
25 protective investigator suspects that the vulnerable disabled  
26 adult's ~~or elderly person's~~ caregiver or guardian has caused  
27 the abuse, neglect, or exploitation ~~to the disabled adult or~~  
28 ~~elderly person~~. The department shall, within 24 hours after  
29 providing or arranging for emergency removal of the vulnerable  
30 ~~disabled~~ adult ~~or elderly person~~, excluding Saturdays,  
31 Sundays, and legal holidays, petition the court for an order

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1 authorizing emergency protective services.

2 (c) Emergency medical treatment.--If, upon admission  
3 to a medical facility, it is the opinion of the medical staff  
4 that immediate medical treatment is necessary to prevent  
5 serious physical injury or death, and that such treatment does  
6 not violate a known health care advance directive prepared by  
7 the vulnerable ~~disabled~~ adult ~~or elderly person~~, the medical  
8 facility may proceed with treatment to the vulnerable ~~disabled~~  
9 adult ~~or elderly person~~. If a person with legal authority to  
10 give consent for the provision of medical treatment to a  
11 vulnerable ~~disabled~~ adult ~~or an elderly person~~ has not given  
12 or has refused to give such consent, examination and treatment  
13 must be limited to reasonable examination of the patient to  
14 determine the medical condition of the patient and treatment  
15 reasonably necessary to alleviate the emergency medical  
16 condition or to stabilize the patient pending court  
17 determination of the department's petition authorizing  
18 emergency protective services. Any person may seek an  
19 expedited judicial intervention under rule 5.900 of the  
20 Florida Probate Rules concerning medical treatment procedures.

21 (d) Emergency protective services petition.--A  
22 petition filed under this subsection must state the name, age,  
23 and address of the vulnerable ~~disabled~~ adult ~~or elderly person~~  
24 and allege the facts constituting the emergency protective  
25 services intervention and subsequent removal of the vulnerable  
26 ~~disabled~~ adult ~~or elderly person~~ or provision of in-home  
27 services, the facts relating to the capacity of the vulnerable  
28 ~~disabled~~ adult ~~or elderly person~~ to consent to services, the  
29 efforts of the department to obtain consent, and the services  
30 needed or delivered.

31 (e) Notice.--Notice of the filing of the emergency

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1 protective services petition and a copy of the petition must  
2 be given to the vulnerable ~~disabled~~ adult ~~or elderly person~~,  
3 to that person's spouse, to that person's guardian, if any, to  
4 legal counsel representing the vulnerable ~~disabled~~ adult ~~or~~  
5 ~~elderly person~~, and, when known, to adult children or next of  
6 kin of the vulnerable ~~disabled~~ adult ~~or elderly person~~. Such  
7 notice must be given at least 24 hours before any hearing on  
8 the petition for emergency protective services.

9 (f) Hearing.--When emergency removal has occurred  
10 under this subsection, a hearing must be held within 4 days  
11 after the filing of the emergency protective services  
12 petition, excluding Saturday, Sunday, and legal holidays, to  
13 establish reasonable cause for grounds to continue emergency  
14 protective services.

15 1. The court shall determine, by clear and convincing  
16 evidence, whether an emergency existed which justified the  
17 emergency protective services intervention, whether the  
18 vulnerable ~~disabled~~ adult ~~or elderly person~~ is in need of  
19 emergency protective services, whether the vulnerable ~~disabled~~  
20 adult ~~or elderly person~~ lacks the capacity to consent to  
21 emergency protective services, and whether:

22 a. Emergency protective services will continue with  
23 the consent of the vulnerable ~~disabled~~ adult ~~or elderly person~~  
24 ~~pursuant to s. 415.105(1);~~

25 b. Emergency protective services will continue without  
26 the consent of the vulnerable ~~disabled~~ adult ~~or elderly person~~  
27 ~~pursuant to subsection (2); or~~

28 c. Emergency protective services will be discontinued.

29 2. The vulnerable ~~disabled~~ adult ~~or elderly person~~ has  
30 the right to be represented by legal counsel at the hearing.

31 The court shall appoint legal counsel to represent a

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1 ~~vulnerable disabled~~ adult ~~or an elderly person~~ who is without  
2 legal representation.

3 3. The department must make reasonable efforts to  
4 ensure the presence of the vulnerable disabled adult ~~or~~  
5 ~~elderly person~~ at the hearing.

6 4. If an order to continue emergency protective  
7 services is issued, it must state the services to be provided  
8 and designate an individual or agency to be responsible for  
9 performing or obtaining the essential services ~~on behalf of~~  
10 ~~the disabled adult or elderly person~~, or otherwise consenting  
11 to protective services on behalf of the vulnerable disabled  
12 adult ~~or elderly person~~.

13 (g) Continued emergency protective services.--

14 1. Not more than 60 days after the date of the order  
15 authorizing the provision of emergency protective services,  
16 the department shall petition the court to determine whether:

17 a. Emergency protective services will be continued  
18 with the consent of the vulnerable disabled adult ~~or elderly~~  
19 ~~person pursuant to subsection (1)~~;

20 b. Emergency protective services will be continued for  
21 the vulnerable disabled adult ~~or elderly person~~ who lacks  
22 capacity;

23 c. Emergency protective services will be discontinued;  
24 or

25 d. A petition should be filed under chapter 744.

26 2. If it is decided to file a petition under chapter  
27 744, for good cause shown, the court may order continued  
28 emergency protective services until a determination is made by  
29 the court ~~regarding the disabled adult's or elderly person's~~  
30 ~~capacity~~.

31 (h) Costs.--The costs of services ordered under this

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1 section must be paid by the perpetrator if the perpetrator is  
 2 financially able to do so, or by third-party reimbursement, if  
 3 available. ~~If the disabled adult or elderly person is unable~~  
 4 ~~to pay for guardianship, application may be made to the public~~  
 5 ~~guardian for public guardianship services, if available.~~

6 (3) PROTECTIVE SERVICES ORDER.--In ordering any  
 7 protective services under this section, the court shall adhere  
 8 to the following limitations:

9 (a) Only such protective services as are necessary to  
 10 ameliorate the conditions creating the abuse, neglect, or  
 11 exploitation may be ordered, and the court shall specifically  
 12 designate the approved services in the order of the court.

13 (b) Protective services ordered may not include a  
 14 change of residence, unless the court specifically finds such  
 15 action is necessary to ameliorate the conditions creating the  
 16 abuse, neglect, or exploitation and the court gives specific  
 17 approval for such action in the order. Placement may be made  
 18 to such facilities as adult family-care homes, assisted living  
 19 facilities, or nursing homes, or to other appropriate  
 20 facilities. Placement may not be made to facilities for the  
 21 acutely mentally ill, except as provided in chapter 394.

22 (c) If an order to continue emergency protective  
 23 services is issued, it must include the designation of an  
 24 individual or agency to be responsible for performing or  
 25 obtaining the essential services on behalf of the vulnerable  
 26 ~~disabled adult or elderly person~~ or otherwise consenting to  
 27 protective services on behalf of the vulnerable ~~disabled~~ adult  
 28 ~~or elderly person~~.

29 (4) PROTECTIVE SERVICES INTERVENTIONS WITH CAREGIVER  
 30 OR GUARDIAN PRESENT.--

31 (a) When a vulnerable ~~disabled~~ adult ~~or an elderly~~

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1 ~~person~~ who lacks the capacity to consent has been identified  
 2 ~~in a report~~ as the victim of abuse, neglect, or exploitation  
 3 ~~and evidences a need for emergency or nonemergency protective~~  
 4 ~~services or protective supervision, and a caregiver or~~  
 5 ~~guardian who is responsible for the care of the disabled adult~~  
 6 ~~or elderly person is present, the adult protective~~  
 7 investigator must first request consent from the caregiver or  
 8 guardian, if present, before providing protective services or  
 9 protective supervision, unless the adult protective  
 10 investigator suspects that the ~~disabled adult's or elderly~~  
 11 ~~person's~~ caregiver or guardian has caused the abuse, neglect,  
 12 or exploitation ~~of the disabled adult or elderly person.~~

13 (b) If the caregiver or guardian agrees to engage or  
 14 provide services designed to prevent further abuse, neglect,  
 15 or exploitation, the department may provide protective  
 16 supervision ~~for the disabled adult or elderly person.~~

17 (c) If the caregiver or guardian refuses to give  
 18 consent or later withdraws consent to agreed-upon services, or  
 19 otherwise fails to provide needed care and supervision, the  
 20 department may provide emergency protective services as  
 21 provided in subsection (2). If emergency protective services  
 22 are so provided, the department must then petition the court  
 23 for an order to provide emergency protective services under  
 24 subsection (3).

25 (5) INTERFERENCE WITH COURT-ORDERED PROTECTIVE  
 26 SERVICES.--When a court order exists authorizing protective  
 27 services for a vulnerable adult who lacks capacity to consent  
 28 and any person interferes with the provision of such  
 29 court-ordered protective services, the appropriate law  
 30 enforcement agency shall enforce the order of the court.

31 (6)(5) LIMITATIONS.--This section does not limit in



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1 any way the authority of the court or a criminal justice  
2 officer, or any other duly appointed official, to intervene in  
3 emergency circumstances under existing statutes. This section  
4 does not limit the authority of any person to file a petition  
5 for guardianship under chapter 744.

6 Section 16. Section 415.1052, Florida Statutes, is  
7 amended to read:

8 415.1052 Interference with investigation or with the  
9 provision of protective services.--

10 (1) If, upon arrival of the ~~adult~~ protective  
11 investigator, any person refuses to allow the department to  
12 begin a protective investigation, interferes with the  
13 department's ability to conduct such an investigation, or  
14 refuses to give access to the vulnerable ~~disabled~~ adult or  
15 ~~elderly person~~, the appropriate law enforcement agency must be  
16 contacted to assist the department in commencing the  
17 protective investigation.

18 ~~(2) If any person refuses to allow the adult~~  
19 ~~protective investigator to have access to, inspect, or copy~~  
20 ~~any medical, social, or financial record or document in the~~  
21 ~~possession of any person, caregiver, guardian, or facility~~  
22 ~~which is relevant to the allegations under investigation, the~~  
23 ~~department may petition the court for an order requiring the~~  
24 ~~person to give access to the record or document. The petition~~  
25 ~~must allege specific facts sufficient to show that the record~~  
26 ~~or document is relevant to the allegations under investigation~~  
27 ~~and that the person refuses to give access to such record or~~  
28 ~~document. If the court finds by a preponderance of the~~  
29 ~~evidence that the record or document is relevant to the~~  
30 ~~allegations under investigation, the court may order the~~  
31 ~~person to give access to and permit the inspection or copying~~

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1 ~~of the medical, social, or financial record or document.~~  
 2       (2)(3) When any person refuses to allow the provision  
 3 of protective services to the vulnerable disabled adult or  
 4 ~~elderly person~~ who has the capacity to consent to services,  
 5 the department shall petition the court for an order enjoining  
 6 the person from interfering with the provision of protective  
 7 services. The petition must allege specific facts sufficient  
 8 to show that the vulnerable disabled adult or ~~elderly person~~  
 9 is in need of protective services and that the person refuses  
 10 to allow the provision of such services. If the court finds  
 11 by clear and convincing evidence that the vulnerable disabled  
 12 adult or ~~elderly person~~ is in need of protective services and  
 13 that the person refuses to allow the provision of such  
 14 services, the court may issue an order enjoining the person  
 15 from interfering with the provision of protective services to  
 16 the vulnerable disabled adult or ~~elderly person~~.

17       (4) ~~When a court order exists authorizing protective~~  
 18 ~~services for a disabled adult or an elderly person who lacks~~  
 19 ~~capacity to consent and any person interferes with the~~  
 20 ~~provision of such court-ordered protective services to the~~  
 21 ~~disabled adult or elderly person, the appropriate law~~  
 22 ~~enforcement agency shall enforce the order of the court.~~

23       Section 17. Section 415.1055, Florida Statutes, is  
 24 amended to read:

25       415.1055 Notification to administrative entities,  
 26 ~~subjects, and reporters; notification to law enforcement and~~  
 27 ~~state attorneys.--~~

28       (1) ~~NOTIFICATION TO ADMINISTRATIVE ENTITIES.--~~

29       (a) ~~The department shall, within 24 hours after~~  
 30 ~~receipt of a report of abuse, neglect, or exploitation of a~~  
 31 ~~disabled adult or an elderly person within a facility,~~

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1 ~~excluding Saturdays, Sundays, and legal holidays, notify the~~  
2 ~~appropriate human rights advocacy committee and the long-term~~  
3 ~~care ombudsman council, in writing, that the department has~~  
4 ~~reasonable cause to believe that a disabled adult or an~~  
5 ~~elderly person has been abused, neglected, or exploited at the~~  
6 ~~facility.~~

7       (1)(b) Upon receipt of a report that alleges that an  
8 employee or agent of the department or the Department of  
9 Elderly Affairs, acting in an official capacity, has committed  
10 an act of abuse, neglect, or exploitation, the department  
11 shall notify the state attorney in whose circuit the abuse,  
12 neglect, or exploitation occurred. This notification may be  
13 oral or written.

14       (2)(c) If at any time during a protective  
15 investigation the department has reasonable cause to believe  
16 that a vulnerable disabled adult ~~or an elderly person~~ has been  
17 abused, neglected, or exploited by another person, the state  
18 attorney having jurisdiction in the county in which the abuse,  
19 neglect, or exploitation occurred shall be notified  
20 immediately, either orally or in writing.

21       (3)(d) If at any time during a protective  
22 investigation the department has reasonable cause to believe  
23 that a vulnerable disabled adult ~~or an elderly person~~ has been  
24 abused, neglected, or exploited by another person, the  
25 appropriate law enforcement agency shall be immediately  
26 notified. Such agency may begin a criminal investigation  
27 concurrent with or independent of the protective investigation  
28 of the department. This notification may be oral or written.

29       (4)(e) If at any time during a protective  
30 investigation the department has reasonable cause to believe  
31 that abuse, neglect, or exploitation of a vulnerable disabled

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1 adult ~~or an elderly person~~ has occurred within a facility that  
2 receives Medicaid funds, the department shall notify the  
3 Medicaid Fraud Control Unit within the Department of Legal  
4 Affairs, Office of the Attorney General, in order that it may  
5 begin an investigation concurrent with the protective  
6 investigation of the department. This notification may be oral  
7 or written.

8       (5)(f) If at any time during a protective  
9 investigation the department has reasonable cause to believe  
10 that an employee of a facility, as defined in s. 415.102~~(13)~~,  
11 is the alleged perpetrator of abuse, neglect, or exploitation  
12 of a vulnerable disabled adult ~~or an elderly person~~, the  
13 department shall notify the Agency for Health Care  
14 Administration, Division of Health Quality Assurance, in  
15 writing.

16       (6)(g) If at any time during a protective  
17 investigation the department has reasonable cause to believe  
18 that professional licensure violations have occurred, the  
19 department shall notify the Division of Medical Quality  
20 Assurance within the Department of Health. This notification  
21 must be in writing.

22       (7)(h) ~~When a report has been classified as proposed~~  
23 ~~confirmed,~~The department shall notify the state attorney  
24 having jurisdiction in the county in which the abuse, neglect,  
25 or exploitation occurred. ~~The department may submit a report~~  
26 ~~that has been closed without classification~~ if evidence  
27 indicates that further criminal investigation is warranted.  
28 This notification must be in writing.

29       (8)(i) At the conclusion of a protective investigation  
30 at a facility, the department shall notify either the human  
31 rights advocacy committee or long-term care ombudsman council

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1 of the results of the investigation. This notification must  
2 be in writing.

3 ~~(j) At the conclusion of a protective investigation,~~  
4 ~~the department shall notify the Agency for Health Care~~  
5 ~~Administration when a licensee or a certified nursing~~  
6 ~~assistant has been named as perpetrator in a report that has~~  
7 ~~been classified as proposed confirmed or confirmed. This~~  
8 ~~notification must be in writing.~~

9 (9)(k) When a report has been classified as proposed  
10 ~~confirmed in cases~~ involving a guardian of the person or  
11 property, or both, is received, the department shall notify  
12 the probate court having jurisdiction over the guardianship,  
13 ~~of the proposed confirmed report. This notification must be in~~  
14 ~~writing.~~

15 (10) When a report has been received and the  
16 department has reason to believe that a vulnerable adult  
17 resident of a facility licensed by the Agency for Health Care  
18 Administration has been the victim of abuse, neglect, or  
19 exploitation, the department shall provide a copy of its  
20 investigation to the agency. If the investigation determines  
21 that a health professional licensed or certified under the  
22 Department of Health may have abused, neglected, or exploited  
23 a vulnerable adult, the department shall also provide a copy  
24 to the Department of Health.

25 ~~(2) NOTIFICATION TO OTHER PERSONS.--~~

26 ~~(a) In the case of a report that has been classified~~  
27 ~~as unfounded, notice of the classification must be given to~~  
28 ~~the disabled adult or elderly person, the guardian of that~~  
29 ~~person, the caregiver of that person, and the person who had~~  
30 ~~been named as the alleged perpetrator. The notice must be~~  
31 ~~sent by regular mail and must advise the recipient that the~~

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1 ~~report will be expunged in 1 year.~~

2 ~~(b) If a report has been classified as proposed~~  
3 ~~confirmed, notice of the classification must be given to the~~  
4 ~~disabled adult or elderly person, the guardian of that person,~~  
5 ~~the caregiver of that person, and the alleged perpetrator, and~~  
6 ~~legal counsel, if known, for those persons.~~

7 ~~1. The notice must state the nature of the alleged~~  
8 ~~abuse, neglect, or exploitation and the facts that are alleged~~  
9 ~~to support the proposed confirmed classification.~~

10 ~~2. The notice must advise the recipient of the~~  
11 ~~recipient's right to request a copy of the report within 60~~  
12 ~~days after receipt of the notice.~~

13 ~~3. The notice must clearly advise the alleged~~  
14 ~~perpetrator that the alleged perpetrator has the right to~~  
15 ~~request amendment or expunction of the report within 60 days~~  
16 ~~after receipt of the notice, and that failure to request~~  
17 ~~amendment or expunction within 60 days means that the report~~  
18 ~~will be reclassified as confirmed at the expiration of the 60~~  
19 ~~days and that the alleged perpetrator agrees not to contest~~  
20 ~~the classification of the report. No further administrative or~~  
21 ~~judicial proceedings in the matter are allowed.~~

22 ~~4. The notice must state that, if the report becomes~~  
23 ~~confirmed, the alleged perpetrator may be disqualified from~~  
24 ~~working with children, the developmentally disabled, disabled~~  
25 ~~adults, and elderly persons.~~

26 ~~5. Notice of a proposed confirmed report must be~~  
27 ~~personally served upon the alleged perpetrator in this state~~  
28 ~~by an adult protective investigator, a sheriff, or a private~~  
29 ~~process server in the district in which the alleged~~  
30 ~~perpetrator resides, works, or can be found. Proof of service~~  
31 ~~of the notice must be by affidavit prepared by the individual~~

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1 ~~serving the notice upon the alleged perpetrator. The~~  
2 ~~affidavit must state the name of the person serving the~~  
3 ~~notice, the name of the alleged perpetrator served, the~~  
4 ~~location at which the alleged perpetrator was served, and the~~  
5 ~~time the notice was served. If the notice of a proposed~~  
6 ~~confirmed report cannot be personally served upon the alleged~~  
7 ~~perpetrator in this state or if the alleged perpetrator does~~  
8 ~~not reside in this state, the notice of the proposed confirmed~~  
9 ~~report must be sent by certified mail, return receipt~~  
10 ~~requested, forwarding and address correction requested, to the~~  
11 ~~last known address of the alleged perpetrator. If an alleged~~  
12 ~~perpetrator cannot be served either by personal service or by~~  
13 ~~certified mail, the record of the proposed confirmed report~~  
14 ~~must be maintained pursuant to s. 415.1065.~~

15 ~~6. Notice to other named persons may be sent by~~  
16 ~~regular mail, with the department giving notice to the~~  
17 ~~caregiver, the guardian, legal counsel for all parties, and~~  
18 ~~the disabled adult or elderly person.~~

19 ~~7. If a proposed confirmed report becomes confirmed~~  
20 ~~because the alleged perpetrator fails to make a timely request~~  
21 ~~to amend or expunge the proposed confirmed report, the~~  
22 ~~department must give notice of the confirmed classification to~~  
23 ~~the perpetrator and the perpetrator's legal counsel.~~

24 ~~a. Notice of the confirmed classification must inform~~  
25 ~~the perpetrator that the perpetrator may be disqualified from~~  
26 ~~working with children, the developmentally disabled, disabled~~  
27 ~~adults, and elderly persons.~~

28 ~~b. The notice must inform the perpetrator that further~~  
29 ~~departmental proceedings in the matter are not allowed.~~

30 ~~c. The notice of the confirmed classification must be~~  
31 ~~sent by certified mail, return receipt requested.~~

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1           ~~(c) If a report is closed without classification,~~  
 2 ~~notice must be given to the guardian of the disabled adult or~~  
 3 ~~elderly person, the disabled adult or elderly person, the~~  
 4 ~~caregiver of that person, any person or facility named in the~~  
 5 ~~report, and the person who had been named as the alleged~~  
 6 ~~perpetrator. The notice must be sent by regular mail and must~~  
 7 ~~advise the recipient that:~~

- 8           ~~1. The report will be retained for 7 years.~~  
 9           ~~2. The recipient has a right to request a copy of this~~  
 10 ~~report.~~  
 11           ~~3. Any person or facility named in a report classified~~  
 12 ~~as closed without classification has the right to request~~  
 13 ~~amendment or expunction of the report within 60 days after the~~  
 14 ~~receipt of the notice, and that failure to request amendment~~  
 15 ~~or expunction within 60 days means that the report will remain~~  
 16 ~~classified as closed without classification and that the~~  
 17 ~~person agrees not to contest the classification of the report.~~  
 18 ~~No further proceeding will be allowed in this matter.~~

19           ~~(d) In the case of a report that has been determined~~  
 20 ~~by an adult protective services investigator to be either a~~  
 21 ~~disabled adult in need of services or an elderly person in~~  
 22 ~~need of services, as defined in s. 415.102, no classification~~  
 23 ~~of the report shall be made and no notification shall be~~  
 24 ~~required.~~

25           ~~(e) The department shall adopt rules prescribing the~~  
 26 ~~content of the notices to be provided and requiring uniformity~~  
 27 ~~of content and appearance of each notice of classification or~~  
 28 ~~closure without classification.~~

29           ~~(3) NOTIFICATION BY LAW ENFORCEMENT AND STATE~~  
 30 ~~ATTORNEYS.~~

31           ~~(a) Whenever the law enforcement agency and the~~



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1 ~~department have conducted independent investigations, the law~~  
2 ~~enforcement agency shall, within 5 working days after~~  
3 ~~concluding its investigation, report its findings to the~~  
4 ~~department and to the state attorney.~~

5 ~~(b) Within 15 days after completion of an~~  
6 ~~investigation of a case reported to the state attorney under~~  
7 ~~this section, the state attorney shall report the findings to~~  
8 ~~the department and shall include a determination of whether or~~  
9 ~~not prosecution is justified and appropriate in view of the~~  
10 ~~circumstances of the specific case.~~

11 Section 18. Subsections (2) and (3) of section  
12 415.106, Florida Statutes, are amended to read:

13 415.106 Cooperation by the department and criminal  
14 justice and other agencies.--

15 (2) To ensure coordination, communication, and  
16 cooperation with the investigation of abuse, neglect, or  
17 exploitation of vulnerable disabled ~~adults or elderly persons~~,  
18 the department shall develop and maintain interprogram  
19 agreements or operational procedures among appropriate  
20 departmental programs and the State Long-Term Care Ombudsman  
21 Council, the Statewide Human Rights Advocacy Committee, and  
22 other agencies that provide services to vulnerable disabled  
23 ~~adults or elderly persons~~. These agreements or procedures must  
24 cover such subjects as the appropriate roles and  
25 responsibilities of the department in identifying and  
26 responding to reports of abuse, neglect, or exploitation of  
27 vulnerable disabled ~~adults or elderly persons~~; the provision  
28 of services; and related coordinated activities.

29 (3) To the fullest extent possible, the department  
30 shall cooperate with and seek cooperation from all appropriate  
31 public and private agencies, including health agencies,

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1 educational agencies, social service agencies, courts,  
 2 organizations, or programs providing or concerned with human  
 3 services related to the prevention, identification, or  
 4 treatment of abuse, neglect, or exploitation of vulnerable  
 5 ~~disabled~~ adults ~~and elderly persons~~.

6 Section 19. Section 415.107, Florida Statutes, is  
 7 amended to read:

8 415.107 Confidentiality of reports and records.--

9 (1) In order to protect the rights of the individual  
 10 or other persons responsible for the welfare of a vulnerable  
 11 ~~disabled~~ adult ~~or an elderly person~~, all records concerning  
 12 reports of abuse, neglect, or exploitation of the vulnerable  
 13 ~~disabled~~ adult ~~or elderly person~~, including reports made to  
 14 the central abuse hotline registry and tracking system, and  
 15 all records generated as a result of such reports shall be  
 16 confidential and exempt from s. 119.07(1) and may not be  
 17 disclosed except as specifically authorized by ss.

18 415.101-415.113.

19 (2) Upon the request of the committee chairperson,  
 20 access to all records shall be granted to staff of the  
 21 legislative committees with jurisdiction over issues and  
 22 services related to vulnerable adults, or over the department.  
 23 All confidentiality provisions that apply to the Department of  
 24 Children and Family Services continue to apply to the records  
 25 made available to legislative staff under this subsection.

26 (3)(2) Access to all records, excluding the name of  
 27 the reporter which shall be released only as provided in  
 28 subsection (6), shall be granted only to the following  
 29 persons, officials, and agencies:

30 (a) Employees or agents of the department, of the  
 31 Agency for Health Care Administration, or of the Department of

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1 Elderly Affairs who are responsible for carrying out ~~adult~~  
2 protective investigations, ongoing ~~adult~~ protective services,  
3 or licensure or approval of nursing homes, assisted living  
4 facilities, adult day care centers, adult family-care homes,  
5 home care for the elderly, hospices, or other facilities used  
6 for the placement of vulnerable ~~disabled~~ adults ~~or elderly~~  
7 ~~persons~~.

8 (b) A criminal justice agency investigating a report  
9 of known or suspected abuse, neglect, or exploitation of a  
10 vulnerable ~~disabled~~ adult ~~or an elderly person~~.

11 (c) The state attorney of the judicial circuit in  
12 which the vulnerable ~~disabled~~ adult ~~or elderly person~~ resides  
13 or in which the alleged abuse, neglect, or exploitation  
14 occurred.

15 (d) Any victim, the victim's ~~person who is the subject~~  
16 ~~of a report or the subject's~~ guardian, caregiver, or legal  
17 counsel, and any person who the department has determined  
18 might be abusing, neglecting, or exploiting the victim.

19 (e) A court, by subpoena, upon its finding that access  
20 to such records may be necessary for the determination of an  
21 issue before the court; however, such access must be limited  
22 to inspection in camera, unless the court determines that  
23 public disclosure of the information contained in such records  
24 is necessary for the resolution of an issue then pending  
25 before it.

26 (f) A grand jury, by subpoena, upon its determination  
27 that access to such records is necessary in the conduct of its  
28 official business.

29 (g) Any appropriate official of the human rights  
30 advocacy committee or long-term care ombudsman council  
31 investigating a report of known or suspected abuse, neglect,

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1 or exploitation of a vulnerable disabled adult ~~or an elderly~~  
2 ~~person~~.

3 (h) Any appropriate official of the department, of the  
4 Agency for Health Care Administration, or of the Department of  
5 Elderly Affairs who is responsible for:

6 1. Administration or supervision of the programs for  
7 the prevention, investigation, or treatment of ~~adult~~ abuse,  
8 neglect, or exploitation of vulnerable adults when carrying  
9 out an official function; or

10 2. Taking appropriate administrative action concerning  
11 an employee alleged to have perpetrated ~~institutional~~ abuse,  
12 neglect, or exploitation of a vulnerable disabled adult in an  
13 institution ~~or an elderly person~~.

14 (i) Any person engaged in bona fide research or  
15 auditing. However, information identifying the subjects of the  
16 report must not be made available to the researcher.

17 (j) Employees or agents of an agency of another state  
18 that has jurisdiction comparable to the jurisdiction described  
19 in paragraph (a).

20 (k) The Public Employees Relations Commission for the  
21 sole purpose of obtaining evidence for appeals filed pursuant  
22 to s. 447.207. Records may be released only after deletion of  
23 all information that specifically identifies persons other  
24 than the employee.

25 (l) Any person in the event of the death of a  
26 vulnerable disabled adult ~~or elderly person~~ determined to be a  
27 result of abuse, neglect, or exploitation. Information  
28 identifying the person reporting abuse, neglect, or  
29 exploitation shall not be released. Any information otherwise  
30 made confidential or exempt by law shall not be released  
31 pursuant to this paragraph.

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1           ~~(3) The Division of Administrative Hearings may have~~  
2 ~~access to a proposed confirmed or a confirmed report,~~  
3 ~~excluding the name of the reporter, for purposes of any~~  
4 ~~administrative challenge relating to a proposed confirmed or~~  
5 ~~confirmed report.~~

6           (4) The Department of Health, the Department of  
7 Business and Professional Regulation, and the Agency for  
8 Health Care Administration may have access to a ~~confirmed~~  
9 report, excluding the name of the reporter, when considering  
10 ~~taking~~ disciplinary action against a licensee or certified  
11 nursing assistant pursuant to allegations ~~for actions that~~  
12 ~~resulted in a confirmed report of abuse, neglect, or~~  
13 ~~exploitation which has been upheld following a chapter 120~~  
14 ~~hearing or a waiver of such proceedings.~~

15           (5) The department may release to any professional  
16 person such information as is necessary for the diagnosis and  
17 treatment of, and service delivery to, a vulnerable disabled  
18 ~~adult or an elderly person~~ or the person perpetrating the  
19 abuse, neglect, or exploitation.

20           (6) The identity of any person reporting ~~adult~~ abuse,  
21 neglect, or exploitation of a vulnerable adult may not be  
22 released, without that person's written consent, to any person  
23 other than employees of the department responsible for ~~adult~~  
24 protective services, the central abuse hotline registry and  
25 ~~tracking system~~, or the appropriate state attorney or law  
26 enforcement agency. This subsection grants protection only  
27 for the person who reported the ~~adult~~ abuse, neglect, or  
28 exploitation and protects only the fact that the person is the  
29 reporter. This subsection does not prohibit the subpoena of a  
30 person reporting the ~~adult~~ abuse, neglect, or exploitation  
31 when deemed necessary by the state attorney or the department

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1 to protect a vulnerable disabled adult ~~or an elderly person~~  
2 who is the subject of a report, if the fact that the person  
3 made the report is not disclosed.

4 (7) For the purposes of this section, the term  
5 "access" means a visual inspection or copy of the hard-copy  
6 record maintained in the district.

7 (8) Information in the central abuse hotline may not  
8 be used for employment screening.

9 ~~(8) The department, upon receipt of the applicable~~  
10 ~~fee, shall search its central abuse registry and tracking~~  
11 ~~system records pursuant to the requirements of ss. 110.1127,~~  
12 ~~393.0655, 394.457, 397.451, 400.506, 400.509, 400.512,~~  
13 ~~402.305(1), 402.3055, 402.313, 409.175, 409.176, and 985.407~~  
14 ~~for the existence of a confirmed report made on the personnel~~  
15 ~~as defined in the foregoing provisions. The department shall~~  
16 ~~report the existence of any confirmed report and advise the~~  
17 ~~authorized licensing agency, applicant for licensure, or other~~  
18 ~~authorized agency or person of the results of the search and~~  
19 ~~the date of the report. Prior to a search being conducted, the~~  
20 ~~department or its designee shall notify such person that an~~  
21 ~~inquiry will be made. The department shall notify each person~~  
22 ~~for whom a search is conducted of the results of the search~~  
23 ~~upon request.~~

24 ~~(9) Upon receipt of the applicable fee and with the~~  
25 ~~written consent of a person applying to work with disabled~~  
26 ~~adults or elderly persons, the department shall search its~~  
27 ~~central abuse registry and tracking system for the existence~~  
28 ~~of a confirmed report. The department shall advise the~~  
29 ~~employer and the person of any such report found and the~~  
30 ~~results of the investigation.~~

31 ~~(10) The department may charge a user fee to an~~

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1 ~~employer or the agency in charge of a volunteer, whichever is~~  
2 ~~applicable, for a search of the central abuse registry and~~  
3 ~~tracking system of up to one-third of the actual cost of the~~  
4 ~~screening process. All fees received by the department under~~  
5 ~~this section shall be deposited in an administrative trust~~  
6 ~~fund of the department and may be expended only for the~~  
7 ~~caregiver screening program.~~

8 Section 20. Section 415.1102, Florida Statutes, is  
9 amended to read:

10 415.1102 Adult protection teams; services; eligible  
11 cases.--Subject to an appropriation, the department may  
12 develop, maintain, and coordinate the services of one or more  
13 multidisciplinary adult protection teams in each of the  
14 districts of the department. Such teams may be composed of,  
15 but need not be limited to, representatives of appropriate  
16 health, mental health, social service, legal service, and law  
17 enforcement agencies.

18 (1) The department shall utilize and convene the teams  
19 to supplement the protective services activities of the ~~adult~~  
20 protective services program of the department. This section  
21 does not prevent a person from reporting under s. 415.1034 all  
22 suspected or known cases of abuse, neglect, or exploitation of  
23 a vulnerable disabled ~~adult or an elderly person~~. The role of  
24 the teams is to support activities of the ~~adult~~ protective  
25 services program and to provide services deemed by the teams  
26 to be necessary and appropriate to abused, neglected, and  
27 exploited vulnerable disabled ~~adults or elderly persons~~ upon  
28 referral. Services must be provided with the consent of the  
29 vulnerable disabled ~~adult, or elderly person~~ or that person's  
30 guardian, or through court order. ~~The specialized diagnostic~~  
31 ~~assessment, evaluation, coordination, and other supportive~~

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1 ~~services that an adult protection team must be capable of~~  
2 ~~providing include, but are not limited to:~~

3 ~~(a) Medical diagnosis and evaluation services,~~  
4 ~~including provision or interpretation of X rays and laboratory~~  
5 ~~tests, and related services, as needed, and documentation of~~  
6 ~~findings relative thereto.~~

7 ~~(b) Telephone consultation services in emergencies and~~  
8 ~~in other situations.~~

9 ~~(c) Medical evaluation related to abuse, neglect, or~~  
10 ~~exploitation as defined by department policy or rule.~~

11 ~~(d) Psychological and psychiatric diagnosis and~~  
12 ~~evaluation services for the disabled adult or elderly person.~~

13 ~~(e) Short-term psychological treatment. It is the~~  
14 ~~intent of the Legislature that short-term psychological~~  
15 ~~treatment be limited to no more than 6 months' duration after~~  
16 ~~treatment is initiated.~~

17 ~~(f) Expert medical, psychological, and related~~  
18 ~~professional testimony in court cases.~~

19 ~~(g) Case staffings to develop, implement, and monitor~~  
20 ~~treatment plans for disabled adults and elderly persons whose~~  
21 ~~cases have been referred to the team. An adult protection~~  
22 ~~team may provide consultation with respect to a disabled adult~~  
23 ~~or elderly person who has not been referred to the team. The~~  
24 ~~consultation must be provided at the request of a~~  
25 ~~representative of the adult protective services program or at~~  
26 ~~the request of any other professional involved with the~~  
27 ~~disabled adult or elderly person or that person's guardian or~~  
28 ~~other caregivers. In every such adult protection team case~~  
29 ~~staffing consultation or staff activity involving a disabled~~  
30 ~~adult or elderly person, an adult protective services program~~  
31 ~~representative shall attend and participate.~~



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1           ~~(h) Service coordination and assistance, including the~~  
2 ~~location of services available from other public and private~~  
3 ~~agencies in the community.~~

4           ~~(i) Such training services for program and other~~  
5 ~~department employees as is deemed appropriate to enable them~~  
6 ~~to develop and maintain their professional skills and~~  
7 ~~abilities in handling adult abuse, neglect, or exploitation~~  
8 ~~cases.~~

9           ~~(j) Education and community awareness campaigns on~~  
10 ~~adult abuse, neglect, or exploitation in an effort to enable~~  
11 ~~citizens to prevent, identify, and treat adult abuse, neglect,~~  
12 ~~and exploitation in the community more successfully.~~

13           ~~(2) The adult abuse, neglect, or exploitation cases~~  
14 ~~that are appropriate for referral by the adult protective~~  
15 ~~services program to adult protection teams for supportive~~  
16 ~~services include, but are not limited to, cases involving:~~

17           ~~(a) Unexplained or implausibly explained bruises,~~  
18 ~~burns, fractures, or other injuries in a disabled adult or an~~  
19 ~~elderly person.~~

20           ~~(b) Sexual abuse or molestation, or sexual~~  
21 ~~exploitation, of a disabled adult or elderly person.~~

22           ~~(c) Reported medical, physical, or emotional neglect~~  
23 ~~of a disabled adult or an elderly person.~~

24           ~~(d) Reported financial exploitation of a disabled~~  
25 ~~adult or elderly person.~~

26  
27 In all instances in which an adult protection team is  
28 providing certain services to abused, neglected, or exploited  
29 vulnerable disabled adults or elderly persons, other offices  
30 and units of the department shall avoid duplicating the  
31 provisions of those services.

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1           Section 21. Section 415.111, Florida Statutes, is  
2 amended to read:

3           415.111 Criminal penalties.--

4           (1) A person who knowingly and willfully fails to  
5 report a case of known or suspected abuse, neglect, or  
6 exploitation of a vulnerable ~~disabled~~ adult ~~or an elderly~~  
7 ~~person~~, or who knowingly and willfully prevents another person  
8 from doing so, commits a misdemeanor of the second degree,  
9 punishable as provided in s. 775.082 or s. 775.083.

10           (2) A person who knowingly and willfully makes public  
11 or discloses any confidential information contained in the  
12 central abuse hotline ~~registry and tracking system~~, or in  
13 other computer systems, or in the records of any case of  
14 abuse, neglect, or exploitation of a vulnerable ~~disabled~~ adult  
15 ~~or elderly person~~, except as provided in ss. 415.101-415.113,  
16 commits a misdemeanor of the second degree, punishable as  
17 provided in s. 775.082 or s. 775.083.

18           (3) A person who has custody of records and documents  
19 the confidentiality of which is abrogated under s.  
20 415.1045~~(3)~~~~(5)~~ and who refuses to grant access to such records  
21 commits a misdemeanor of the second degree, punishable as  
22 provided in s. 775.082 or s. 775.083.

23           (4) If the department or its authorized agent has  
24 determined after its investigation that a report is false, the  
25 department shall, with the consent of the alleged perpetrator,  
26 refer the reports to the local law enforcement agency having  
27 jurisdiction for an investigation to determine whether  
28 sufficient evidence exists to refer the case for prosecution  
29 for filing a false report as defined in s. 415.102. During the  
30 pendency of the investigation by the local law enforcement  
31 agency, the department must notify the local law enforcement

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1 agency of, and the local law enforcement agency must respond  
2 to, all subsequent reports concerning the same vulnerable  
3 ~~disabled adult or elderly person~~ in accordance with s. 415.104  
4 or s. 415.1045. If the law enforcement agency believes that  
5 there are indicators of abuse, neglect, or exploitation, it  
6 must immediately notify the department, which must assure the  
7 safety of the vulnerable ~~disabled adult or elderly person~~. If  
8 the law enforcement agency finds sufficient evidence for  
9 prosecution for filing a false report, it must refer the case  
10 to the appropriate state attorney for prosecution.

11 (5) A person who knowingly and willfully makes a false  
12 report of abuse, neglect, or exploitation of a vulnerable  
13 ~~disabled adult or an elderly person~~, or a person who advises  
14 another to make a false report, commits a felony of the third  
15 degree, punishable as provided in s. 775.082 or s. 775.083.

16 (a) The department shall establish procedures for  
17 determining whether a false report of abuse, neglect, or  
18 exploitation of a vulnerable ~~disabled adult or an elderly~~  
19 ~~person~~ has been made and for submitting all identifying  
20 information relating to such a false report to the local law  
21 enforcement agency as provided in this subsection and shall  
22 report annually to the Legislature the number of reports  
23 referred.

24 (b) Anyone making a report who is acting in good faith  
25 is immune from any liability under this subsection.

26 (6) Each state attorney shall establish and publish  
27 procedures to facilitate the prosecution of persons under this  
28 section and shall report to the Legislature annually the  
29 number of complaints that have resulted in the filing of an  
30 information or indictment under this section.

31 Section 22. Section 415.1111, Florida Statutes, is

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1 amended to read:

2 415.1111 Civil penalties.--

3 ~~(1) A person who is named as a perpetrator in a~~  
4 ~~confirmed report of abuse, neglect, or exploitation of a~~  
5 ~~disabled adult or an elderly person is subject to civil~~  
6 ~~penalties as follows:~~

7 ~~(a) For the first offense, a penalty of \$250.~~

8 ~~(b) For the second offense, a penalty of \$500.~~

9 ~~(c) For the third and subsequent offenses, a penalty~~  
10 ~~of \$1,000 per occurrence.~~

11

12 ~~Second and subsequent offenses may be for the same type of~~  
13 ~~abuse, neglect, or exploitation or for a different type, and~~  
14 ~~may be perpetrated upon the same or a different disabled adult~~  
15 ~~or elderly person.~~

16 ~~(2) All fines received by the department under this~~  
17 ~~section must be deposited in the Operations and Maintenance~~  
18 ~~Trust Fund within the department. The Legislature shall~~  
19 ~~annually appropriate from the fund an amount that is no less~~  
20 ~~than the amount deposited under this section, to be expended~~  
21 ~~only for the adult protective services program.~~

22 ~~(1)(3) A vulnerable adult who has been abused,~~  
23 ~~neglected, or exploited disabled adult or an elderly person~~  
24 ~~who has been named as a victim in a confirmed report of abuse,~~  
25 ~~neglect, or exploitation as specified in this chapter part has~~  
26 ~~a cause of action against any perpetrator ~~named in the~~~~  
27 ~~confirmed report and may recover actual and punitive damages~~  
28 ~~for such abuse, neglect, or exploitation. The action may be~~  
29 ~~brought by the vulnerable ~~disabled~~ adult or elderly person, or~~  
30 ~~that person's guardian, by a person or organization acting on~~  
31 ~~behalf of the vulnerable ~~disabled~~ adult or elderly person with~~

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1 the consent of that person or that person's guardian, or by  
 2 the personal representative of the estate of a deceased victim  
 3 ~~disabled adult or elderly person~~ without regard to whether the  
 4 cause of death resulted from the abuse, neglect, or  
 5 exploitation. The action may be brought in any court of  
 6 competent jurisdiction to enforce such action and to recover  
 7 actual and punitive damages for any deprivation of or  
 8 infringement on the rights of a vulnerable ~~disabled~~ adult ~~or~~  
 9 ~~an elderly person~~. A party who prevails in any such action  
 10 may be entitled to recover reasonable attorney's fees, costs  
 11 of the action, and damages. The remedies provided in this  
 12 section are in addition to and cumulative with other legal and  
 13 administrative remedies available to a vulnerable ~~disabled~~  
 14 adult ~~or an elderly person~~.

15 Section 23. Subsections (1), (2), and (5) of section  
 16 415.1113, Florida Statutes, are amended to read:

17 415.1113 Administrative fines for false report of  
 18 abuse, neglect, or exploitation of a vulnerable ~~disabled~~ adult  
 19 ~~or an elderly person~~.--

20 (1) In addition to any other penalty authorized by  
 21 this section, chapter 120, or other law, the department may  
 22 impose a fine, not to exceed \$10,000 for each violation, upon  
 23 a person who knowingly and willfully makes a false report of  
 24 abuse, neglect, or exploitation of a vulnerable ~~disabled~~ adult  
 25 ~~or an elderly person~~, or a person who counsels another to make  
 26 a false report.

27 (2) If the department alleges that a person has  
 28 knowingly and willfully filed a false report with the central  
 29 abuse hotline ~~registry and tracking system~~, the department  
 30 must file a notice of intent that alleges the name, age, and  
 31 address of the individual; the facts constituting the

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1 allegation that the individual made a false report; and the  
 2 administrative fine that the department proposes to impose on  
 3 the person. Each time that a false report is made constitutes  
 4 a separate violation.

5 (5) At the hearing, the department must prove by clear  
 6 and convincing evidence that the person knowingly and  
 7 willfully filed a false report with the central abuse hotline  
 8 ~~registry and tracking system~~. The person has the right to be  
 9 represented by legal counsel at the hearing.

10 Section 24. Section 415.113, Florida Statutes, is  
 11 amended to read:

12 415.113 Statutory construction; treatment by spiritual  
 13 means.--Nothing in ss. 415.101-415.112 shall be construed to  
 14 mean a person is abused, neglected, or in need of emergency or  
 15 protective services for the sole reason that the person relies  
 16 upon and is, therefore, being furnished treatment by spiritual  
 17 means through prayer alone in accordance with the tenets and  
 18 practices of a well-recognized ~~recognized~~ church or religious  
 19 denomination or organization; nor shall anything in such  
 20 sections be construed to authorize, permit, or require any  
 21 medical care or treatment in contravention of the stated or  
 22 implied objection of such person. Such construction does not:

23 (1) Eliminate the requirement that such a case be  
 24 reported to the department;

25 (2) Prevent the department from investigating such a  
 26 case; or

27 (3) Preclude a court from ordering, when the health of  
 28 the individual requires it, the provision of medical services  
 29 by a licensed physician or treatment by a duly accredited  
 30 practitioner who relies solely on spiritual means for healing  
 31 in accordance with the tenets and practices of a

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1 well-recognized church or religious denomination or  
2 organization.

3 Section 25. Sections 435.01, 435.02, 435.03, 435.04,  
4 435.045, 435.05, 435.06, 435.07, 435.08, 435.09, 435.10, and  
5 435.11, Florida Statutes, are designated as part I of chapter  
6 435, Florida Statutes.

7 Section 26. Paragraph (a) of subsection (2) and  
8 paragraph (a) of subsection (3) of section 435.03, Florida  
9 Statutes, are amended to read:

10 435.03 Level 1 screening standards.--

11 (2) Any person for whom employment screening is  
12 required by statute must not have been found guilty of,  
13 regardless of adjudication, or entered a plea of nolo  
14 contendere or guilty to, any offense prohibited under any of  
15 the following provisions of the Florida Statutes or under any  
16 similar statute of another jurisdiction:

17 (a) Section 415.111, relating to ~~adult~~ abuse, neglect,  
18 or exploitation of a vulnerable adult ~~aged persons or disabled~~  
19 ~~adults.~~

20 (3) Standards must also ensure that the person:

21 (a) For employees and employers licensed or registered  
22 pursuant to chapter 400, and for employees and employers of  
23 developmental services institutions as defined in s. 393.063,  
24 intermediate care facilities for the developmentally disabled  
25 as defined in s. 393.063, and mental health treatment  
26 facilities as defined in s. 394.455, meets the requirements of  
27 ~~part II does not have a confirmed report of abuse, neglect, or~~  
28 ~~exploitation as defined in s. 415.102(5), which has been~~  
29 ~~uncontested or upheld under s. 415.103.~~

30 Section 27. Paragraphs (b) and (c) of subsection (1)  
31 and subsection (2) of section 435.05, Florida Statutes, are

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1 amended to read:

2 435.05 Requirements for covered employees.--Except as  
3 otherwise provided by law, the following requirements shall  
4 apply to covered employees:

5 (1)

6 (b) For level 1 screening, the employer must submit  
7 the information necessary for screening to the Florida  
8 Department of Law Enforcement within 5 working days after  
9 receiving it. The Florida Department of Law Enforcement will  
10 conduct a search of its ~~When required, the employer must at~~  
11 ~~the same time submit sufficient information to the Department~~  
12 ~~of Children and Family Services to complete a check of its~~  
13 ~~records relating to the abuse, neglect, and exploitation of~~  
14 ~~vulnerable adults. The Florida Department of Law Enforcement~~  
15 ~~and the Department of Children and Family Services will~~  
16 ~~conduct searches of their~~ records and will respond to the  
17 employer agency. The employer will inform the employee  
18 whether screening has revealed any disqualifying information.

19 (c) For level 2 screening, the employer or licensing  
20 agency must submit the information necessary for screening to  
21 the Florida Department of Law Enforcement within 5 working  
22 days after receiving it. ~~When required, the employer or~~  
23 ~~licensing agency must also submit sufficient information to~~  
24 ~~the Department of Children and Family Services to complete a~~  
25 ~~check of its records.~~The Florida Department of Law  
26 Enforcement will conduct a search of its criminal and juvenile  
27 records and will request that the Federal Bureau of  
28 Investigation conduct a search of its records for each  
29 employee for whom the request is made. The Florida Department  
30 of Law Enforcement ~~and the Department of Children and Family~~  
31 ~~Services~~ will respond to the employer or licensing agency, and



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1 the employer or licensing agency will inform the employee  
2 whether screening has revealed disqualifying information.

3 (2) Unless otherwise prohibited by state or federal  
4 law, new employees may be placed on probationary status  
5 pending a determination of compliance with minimum standards  
6 set forth in this part ~~chapter~~.

7 Section 28. Subsection (1) of section 435.07, Florida  
8 Statutes, is amended to read:

9 435.07 Exemptions from disqualification.--Unless  
10 otherwise provided by law, the provisions of this section  
11 shall apply to exemptions from disqualification.

12 (1) The appropriate licensing agency may grant to any  
13 employee otherwise disqualified from employment an exemption  
14 from disqualification for:

15 (a) Felonies committed more than 3 years prior to the  
16 date of disqualification;

17 (b) Misdemeanors prohibited under any of the Florida  
18 Statutes cited in this chapter or under similar statutes of  
19 other jurisdictions;

20 (c) Offenses that were felonies when committed but are  
21 now misdemeanors;

22 (d) Findings of delinquency; or

23 (e) Commissions of acts of domestic violence as  
24 defined in s. 741.30. ~~or~~

25 ~~(f) Confirmed reports of abuse, neglect, or~~  
26 ~~exploitation of a vulnerable adult.~~

27  
28 For the purposes of this subsection, the term "felonies" means  
29 both felonies prohibited under any of the Florida Statutes  
30 cited in this part ~~chapter~~ or under similar statutes of other  
31 jurisdictions.

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1           Section 29. Section 435.08, Florida Statutes, is  
 2 amended to read:  
 3           435.08 Payment for processing of fingerprints and,  
 4 state criminal records checks, ~~and abuse hotline~~  
 5 ~~checks.~~--Either the employer or the employee is responsible  
 6 for paying the costs of screening. Payment shall be submitted  
 7 to the Florida Department of Law Enforcement with the request  
 8 for screening. ~~When a search of the central abuse hotline is~~  
 9 ~~required, payment shall be submitted by separate check to the~~  
 10 ~~Department of Children and Family Services with the request~~  
 11 ~~for screening.~~

12           Section 30. Section 435.09, Florida Statutes, is  
 13 amended to read:  
 14           435.09 Confidentiality of personnel background check  
 15 information.--No criminal or, ~~juvenile, or abuse hotline~~  
 16 information obtained under this section may be used for any  
 17 purpose other than determining whether persons meet the  
 18 minimum standards for employment or for an owner or director  
 19 of a covered service provider. The criminal records and  
 20 juvenile records obtained by the department or by an employer  
 21 are exempt from s. 119.07(1).

22           Section 31. Sections 435.401, 435.402, 435.403, and  
 23 435.405, Florida Statutes, are designated as part II of  
 24 chapter 435, Florida Statutes.

25           Section 32. Effective January 1, 2001, section  
 26 435.401, Florida Statutes, is created to read:

27           435.401 Caregivers of vulnerable adults; special  
 28 employment, contractual, or referral work history checks;  
 29 definitions.--For purposes of this part:

30           (1) "Agency" means the Agency for Health Care  
 31 Administration.

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1           (2) "Covered organization" means any residential  
2 facility or agency licensed pursuant to chapter 400 by the  
3 agency where health, nutritional, or personal care is provided  
4 or arranged for vulnerable adults, including nursing homes,  
5 assisted living facilities, adult day care facilities, adult  
6 family-care homes, hospices, home health care agencies, nurse  
7 registries, and intermediate care facilities for  
8 developmentally disabled persons. Covered organization shall  
9 also mean developmental services institutions and mental  
10 health institutions. Covered organization includes any  
11 temporary agency as defined in this section.

12           (3) "Direct access employee or contractor" means a  
13 caregiver hired by or contracted with a covered organization  
14 after January 1, 2001, whose primary job duties require direct  
15 access or contact with persons receiving care, access to the  
16 living areas of such persons, or access to the funds or  
17 property of such persons. The term does not include caregivers  
18 whose primary job duties do not include or require direct  
19 access or contact with persons receiving care, but whose  
20 duties may result in occasional contact with such persons. Not  
21 included are maintenance personnel, office or clerical  
22 workers, and nonlicensed personnel whose essential functions  
23 do not include the care of or direct access to persons  
24 receiving care.

25           (4) "Service letter" means the employment or work  
26 history form provided to covered organizations by the agency.

27           (5) "Temporary agency" means an agency responsible for  
28 providing temporary employees or contractors to covered  
29 organizations, including health care service pools as defined  
30 in s. 400.980.

31           Section 33. Effective January 1, 2001, section

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1 435.402, Florida Statutes, is created to read:

2 435.402 Service letters; requirements; penalties.--

3 (1) No covered organization shall hire, contract with,  
4 or register for referral any person seeking employment or  
5 engagements that require direct access to patients or clients  
6 without obtaining service letters regarding that person from  
7 at least two covered organizations the person has been  
8 employed by, contracted with, or registered with during the  
9 past 3 years. If the applicant has been employed by,  
10 contracted with, or registered with fewer than two covered  
11 organizations during the past 3 years, then all covered  
12 organizations must be contacted. If the person seeking  
13 employment has not been previously employed by, contracted  
14 with, or registered with a covered organization within the  
15 past 3 years or was self-employed, then the prospective  
16 covered organization must require the person to provide  
17 letters of reference from at least two adults who are familiar  
18 with the person, but who are not relatives of the person.  
19 Nothing in this subsection shall prohibit or discourage  
20 prospective covered organizations from performing more work  
21 history checks than are required in this subsection.

22 (2) The required service letter shall be a form  
23 provided by the agency. The form shall be signed by the  
24 current or previous covered organizations, as requested, and  
25 shall contain information about the type of work performed by  
26 the person who has been employed by, contracted with, or  
27 registered with the covered organization, the duration of the  
28 employment, contract, or registration period, the nature of  
29 the person's separation from the covered organization, and any  
30 substantiated incidents toward any other person involving  
31 violence, threat of violence, abuse, neglect, exploitation, or

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1 misappropriation of property by the person, including any  
2 disciplinary action taken as a result of such conduct and the  
3 date of such action. Covered organizations that contract with  
4 caregivers or register caregivers for referral, when receiving  
5 a service letter from another covered organization, shall  
6 report on the return service letter any substantiated  
7 incidents toward any other person involving violence, threat  
8 of violence, abuse, neglect, exploitation, or misappropriation  
9 of property by the person which resulted in the termination of  
10 the person's contract or removal of the person from the  
11 referral registry.

12 (3) Any covered organization that is required to  
13 obtain service letters shall obtain a statement signed by the  
14 applicant authorizing a full release to the covered  
15 organization of any and all information pertaining to the  
16 facts of the applicant's current or previous work history.

17 (4)(a) Any covered organization, including a temporary  
18 agency, that is required to obtain a service letter shall  
19 obtain a statement signed by the applicant attesting that the  
20 information given in the application represents a full and  
21 complete disclosure of the applicant's current and previous  
22 work history, and that all information contained in the  
23 application is true and complete to the best of the knowledge  
24 and belief of the applicant. In addition, the application  
25 shall contain a written acknowledgment by the applicant that  
26 he or she understands that failure to provide a full and  
27 complete disclosure of all information required under this  
28 section is a violation of this section and that such failure  
29 may result in first or second degree misdemeanor charges, or  
30 termination of employment, contract, or registration for  
31 referral. Full and complete disclosure by an applicant

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1 includes listing all current and previous covered  
2 organizations, as defined in s. 435.401, for the previous 3  
3 years. An applicant who has worked for one or more temporary  
4 agencies during the previous 3 years shall list on the  
5 application all such temporary agencies.

6 (b) Any covered organization that does not obtain the  
7 applicant's signed attestation for a person hired, contracted  
8 with, or registered for referral after January 1, 2001, may be  
9 issued a notice of noncompliance. A violation that is not  
10 corrected within the specified timeframe or is a repeat  
11 violation becomes a finable violation. The covered  
12 organization is subject to an administrative penalty of \$500  
13 for the first finable violation, \$1,000 for the second finable  
14 violation, and \$2,500 for the third and any subsequent finable  
15 violation.

16 (5) Any covered organization, including a temporary  
17 agency, that receives a written request for a service letter  
18 from any other covered organization, as required by this  
19 section, shall complete and send that service letter to the  
20 requesting covered organization within 10 business days after  
21 the date the request is received. Any written response,  
22 including a response by regular mail, facsimile, electronic  
23 transmission, or other clearly documented delivery, which  
24 provides the information required by this section on the form  
25 provided by the agency shall constitute compliance with this  
26 subsection. Any covered organization that does not provide  
27 such service letters for a person seeking employment may be  
28 issued a notice of noncompliance. A violation that is not  
29 corrected within the specified timeframe or is a repeat  
30 violation becomes a finable violation. The covered  
31 organization is subject to an administrative penalty of \$500

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1 for the first finable violation, \$1,000 for the second finable  
2 violation, and \$2,500 for the third and any subsequent finable  
3 violation.

4 (6) Notwithstanding the provisions of subsection (1),  
5 the covered organization may conditionally employ, contract  
6 with, or register for referral an applicant for up to 30 days  
7 on a conditional basis, pending receipt of the required  
8 service letters. An applicant conditionally employed,  
9 contracted with, or registered for referral pursuant to this  
10 subsection shall be informed, in writing, and shall  
11 acknowledge, in writing, that his or her continued employment,  
12 contract, or registration is contingent upon receipt of the  
13 required service letters. A covered organization may allow a  
14 person to continue working after the 30 days on a conditional  
15 basis without the required service letters if the covered  
16 organization has demonstrated a good faith attempt to obtain  
17 the service letters, as evidenced by requesting the necessary  
18 service letters prior to the applicant's first day of work, by  
19 regular mail, facsimile, electronic transmission, or other  
20 clearly documented delivery, and at least two documented  
21 attempts to contact the covered organizations from which the  
22 information was requested when the service letters were not  
23 returned within 10 business days. Any covered organization  
24 that has not demonstrated such good faith effort may be issued  
25 a notice of noncompliance. A violation that is not corrected  
26 within the specified timeframe or is a repeat violation  
27 becomes a finable violation. The covered organization is  
28 subject to an administrative penalty of \$500 for the first  
29 finable violation, \$1,000 for the second finable violation,  
30 and \$2,500 for the third and any subsequent finable violation.

31 (7) A covered organization shall make a good faith

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1 attempt to locate an applicant's previous covered  
2 organizations as identified in the application and to obtain  
3 the service letters from each current or previous covered  
4 organization. The burden of proof shall rest with the covered  
5 organization to demonstrate a good faith attempt to comply  
6 with this section, as evidenced by requesting the necessary  
7 service letters prior to the applicant's first day of work, by  
8 regular mail, facsimile, electronic transmission, or other  
9 clearly documented delivery, and at least two documented  
10 attempts to contact the covered organizations from which the  
11 information was requested when the service letters were not  
12 returned within 10 business days. Any covered organization  
13 that does not obtain the required service letters for a person  
14 seeking employment may be issued a notice of noncompliance. A  
15 violation that is not corrected within the specified timeframe  
16 or is a repeat violation becomes a finable violation. The  
17 covered organization is subject to an administrative penalty  
18 of \$500 for the first finable violation, \$1,000 for the second  
19 finable violation, and \$2,500 for the third and any subsequent  
20 finable violation.

21 (8) Any covered organization that knowingly and with  
22 intent to deceive provides information that is a materially  
23 inaccurate or incomplete disclosure of past work history  
24 information on a service letter is subject to an  
25 administrative penalty of \$500 for the first violation, \$1,000  
26 for the second violation, and \$2,500 for the third and any  
27 subsequent violation.

28 (9) Any person who knowingly and with intent to  
29 deceive provides information that is a materially inaccurate  
30 or incomplete disclosure of past work history information on  
31 an application in violation of the requirements of subsection



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1 (4) may be terminated from employment, contract, or  
2 registration for referral, and commits a misdemeanor of the  
3 second degree, punishable as provided in s. 775.082 or s.  
4 775.083. Any person who commits a second or subsequent  
5 violation commits a misdemeanor of the first degree,  
6 punishable as provided in s. 775.082 or s. 775.083.

7 (10) Any covered organization, or any person authorized  
8 to act on behalf of the covered organization, that discloses  
9 information to a covered organization as required by  
10 subsection (5) is presumed to be acting in good faith, and,  
11 unless lack of good faith is shown, is immune from civil  
12 liability under this part and pursuant to s. 768.095 for such  
13 disclosure and its consequences and may not be made the  
14 subject of any legal action for libel, slander, or defamation  
15 by an applicant's current or former covered organization. For  
16 purposes of this section, the presumption of good faith may be  
17 rebutted upon a showing that the information disclosed by such  
18 covered organization was knowingly false, was deliberately  
19 misleading, or was rendered with malicious purpose.

20 (11) Any information received from an applicant's  
21 current or previous covered organization by the applicant's  
22 prospective covered organization, pursuant to this section,  
23 which could in any way identify the current or previous  
24 covered organization that provided the information shall be  
25 protected from discovery in any legal or administrative  
26 proceedings. The applicant who is the subject of the  
27 information provided by his or her current or previous covered  
28 organization shall have a right to obtain such information  
29 from the current or previous covered organization that  
30 provided the information to the prospective covered  
31 organization.

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1           (12) The agency shall be the only party with authority  
2 to impose and seek enforcement of an administrative penalty  
3 under this part.

4           (13) The background screening database operated by the  
5 agency pursuant to s. 400.215 shall be accessible to all  
6 covered organizations. The agency shall maintain in the  
7 database, for all health care professionals licensed or  
8 certified by the Department of Health, the current status of  
9 any disciplinary action taken by the Department of Health or  
10 by any professional board against an applicant or employee, in  
11 addition to any criminal history information about an  
12 applicant or employee.

13           Section 34. Effective January 1, 2001, section  
14 435.403, Florida Statutes, is created to read:

15           435.403 Enforcement; penalties.--

16           (1) The agency shall monitor covered organizations for  
17 compliance with the provisions of s. 435.402. Such monitoring  
18 shall be carried out through routine inspections and surveys  
19 or other regulatory activities and through investigations of  
20 complaints reported by any person to the agency alleging  
21 noncompliance with the provisions of s. 435.402.

22           (2) Funds collected through payment of administrative  
23 penalties to the agency shall be deposited in the Health Care  
24 Trust Fund to support enforcement of the requirements of this  
25 part and the improvement of quality of care for vulnerable  
26 adults who are residents or clients of covered organizations.

27           Section 35. Effective January 1, 2001, section  
28 435.405, Florida Statutes, is created to read:

29           435.405 Rules.--The agency shall adopt rules to  
30 implement the provisions of this part. The rules shall include  
31 the forms for service letters, provisions for accepting the

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1 service letter forms by facsimile or electronic transmission  
 2 in addition to printed form, standards for documentation of a  
 3 good faith effort to perform the actions required under this  
 4 part, and standards for monitoring the compliance of covered  
 5 organizations.

6 Section 36. Paragraph (g) of subsection (3) of section  
 7 20.43, Florida Statutes, is amended to read:

8 20.43 Department of Health.--There is created a  
 9 Department of Health.

10 (3) The following divisions of the Department of  
 11 Health are established:

12 (g) Division of Medical Quality Assurance, which is  
 13 responsible for the following boards and professions  
 14 established within the division:

15 1. Nursing assistants, as provided under s. 400.211.

16 ~~2. Health care services pools, as provided under s.~~  
 17 ~~402.48.~~

18 ~~2.3.~~ The Board of Acupuncture, created under chapter  
 19 457.

20 ~~3.4.~~ The Board of Medicine, created under chapter 458.

21 ~~4.5.~~ The Board of Osteopathic Medicine, created under  
 22 chapter 459.

23 ~~5.6.~~ The Board of Chiropractic Medicine, created under  
 24 chapter 460.

25 ~~6.7.~~ The Board of Podiatric Medicine, created under  
 26 chapter 461.

27 ~~7.8.~~ Naturopathy, as provided under chapter 462.

28 ~~8.9.~~ The Board of Optometry, created under chapter  
 29 463.

30 ~~9.10.~~ The Board of Nursing, created under chapter 464.

31 ~~10.11.~~ The Board of Pharmacy, created under chapter

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1 465.  
2       ~~11.12.~~ The Board of Dentistry, created under chapter  
3 466.  
4       ~~12.13.~~ Midwifery, as provided under chapter 467.  
5       ~~13.14.~~ The Board of Speech-Language Pathology and  
6 Audiology, created under part I of chapter 468.  
7       ~~14.15.~~ The Board of Nursing Home Administrators,  
8 created under part II of chapter 468.  
9       ~~15.16.~~ The Board of Occupational Therapy, created  
10 under part III of chapter 468.  
11       ~~16.17.~~ Respiratory therapy, as provided under part V  
12 of chapter 468.  
13       ~~17.18.~~ Dietetics and nutrition practice, as provided  
14 under part X of chapter 468.  
15       ~~18.19.~~ The Board of Athletic Training, created under  
16 part XIII of chapter 468.  
17       ~~19.20.~~ The Board of Orthotists and Prosthetists,  
18 created under part XIV of chapter 468.  
19       ~~20.21.~~ Electrolysis, as provided under chapter 478.  
20       ~~21.22.~~ The Board of Massage Therapy, created under  
21 chapter 480.  
22       ~~22.23.~~ The Board of Clinical Laboratory Personnel,  
23 created under part III of chapter 483.  
24       ~~23.24.~~ Medical physicists, as provided under part IV  
25 of chapter 483.  
26       ~~24.25.~~ The Board of Opticianry, created under part I  
27 of chapter 484.  
28       ~~25.26.~~ The Board of Hearing Aid Specialists, created  
29 under part II of chapter 484.  
30       ~~26.27.~~ The Board of Physical Therapy Practice, created  
31 under chapter 486.

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1           ~~27.28.~~ The Board of Psychology, created under chapter  
2 490.

3           ~~28.29.~~ School psychologists, as provided under chapter  
4 490.

5           ~~29.30.~~ The Board of Clinical Social Work, Marriage and  
6 Family Therapy, and Mental Health Counseling, created under  
7 chapter 491.

8  
9 The department may contract with the Agency for Health Care  
10 Administration who shall provide consumer complaint,  
11 investigative, and prosecutorial services required by the  
12 Division of Medical Quality Assurance, councils, or boards, as  
13 appropriate.

14           Section 37. Paragraph (h) of subsection (2) of section  
15 39.202, Florida Statutes, is amended to read:

16           39.202 Confidentiality of reports and records in cases  
17 of child abuse or neglect.--

18           (2) Access to such records, excluding the name of the  
19 reporter which shall be released only as provided in  
20 subsection (4), shall be granted only to the following  
21 persons, officials, and agencies:

22           (h) Any appropriate official of the department  
23 responsible for:

24           1. Administration or supervision of the department's  
25 program for the prevention, investigation, or treatment of  
26 child abuse, abandonment, or neglect, or abuse, neglect, or  
27 exploitation of a vulnerable ~~disabled~~ adult ~~or elderly person~~,  
28 when carrying out his or her official function;

29           2. Taking appropriate administrative action concerning  
30 an employee of the department alleged to have perpetrated  
31 child abuse, abandonment, or neglect, or abuse, neglect, or

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1 exploitation of a vulnerable ~~disabled~~ adult or ~~elderly person~~;  
2 or

3 3. Employing and continuing employment of personnel of  
4 the department.

5 Section 38. Paragraphs (a) and (b) of subsection (3)  
6 of section 110.1127, Florida Statutes, are amended to read:

7 110.1127 Employee security checks.--

8 (3)(a) All positions in programs providing care to  
9 children, the developmentally disabled, or vulnerable adults  
10 ~~disabled adults, or elderly persons~~ for 15 hours or more per  
11 week; all permanent and temporary employee positions of the  
12 central abuse hotline; and all persons working under contract  
13 who have access to abuse records are deemed to be persons and  
14 positions of special trust or responsibility, and require  
15 employment screening pursuant to chapter 435, using the level  
16 2 standards set forth in that chapter.

17 (b) The employing agency may grant exemptions from  
18 disqualification from working with children, the  
19 developmentally disabled, or vulnerable adults ~~disabled~~  
20 ~~adults, or elderly persons~~ as provided in s. 435.07.

21 Section 39. Paragraph (a) of subsection (12) of  
22 section 112.0455, Florida Statutes, is amended to read:

23 112.0455 Drug-Free Workplace Act.--

24 (12) DRUG-TESTING STANDARDS; LABORATORIES.--

25 (a) A laboratory may analyze initial or confirmation  
26 drug specimens only if:

27 1. The laboratory is licensed and approved by the  
28 Agency for Health Care Administration using criteria  
29 established by the United States Department of Health and  
30 Human Services as general guidelines for modeling the state  
31 drug testing program. Each applicant for licensure must comply

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1 with the following requirements:

2 a. Upon receipt of a completed, signed, and dated  
3 application, the agency shall require background screening, in  
4 accordance with the level 2 standards for screening set forth  
5 in chapter 435, of the managing employee, or other similarly  
6 titled individual responsible for the daily operation of the  
7 laboratory, and of the financial officer, or other similarly  
8 titled individual who is responsible for the financial  
9 operation of the laboratory, including billings for services.  
10 The applicant must comply with the procedures for level 2  
11 background screening as set forth in chapter 435, as well as  
12 the requirements of s. 435.03(3).

13 b. The agency may require background screening of any  
14 other individual who is an applicant if the agency has  
15 probable cause to believe that he or she has been convicted of  
16 an offense prohibited under the level 2 standards for  
17 screening set forth in chapter 435.

18 c. Proof of compliance with the level 2 background  
19 screening requirements of chapter 435 which has been submitted  
20 within the previous 5 years in compliance with any other  
21 health care licensure requirements of this state is acceptable  
22 in fulfillment of screening requirements.

23 d. A provisional license may be granted to an  
24 applicant when each individual required by this section to  
25 undergo background screening has met the standards for ~~the~~  
26 ~~abuse registry background check~~ and the Department of Law  
27 Enforcement background check, but the agency has not yet  
28 received background screening results from the Federal Bureau  
29 of Investigation, or a request for a disqualification  
30 exemption has been submitted to the agency as set forth in  
31 chapter 435, but a response has not yet been issued. A license

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1 may be granted to the applicant upon the agency's receipt of a  
2 report of the results of the Federal Bureau of Investigation  
3 background screening for each individual required by this  
4 section to undergo background screening which confirms that  
5 all standards have been met, or upon the granting of a  
6 disqualification exemption by the agency as set forth in  
7 chapter 435. Any other person who is required to undergo level  
8 2 background screening may serve in his or her capacity  
9 pending the agency's receipt of the report from the Federal  
10 Bureau of Investigation. However, the person may not continue  
11 to serve if the report indicates any violation of background  
12 screening standards and a disqualification exemption has not  
13 been requested of and granted by the agency as set forth in  
14 chapter 435.

15 e. Each applicant must submit to the agency, with its  
16 application, a description and explanation of any exclusions,  
17 permanent suspensions, or terminations of the applicant from  
18 the Medicare or Medicaid programs. Proof of compliance with  
19 the requirements for disclosure of ownership and control  
20 interests under the Medicaid or Medicare programs shall be  
21 accepted in lieu of this submission.

22 f. Each applicant must submit to the agency a  
23 description and explanation of any conviction of an offense  
24 prohibited under the level 2 standards of chapter 435 by a  
25 member of the board of directors of the applicant, its  
26 officers, or any individual owning 5 percent or more of the  
27 applicant. This requirement does not apply to a director of a  
28 not-for-profit corporation or organization if the director  
29 serves solely in a voluntary capacity for the corporation or  
30 organization, does not regularly take part in the day-to-day  
31 operational decisions of the corporation or organization,



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1 receives no remuneration for his or her services on the  
2 corporation or organization's board of directors, and has no  
3 financial interest and has no family members with a financial  
4 interest in the corporation or organization, provided that the  
5 director and the not-for-profit corporation or organization  
6 include in the application a statement affirming that the  
7 director's relationship to the corporation satisfies the  
8 requirements of this sub-subparagraph.

9 g. A license may not be granted to any applicant if  
10 the applicant or managing employee has been found guilty of,  
11 regardless of adjudication, or has entered a plea of nolo  
12 contendere or guilty to, any offense prohibited under the  
13 level 2 standards for screening set forth in chapter 435,  
14 unless an exemption from disqualification has been granted by  
15 the agency as set forth in chapter 435.

16 h. The agency may deny or revoke licensure if the  
17 applicant:

18 (I) Has falsely represented a material fact in the  
19 application required by sub-subparagraph e. or  
20 sub-subparagraph f., or has omitted any material fact from the  
21 application required by sub-subparagraph e. or  
22 sub-subparagraph f.; or

23 (II) Has had prior action taken against the applicant  
24 under the Medicaid or Medicare program as set forth in  
25 sub-subparagraph e.

26 i. An application for license renewal must contain the  
27 information required under sub-subparagraphs e. and f.

28 2. The laboratory has written procedures to ensure  
29 chain of custody.

30 3. The laboratory follows proper quality control  
31 procedures, including, but not limited to:

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1           a. The use of internal quality controls including the  
2 use of samples of known concentrations which are used to check  
3 the performance and calibration of testing equipment, and  
4 periodic use of blind samples for overall accuracy.

5           b. An internal review and certification process for  
6 drug test results, conducted by a person qualified to perform  
7 that function in the testing laboratory.

8           c. Security measures implemented by the testing  
9 laboratory to preclude adulteration of specimens and drug test  
10 results.

11           d. Other necessary and proper actions taken to ensure  
12 reliable and accurate drug test results.

13           Section 40. Paragraphs (a), (b), and (c) of subsection  
14 (7) of section 119.07, Florida Statutes, are amended to read:

15           119.07 Inspection, examination, and duplication of  
16 records; exemptions.--

17           (7)(a) Any person or organization, including the  
18 Department of Children and Family Services, may petition the  
19 court for an order making public the records of the Department  
20 of Children and Family Services that pertain to investigations  
21 of alleged abuse, neglect, abandonment, or exploitation of a  
22 child or a vulnerable, ~~a disabled adult, or an elderly person.~~  
23 The court shall determine if good cause exists for public  
24 access to the records sought or a portion thereof. In making  
25 this determination, the court shall balance the best interest  
26 of the vulnerable ~~disabled adult, elderly person,~~ or child who  
27 is the focus of the investigation, and in the case of the  
28 child, the interest of that child's siblings, together with  
29 the privacy right of other persons identified in the reports  
30 against the public interest. The public interest in access to  
31 such records is reflected in s. 119.01(1), and includes the

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1 need for citizens to know of and adequately evaluate the  
2 actions of the Department of Children and Family Services and  
3 the court system in providing vulnerable ~~disabled~~ adults,  
4 ~~elderly persons~~, and children of this state with the  
5 protections enumerated in ss. 39.001 and 415.101. However,  
6 this subsection does not contravene ss. 39.202 and 415.107,  
7 which protect the name of any person reporting the abuse,  
8 neglect, or exploitation of a child or a vulnerable, ~~a~~  
9 ~~disabled adult, or an elderly person.~~

10 (b) In cases involving serious bodily injury to a  
11 child or a vulnerable, ~~a disabled adult or an elderly person~~,  
12 the Department of Children and Family Services may petition  
13 the court for an order for the immediate public release of  
14 records of the department which pertain to the protective  
15 ~~investigation of abuse, neglect, abandonment, or exploitation~~  
16 ~~of the child, disabled adult, or elderly person who suffered~~  
17 ~~serious bodily injury~~. The petition must be personally served  
18 upon the child or vulnerable, ~~disabled adult, or elderly~~  
19 ~~person~~, the child's parents or guardian, the legal guardian of  
20 that person, if any, and any person named as an alleged  
21 perpetrator in the report of abuse, neglect, abandonment, or  
22 exploitation. The court must determine if good cause exists  
23 for the public release of the records sought no later than 24  
24 hours, excluding Saturdays, Sundays, and legal holidays, after  
25 the date the department filed the petition with the court. If  
26 the court has neither granted nor denied the petition within  
27 the 24-hour time period, the department may release to the  
28 public summary information including:

29 1. A confirmation that an investigation has been  
30 conducted concerning the alleged victim.

31 2. The dates and brief description of procedural

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1 activities undertaken during the department's investigation.

2 3. The date of each judicial proceeding, a summary of  
3 each participant's recommendations made at the judicial  
4 proceedings, and the rulings of the court.

5  
6 The summary information may not include the name of, or other  
7 identifying information with respect to, any person identified  
8 in any investigation. In making a determination to release  
9 confidential information, the court shall balance the best  
10 interests of the vulnerable ~~disabled adult or elderly person~~  
11 or child who is the focus of the investigation and, in the  
12 case of the child, the interests of that child's siblings,  
13 together with the privacy rights of other persons identified  
14 in the reports against the public interest for access to  
15 public records. However, this paragraph does not contravene  
16 ss. 39.202 and 415.107, which protect the name of any person  
17 reporting abuse, neglect, or exploitation of a child or a  
18 vulnerable, ~~a disabled adult, or an elderly person.~~

19 (c) When the court determines that good cause for  
20 public access exists, the court shall direct that the  
21 department redact the name of and other identifying  
22 information with respect to any person identified in any  
23 protective investigation report ~~unfounded report or proposed~~  
24 ~~confirmed report or report closed without classification, or~~  
25 ~~in any report that has not yet been classified pursuant to s.~~  
26 ~~415.1045(7),~~ until such time as the court finds that there is  
27 probable cause to believe that the person identified committed  
28 an act of alleged abuse, neglect, or abandonment.

29 Section 41. Subsection (1) of section 232.50, Florida  
30 Statutes, is amended to read:

31 232.50 Child abuse, abandonment, and neglect

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1 policy.--Every school board shall by March 1, 1985:

2 (1) Post in a prominent place in each school a notice  
3 that, pursuant to chapter 39, all employees or agents of the  
4 district school board have an affirmative duty to report all  
5 actual or suspected cases of child abuse, abandonment, or  
6 neglect, have immunity from liability if they report such  
7 cases in good faith, and have a duty to comply with child  
8 protective investigations and all other provisions of law  
9 relating to child abuse, abandonment, and neglect. The notice  
10 shall also include the statewide toll-free telephone number of  
11 the central state ~~state~~ abuse hotline ~~registry~~.

12 Section 42. Subsection (4) and paragraph (b) of  
13 subsection (5) of section 242.335, Florida Statutes, are  
14 amended to read:

15 242.335 Personnel screening; Florida School for the  
16 Deaf and the Blind.--

17 (4) The Florida School for the Deaf and the Blind may  
18 not use the criminal records, ~~abuse registry information,~~  
19 private investigator findings, or information reference checks  
20 obtained by the school pursuant to this section for any  
21 purpose other than determining if a person meets the minimum  
22 standards for good moral character for personnel employed by  
23 the school. The criminal records, ~~abuse registry information,~~  
24 private investigator findings, and information from reference  
25 checks obtained by the Florida School for the Deaf and the  
26 Blind for determining the moral character of employees of the  
27 school are confidential and exempt from the provisions of s.  
28 119.07(1) and s. 24(a), Art. I of the State Constitution.

29 (5) It is a misdemeanor of the first degree,  
30 punishable as provided in s. 775.082 or s. 775.083, for any  
31 person willfully, knowingly, or intentionally to:

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1           (b) Use the criminal records, ~~abuse registry~~  
2 ~~information~~, private investigator findings, or information  
3 from reference checks obtained under this section or  
4 information obtained from such records or findings for  
5 purposes other than screening for employment or release such  
6 information or records to persons for purposes other than  
7 screening for employment.

8           Section 43. Paragraph (a) of subsection (8) of section  
9 320.0848, Florida Statutes, is amended to read:

10           320.0848 Persons who have disabilities; issuance of  
11 disabled parking permits; temporary permits; permits for  
12 certain providers of transportation services to persons who  
13 have disabilities.--

14           (8) A law enforcement officer may confiscate the  
15 disabled parking permit from any person who fraudulently  
16 obtains or unlawfully uses such a permit. A law enforcement  
17 officer may confiscate any disabled parking permit that is  
18 expired, reported as lost or stolen, or defaced, or that does  
19 not display a personal identification number.

20           (a) Beginning April 1, 1999, the permit number of each  
21 confiscated permit must be submitted to the Department of  
22 Highway Safety and Motor Vehicles, and the fact that the  
23 permit has been confiscated must be noted on the  
24 permit holder's record. If two permits issued to the same  
25 person have been confiscated, the Department of Highway Safety  
26 and Motor Vehicles shall refer the information to the central  
27 ~~Florida~~ abuse hotline of the Department of Children and Family  
28 Services for an investigation of potential abuse, neglect, or  
29 exploitation of the permit owner.

30           Section 44. Paragraph (c) of subsection (1) of section  
31 381.0059, Florida Statutes, is amended to read:

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1           381.0059 Background screening requirements for school  
2 health services personnel.--

3           (1)

4           (c) The person subject to the required background  
5 screening or his or her employer must pay the fees required to  
6 obtain the background screening. Payment for the screening ~~and~~  
7 ~~the abuse registry check~~ must be submitted to the Department  
8 of Health. The Florida Department of Law Enforcement shall  
9 charge the Department of Health for a level 2 screening at a  
10 rate sufficient to cover the costs of such screening pursuant  
11 to s. 943.053(3). The Department of Health shall establish a  
12 schedule of fees to cover the costs of the level 2 screening  
13 ~~and the abuse registry check~~. The applicant or his or her  
14 employer who pays for the required screening may be reimbursed  
15 by the Department of Health from funds designated for this  
16 purpose.

17           Section 45. Paragraph (d) of subsection (1) of section  
18 381.60225, Florida Statutes, is amended to read:

19           381.60225 Background screening.--

20           (1) Each applicant for certification must comply with  
21 the following requirements:

22           (d) A provisional certification may be granted to the  
23 organization, agency, or entity when each individual required  
24 by this section to undergo background screening has met the  
25 standards for ~~the abuse registry background check~~ and the  
26 Department of Law Enforcement background check, but the agency  
27 has not yet received background screening results from the  
28 Federal Bureau of Investigation, or a request for a  
29 disqualification exemption has been submitted to the agency as  
30 set forth in chapter 435, but a response has not yet been  
31 issued. A standard certification may be granted to the

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1 organization, agency, or entity upon the agency's receipt of a  
2 report of the results of the Federal Bureau of Investigation  
3 background screening for each individual required by this  
4 section to undergo background screening which confirms that  
5 all standards have been met, or upon the granting of a  
6 disqualification exemption by the agency as set forth in  
7 chapter 435. Any other person who is required to undergo level  
8 2 background screening may serve in his or her capacity  
9 pending the agency's receipt of the report from the Federal  
10 Bureau of Investigation. However, the person may not continue  
11 to serve if the report indicates any violation of background  
12 screening standards and a disqualification exemption has not  
13 been requested of and granted by the agency as set forth in  
14 chapter 435.

15 Section 46. Paragraph (d) of subsection (7) of section  
16 383.305, Florida Statutes, is amended to read:

17 383.305 Licensure; issuance, renewal, denial,  
18 suspension, revocation; fees; background screening.--

19 (7) Each applicant for licensure must comply with the  
20 following requirements:

21 (d) A provisional license may be granted to an  
22 applicant when each individual required by this section to  
23 undergo background screening has met the standards for ~~the~~  
24 ~~abuse registry background check~~ and the Department of Law  
25 Enforcement background check, but the agency has not yet  
26 received background screening results from the Federal Bureau  
27 of Investigation, or a request for a disqualification  
28 exemption has been submitted to the agency as set forth in  
29 chapter 435 but a response has not yet been issued. A standard  
30 license may be granted to the applicant upon the agency's  
31 receipt of a report of the results of the Federal Bureau of



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1 Investigation background screening for each individual  
2 required by this section to undergo background screening which  
3 confirms that all standards have been met, or upon the  
4 granting of a disqualification exemption by the agency as set  
5 forth in chapter 435. Any other person who is required to  
6 undergo level 2 background screening may serve in his or her  
7 capacity pending the agency's receipt of the report from the  
8 Federal Bureau of Investigation. However, the person may not  
9 continue to serve if the report indicates any violation of  
10 background screening standards and a disqualification  
11 exemption has not been requested of and granted by the agency  
12 as set forth in chapter 435.

13 Section 47. Paragraph (d) of subsection (3) of section  
14 390.015, Florida Statutes, is amended to read:

15 390.015 Application for license.--

16 (3) Each applicant for licensure must comply with the  
17 following requirements:

18 (d) A provisional license may be granted to an  
19 applicant when each individual required by this section to  
20 undergo background screening has met the standards for ~~the~~  
21 ~~abuse registry background check~~ and the Department of Law  
22 Enforcement background check, but the agency has not yet  
23 received background screening results from the Federal Bureau  
24 of Investigation, or a request for a disqualification  
25 exemption has been submitted to the agency as set forth in  
26 chapter 435 but a response has not yet been issued. A standard  
27 license may be granted to the applicant upon the agency's  
28 receipt of a report of the results of the Federal Bureau of  
29 Investigation background screening for each individual  
30 required by this section to undergo background screening which  
31 confirms that all standards have been met, or upon the

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1 granting of a disqualification exemption by the agency as set  
2 forth in chapter 435. Any other person who is required to  
3 undergo level 2 background screening may serve in his or her  
4 capacity pending the agency's receipt of the report from the  
5 Federal Bureau of Investigation. However, the person may not  
6 continue to serve if the report indicates any violation of  
7 background screening standards and a disqualification  
8 exemption has not been requested of and granted by the agency  
9 as set forth in chapter 435.

10 Section 48. Paragraph (c) of subsection (5) and  
11 paragraph (d) of subsection (6) of section 393.067, Florida  
12 Statutes, are amended to read:

13 393.067 Licensure of residential facilities and  
14 comprehensive transitional education programs.--

15 (5) The applicant shall submit evidence which  
16 establishes the good moral character of the manager or  
17 supervisor of the facility or program and the direct service  
18 providers in the facility or program and its component centers  
19 or units. A license may be issued if all the screening  
20 materials have been timely submitted; however, a license may  
21 not be issued or renewed if any of the direct service  
22 providers have failed the screening required by s. 393.0655.

23 (c) The department or a residential facility or  
24 comprehensive transitional education program may not use the  
25 criminal records or, juvenile records, ~~or abuse registry~~  
26 ~~information~~ of a person obtained under this subsection for any  
27 purpose other than determining if that person meets the  
28 minimum standards for good moral character for a manager or  
29 supervisor of, or direct service provider in, such a facility  
30 or program. The criminal records or, juvenile records, ~~or~~  
31 ~~abuse registry information~~ obtained by the department or a

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1 residential facility or comprehensive transitional education  
2 program for determining the moral character of a manager,  
3 supervisor, or direct service provider are exempt from s.  
4 119.07(1).

5 (6) Each applicant for licensure as an intermediate  
6 care facility for the developmentally disabled must comply  
7 with the following requirements:

8 (d) A provisional license may be granted to an  
9 applicant when each individual required by this section to  
10 undergo background screening has met the standards for ~~the~~  
11 ~~abuse registry background check and~~ the Department of Law  
12 Enforcement background check, but the agency has not yet  
13 received background screening results from the Federal Bureau  
14 of Investigation, or a request for a disqualification  
15 exemption has been submitted to the agency as set forth in  
16 chapter 435, but a response has not yet been issued. A  
17 standard license may be granted to the applicant upon the  
18 agency's receipt of a report of the results of the Federal  
19 Bureau of Investigation background screening for each  
20 individual required by this section to undergo background  
21 screening which confirms that all standards have been met, or  
22 upon the granting of a disqualification exemption by the  
23 agency as set forth in chapter 435. Any other person who is  
24 required to undergo level 2 background screening may serve in  
25 his or her capacity pending the agency's receipt of the report  
26 from the Federal Bureau of Investigation. However, the person  
27 may not continue to serve if the report indicates any  
28 violation of background screening standards and a  
29 disqualification exemption has not been requested of and  
30 granted by the agency as set forth in chapter 435.

31 Section 49. Paragraph (c) of subsection (1) of section

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1 393.0674, Florida Statutes, is amended to read:

2 393.0674 Penalties.--

3 (1) It is a misdemeanor of the first degree,  
4 punishable as provided in s. 775.082 or s. 775.083, for any  
5 person willfully, knowingly, or intentionally to:

6 (c) Use information from the criminal records or  
7 central abuse hotline registry obtained under s. 393.0655, s.  
8 393.066, or s. 393.067 for any purpose other than screening  
9 that person for employment as specified in those sections or  
10 release such information to any other person for any purpose  
11 other than screening for employment as specified in those  
12 sections.

13 Section 50. Paragraph (e) of subsection (5) of section  
14 394.459, Florida Statutes, is amended to read:

15 394.459 Rights of patients.--

16 (5) COMMUNICATION, ABUSE REPORTING, AND VISITS.--

17 (e) Each patient receiving mental health treatment in  
18 any facility shall have ready access to a telephone in order  
19 to report an alleged abuse. The facility staff shall orally  
20 and in writing inform each patient of the procedure for  
21 reporting abuse and shall make every reasonable effort to  
22 present the information in a language the patient understands.  
23 A written copy of that procedure, including the telephone  
24 number of the central abuse hotline registry and reporting  
25 forms, shall be posted in plain view.

26 Section 51. Paragraph (d) of subsection (12) of  
27 section 394.875, Florida Statutes, is amended to read:

28 394.875 Crisis stabilization units and residential  
29 treatment facilities; authorized services; license required;  
30 penalties.--

31 (12) Each applicant for licensure must comply with the

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1 following requirements:

2 (d) A provisional license may be granted to an  
3 applicant when each individual required by this section to  
4 undergo background screening has met the standards for ~~the~~  
5 ~~abuse registry background check~~ and the Department of Law  
6 Enforcement background check, but the agency has not yet  
7 received background screening results from the Federal Bureau  
8 of Investigation, or a request for a disqualification  
9 exemption has been submitted to the agency as set forth in  
10 chapter 435, but a response has not yet been issued. A  
11 standard license may be granted to the applicant upon the  
12 agency's receipt of a report of the results of the Federal  
13 Bureau of Investigation background screening for each  
14 individual required by this section to undergo background  
15 screening which confirms that all standards have been met, or  
16 upon the granting of a disqualification exemption by the  
17 agency as set forth in chapter 435. Any other person who is  
18 required to undergo level 2 background screening may serve in  
19 his or her capacity pending the agency's receipt of the report  
20 from the Federal Bureau of Investigation. However, the person  
21 may not continue to serve if the report indicates any  
22 violation of background screening standards and a  
23 disqualification exemption has not been requested of and  
24 granted by the agency as set forth in chapter 435.

25 Section 52. Subsection (4) of section 395.0055,  
26 Florida Statutes, is amended to read:

27 395.0055 Background screening.--Each applicant for  
28 licensure must comply with the following requirements:

29 (4) A provisional license may be granted to an  
30 applicant when each individual required by this section to  
31 undergo background screening has met the standards for ~~the~~

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1 ~~abuse registry background check~~ and the Department of Law  
2 Enforcement background check, but the agency has not yet  
3 received background screening results from the Federal Bureau  
4 of Investigation, or a request for a disqualification  
5 exemption has been submitted to the agency as set forth in  
6 chapter 435 but a response has not yet been issued. A  
7 standard license may be granted to the applicant upon the  
8 agency's receipt of a report of the results of the Federal  
9 Bureau of Investigation background screening for each  
10 individual required by this section to undergo background  
11 screening which confirms that all standards have been met, or  
12 upon the granting of a disqualification exemption by the  
13 agency as set forth in chapter 435. Any other person who is  
14 required to undergo level 2 background screening may serve in  
15 his or her capacity pending the agency's receipt of the report  
16 from the Federal Bureau of Investigation; however, the person  
17 may not continue to serve if the report indicates any  
18 violation of background screening standards and a  
19 disqualification exemption has not been requested of and  
20 granted by the agency as set forth in chapter 435.

21 Section 53. Paragraph (d) of subsection (4) of section  
22 395.0199, Florida Statutes, is amended to read:

23 395.0199 Private utilization review.--

24 (4) Each applicant for registration must comply with  
25 the following requirements:

26 (d) A provisional registration may be granted to an  
27 applicant when each individual required by this section to  
28 undergo background screening has met the standards for ~~the~~  
29 ~~abuse registry background check~~ and the Department of Law  
30 Enforcement background check, but the agency has not yet  
31 received background screening results from the Federal Bureau

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1 of Investigation, or a request for a disqualification  
2 exemption has been submitted to the agency as set forth in  
3 chapter 435 but a response has not yet been issued. A standard  
4 registration may be granted to the applicant upon the agency's  
5 receipt of a report of the results of the Federal Bureau of  
6 Investigation background screening for each individual  
7 required by this section to undergo background screening which  
8 confirms that all standards have been met, or upon the  
9 granting of a disqualification exemption by the agency as set  
10 forth in chapter 435. Any other person who is required to  
11 undergo level 2 background screening may serve in his or her  
12 capacity pending the agency's receipt of the report from the  
13 Federal Bureau of Investigation. However, the person may not  
14 continue to serve if the report indicates any violation of  
15 background screening standards and a disqualification  
16 exemption has not been requested of and granted by the agency  
17 as set forth in chapter 435.

18 Section 54. Paragraph (g) of subsection (4) of section  
19 395.3025, Florida Statutes, is amended to read:

20 395.3025 Patient and personnel records; copies;  
21 examination.--

22 (4) Patient records are confidential and must not be  
23 disclosed without the consent of the person to whom they  
24 pertain, but appropriate disclosure may be made without such  
25 consent to:

26 (g) The Department of Children and Family Services or  
27 its agent, for the purpose of investigations of cases of  
28 abuse, neglect, or exploitation of children or vulnerable  
29 ~~disabled adults or elderly persons.~~

30 Section 55. Subsection (3) of section 397.461, Florida  
31 Statutes, is amended to read:

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1           397.461 Unlawful activities relating to personnel;  
2 penalties.--It is a misdemeanor of the first degree,  
3 punishable as provided in s. 775.082 or s. 775.083, for any  
4 person willfully, knowingly, or intentionally to:

5           (3) Use or release any criminal or juvenile ~~or central~~  
6 ~~abuse registry~~ information obtained under this chapter for any  
7 purpose other than background checks of personnel for  
8 employment.

9           Section 56. Subsection (2) of section 400.022, Florida  
10 Statutes, is amended to read:

11           400.022 Residents' rights.--

12           (2) The licensee for each nursing home shall orally  
13 inform the resident of the resident's rights and provide a  
14 copy of the statement required by subsection (1) to each  
15 resident or the resident's legal representative at or before  
16 the resident's admission to a facility. The licensee shall  
17 provide a copy of the resident's rights to each staff member  
18 of the facility. Each such licensee shall prepare a written  
19 plan and provide appropriate staff training to implement the  
20 provisions of this section. The written statement of rights  
21 must include a statement that a resident may file a complaint  
22 with the agency or district ombudsman council. The statement  
23 must be in boldfaced type and shall include the name, address,  
24 and telephone numbers of the district ombudsman council and  
25 central adult abuse hotline registry where complaints may be  
26 lodged.

27           Section 57. Paragraph (d) of subsection (4) of section  
28 400.071, Florida Statutes, is amended to read:

29           400.071 Application for license.--

30           (4) Each applicant for licensure must comply with the  
31 following requirements:



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1 (d) A provisional license may be granted to an  
2 applicant when each individual required by this section to  
3 undergo background screening has met the standards for ~~the~~  
4 ~~abuse registry background check~~ and the Department of Law  
5 Enforcement background check, but the agency has not yet  
6 received background screening results from the Federal Bureau  
7 of Investigation, or a request for a disqualification  
8 exemption has been submitted to the agency as set forth in  
9 chapter 435, but a response has not yet been issued. A  
10 license may be granted to the applicant upon the agency's  
11 receipt of a report of the results of the Federal Bureau of  
12 Investigation background screening for each individual  
13 required by this section to undergo background screening which  
14 confirms that all standards have been met, or upon the  
15 granting of a disqualification exemption by the agency as set  
16 forth in chapter 435. Any other person who is required to  
17 undergo level 2 background screening may serve in his or her  
18 capacity pending the agency's receipt of the report from the  
19 Federal Bureau of Investigation; however, the person may not  
20 continue to serve if the report indicates any violation of  
21 background screening standards and a disqualification  
22 exemption has not been requested of and granted by the agency  
23 as set forth in chapter 435.

24 Section 58. Paragraphs (a), (c), and (e) of subsection  
25 (2) and subsections (3) and (8) of section 400.215, Florida  
26 Statutes, are amended to read:

27 400.215 Personnel screening requirement.--

28 (2) Employers and employees shall comply with the  
29 requirements of s. 435.05.

30 (a) Notwithstanding the provisions of s. 435.05(1),  
31 facilities must have in their possession evidence that level 1

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1 screening has been completed before allowing an employee to  
2 begin working with patients as provided in subsection (1). All  
3 information necessary for conducting background screening  
4 using level 1 standards as specified in s. 435.03(1) ~~and for~~  
5 ~~conducting a search of the central abuse registry and tracking~~  
6 ~~system as specified in s. 435.03(3)(a)~~ shall be submitted by  
7 the nursing facility to the agency. Results of the background  
8 screening ~~and the abuse registry check~~ shall be provided by  
9 the agency to the requesting nursing facility. ~~An applicant~~  
10 ~~who has been qualified under a level 1 criminal screening and~~  
11 ~~who, under penalty of perjury, attests to not having been~~  
12 ~~classified in the central abuse registry and tracking system~~  
13 ~~as a perpetrator in a confirmed report of abuse, neglect, or~~  
14 ~~exploitation may be allowed to work on a probationary status~~  
15 ~~in the nursing facility, under supervision, for a period not~~  
16 ~~to exceed 30 days, pending the results of an abuse registry~~  
17 ~~screening.~~

18 (c) The agency shall establish and maintain a database  
19 of background screening information which shall include the  
20 results of both level 1 and level 2 screening ~~and central~~  
21 ~~abuse registry and tracking system checks.~~ The Department of  
22 Law Enforcement shall timely provide to the agency,  
23 electronically, the results of each statewide screening for  
24 incorporation into the database. ~~The Department of Children~~  
25 ~~and Family Services shall provide the agency with electronic~~  
26 ~~access to the central abuse registry and tracking system. The~~  
27 ~~agency shall search the registry to identify any confirmed~~  
28 ~~report and shall access such report for incorporation into the~~  
29 ~~database.~~ The agency shall, upon request from any facility,  
30 agency, or program required by or authorized by law to screen  
31 its employees or applicants, notify the administrator of the

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1 facility, agency, or program of the qualifying or  
2 disqualifying status of the employee or applicant named in the  
3 request.

4 ~~(e) Notwithstanding the confidentiality provisions of~~  
5 ~~s. 415.107, the agency shall provide no later than 45 days~~  
6 ~~after the effective date of this paragraph, a direct-access~~  
7 ~~electronic screening capability to all enrolled facilities or~~  
8 ~~agencies required by law to restrict employment to only an~~  
9 ~~applicant who does not have a disqualifying report in the~~  
10 ~~central abuse registry and tracking system. The agency shall,~~  
11 ~~upon request, provide to such facility or agency a user code~~  
12 ~~by which the facility or agency may query the listing of all~~  
13 ~~persons disqualified because of a confirmed classification.~~  
14 ~~The direct-access screening system shall allow for the~~  
15 ~~electronic matching of an applicant's identifying information,~~  
16 ~~including name, date of birth, race, sex, and social security~~  
17 ~~number, against the listing of disqualified persons. The~~  
18 ~~agency may charge a fee for issuing the user code sufficient~~  
19 ~~to cover the cost of establishing and maintaining the~~  
20 ~~direct-access screening system. The direct-access screening~~  
21 ~~system shall provide immediately to the user only the~~  
22 ~~electronic notification of applicant clearance or~~  
23 ~~disqualification. The system shall also maintain for~~  
24 ~~appropriate entry into the agency screening database an~~  
25 ~~electronic record of the inquiry on behalf of the applicant.~~

26 (3) The applicant is responsible for paying the fees  
27 associated with obtaining the required screening. Payment for  
28 the screening ~~and the abuse registry check~~ shall be submitted  
29 to the agency. The agency shall establish a schedule of fees  
30 to cover the costs of level 1 and level 2 screening ~~and the~~  
31 ~~abuse registry check~~. Facilities may reimburse employees for

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1 these costs. The Department of Law Enforcement shall charge  
2 the agency for a level 1 or level 2 screening a rate  
3 sufficient to cover the costs of such screening pursuant to s.  
4 943.053(3). The agency shall, as allowable, reimburse nursing  
5 facilities for the cost of conducting background screening as  
6 required by this section. This reimbursement will not be  
7 subject to any rate ceilings or payment targets in the  
8 Medicaid Reimbursement plan.

9 (8) There is no monetary or unemployment liability on  
10 the part of, and no cause of action for damages arising  
11 against an employer that, upon notice of a disqualifying  
12 offense listed under chapter 435 ~~or a confirmed report of~~  
13 ~~abuse, neglect, or exploitation~~ or an act of domestic  
14 violence, terminates the employee against whom the report was  
15 issued, whether or not the employee has filed for an exemption  
16 with the Department of Health or the Agency for Health Care  
17 Administration.

18 Section 59. Paragraph (g) of subsection (1) of section  
19 400.414, Florida Statutes, is amended to read:

20 400.414 Denial, revocation, or suspension of license;  
21 imposition of administrative fine; grounds.--

22 (1) The agency may deny, revoke, or suspend any  
23 license issued under this part, or impose an administrative  
24 fine in the manner provided in chapter 120, for any of the  
25 following actions by an assisted living facility, any person  
26 subject to level 2 background screening under s. 400.4174, or  
27 any facility employee:

28 (g) A determination that ~~confirmed report of adult~~  
29 ~~abuse, neglect, or exploitation, as defined in s. 415.102,~~  
30 ~~which has been upheld following a chapter 120 hearing or a~~  
31 ~~waiver of such proceedings where the perpetrator is an~~

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1 employee, volunteer, administrator, or owner, or person who  
2 otherwise has access to the residents of a facility does not  
3 meet the criteria specified in s. 435.03(2), and the owner or  
4 administrator has not taken action to remove the person  
5 ~~perpetrator~~. Exemptions from disqualification may be granted  
6 as set forth in s. 435.07. No administrative action may be  
7 taken against the facility if the person ~~perpetrator~~ is  
8 granted an exemption.

9 Section 60. Paragraph (c) of subsection (1) and  
10 subsection (3) of section 400.4174, Florida Statutes, are  
11 amended to read:

12 400.4174 Background screening; exemptions; ~~reports of~~  
13 ~~abuse in facilities.~~--

14 (1)

15 (c) The agency may grant a provisional license to a  
16 facility applying for an initial license when each individual  
17 required by this subsection to undergo screening has completed  
18 the ~~abuse registry and~~ Department of Law Enforcement  
19 background checks, but has not yet received results from the  
20 Federal Bureau of Investigation, or when a request for an  
21 exemption from disqualification has been submitted to the  
22 agency pursuant to s. 435.07, but a response has not been  
23 issued.

24 ~~(3) When an employee, volunteer, administrator, or~~  
25 ~~owner of a facility is the subject of a confirmed report of~~  
26 ~~adult abuse, neglect, or exploitation, as defined in s.~~  
27 ~~415.102, and the protective investigator knows that the~~  
28 ~~individual is an employee, volunteer, administrator, or owner~~  
29 ~~of a facility, the agency shall be notified of the confirmed~~  
30 ~~report.~~

31 Section 61. Subsection (4) of section 400.426, Florida

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1 Statutes, is amended to read:

2           400.426 Appropriateness of placements; examinations of  
3 residents.--

4           (4) If possible, each resident shall have been  
5 examined by a licensed physician or a licensed nurse  
6 practitioner within 60 days before admission to the facility.  
7 The signed and completed medical examination report shall be  
8 submitted to the owner or administrator of the facility who  
9 shall use the information contained therein to assist in the  
10 determination of the appropriateness of the resident's  
11 admission and continued stay in the facility. The medical  
12 examination report shall become a permanent part of the record  
13 of the resident at the facility and shall be made available to  
14 the agency during inspection or upon request. An assessment  
15 that has been completed through the Comprehensive Assessment  
16 and Review for Long-Term Care Services (CARES) Program  
17 fulfills the requirements for a medical examination under this  
18 subsection and s. 400.407(4)(3)(b)6.

19           Section 62. Subsection (2) of section 400.428, Florida  
20 Statutes, is amended to read:

21           400.428 Resident bill of rights.--

22           (2) The administrator of a facility shall ensure that  
23 a written notice of the rights, obligations, and prohibitions  
24 set forth in this part is posted in a prominent place in each  
25 facility and read or explained to residents who cannot read.  
26 This notice shall include the name, address, and telephone  
27 numbers of the district ombudsman council and central adult  
28 abuse hotline registry and, when applicable, the Advocacy  
29 Center for Persons with Disabilities, Inc., and the district  
30 human rights advocacy committee, where complaints may be  
31 lodged. The facility must ensure a resident's access to a

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1 telephone to call the district ombudsman council, central  
 2 ~~adult~~ abuse hotline registry, Advocacy Center for Persons with  
 3 Disabilities, Inc., and district human rights advocacy  
 4 committee.

5 Section 63. Subsection (20) of section 400.462,  
 6 Florida Statutes, is amended to read:

7 400.462 Definitions.--As used in this part, the term:

8 (20) "Screening" means the assessment of the  
 9 background of home health agency personnel, nurse registry  
 10 personnel, and persons registered under s. 400.509 and  
 11 includes employment or contractual history checks, ~~records~~  
 12 ~~checks of the department's central abuse hotline under chapter~~  
 13 ~~415 relating to vulnerable adults,~~ and statewide criminal  
 14 records correspondence checks through the Department of Law  
 15 Enforcement.

16 Section 64. Paragraph (d) of subsection (4) of section  
 17 400.471, Florida Statutes, is amended to read:

18 400.471 Application for license; fee; provisional  
 19 license; temporary permit.--

20 (4) Each applicant for licensure must comply with the  
 21 following requirements:

22 (d) A provisional license may be granted to an  
 23 applicant when each individual required by this section to  
 24 undergo background screening has met the standards for ~~the~~  
 25 ~~abuse registry background check~~ and the Department of Law  
 26 Enforcement background check, but the agency has not yet  
 27 received background screening results from the Federal Bureau  
 28 of Investigation. A standard license may be granted to the  
 29 licensee upon the agency's receipt of a report of the results  
 30 of the Federal Bureau of Investigation background screening  
 31 for each individual required by this section to undergo

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1 background screening which confirms that all standards have  
2 been met, or upon the granting of a disqualification exemption  
3 by the agency as set forth in chapter 435. Any other person  
4 who is required to undergo level 2 background screening may  
5 serve in his or her capacity pending the agency's receipt of  
6 the report from the Federal Bureau of Investigation. However,  
7 the person may not continue to serve if the report indicates  
8 any violation of background screening standards and a  
9 disqualification exemption has not been requested of and  
10 granted by the agency as set forth in chapter 435.

11 Section 65. Section 400.495, Florida Statutes, is  
12 amended to read:

13 400.495 Notice of toll-free telephone number for  
14 central abuse hotline registry.--On or before the first day  
15 home health services are provided to a patient, any home  
16 health agency or nurse registry licensed under this part must  
17 inform the patient and his or her immediate family, if  
18 appropriate, of the right to report abusive, neglectful, or  
19 exploitative practices. The statewide toll-free telephone  
20 number for the central abuse hotline registry must be provided  
21 to patients in a manner that is clearly legible and must  
22 include the words: "To report abuse, neglect, or exploitation,  
23 please call toll-free ...(phone number)...." The Agency for  
24 Health Care Administration shall adopt rules that provide for  
25 90 days' advance notice of a change in the toll-free telephone  
26 number and that outline due process procedures, as provided  
27 under chapter 120, for home health agency personnel and nurse  
28 registry personnel who are reported to the central abuse  
29 hotline registry. Home health agencies and nurse registries  
30 shall establish appropriate policies and procedures for  
31 providing such notice to patients.

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1           Section 66. Paragraph (d) of subsection (2) of section  
2 400.506, Florida Statutes, is amended to read:

3           400.506 Licensure of nurse registries; requirements;  
4 penalties.--

5           (2) Each applicant for licensure must comply with the  
6 following requirements:

7           (d) A provisional license may be granted to an  
8 applicant when each individual required by this section to  
9 undergo background screening has met the standards for ~~the~~  
10 ~~abuse registry background check~~ and the Department of Law  
11 Enforcement background check but the agency has not yet  
12 received background screening results from the Federal Bureau  
13 of Investigation. A standard license may be granted to the  
14 applicant upon the agency's receipt of a report of the results  
15 of the Federal Bureau of Investigation background screening  
16 for each individual required by this section to undergo  
17 background screening which confirms that all standards have  
18 been met, or upon the granting of a disqualification exemption  
19 by the agency as set forth in chapter 435. Any other person  
20 who is required to undergo level 2 background screening may  
21 serve in his or her capacity pending the agency's receipt of  
22 the report from the Federal Bureau of Investigation. However,  
23 the person may not continue to serve if the report indicates  
24 any violation of background screening standards and a  
25 disqualification exemption has not been requested of and  
26 granted by the agency as set forth in chapter 435.

27           Section 67. Subsection (6) of section 400.509, Florida  
28 Statutes, is amended to read:

29           400.509 Registration of particular service providers  
30 exempt from licensure; certificate of registration; regulation  
31 of registrants.--

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1           (6) On or before the first day on which services are  
2 provided to a patient or client, any registrant under this  
3 part must inform the patient or client and his or her  
4 immediate family, if appropriate, of the right to report  
5 abusive, neglectful, or exploitative practices. The statewide  
6 toll-free telephone number for the central abuse hotline  
7 ~~registry~~ must be provided to patients or clients in a manner  
8 that is clearly legible and must include the words: "To report  
9 abuse, neglect, or exploitation, please call toll-free  
10 ...(phone number)...." Registrants must establish appropriate  
11 policies and procedures for providing such notice to patients  
12 or clients.

13           Section 68. Subsections (3), (4), (5), and (6) and  
14 paragraph (a) of subsection (7) of section 400.512, Florida  
15 Statutes, are amended to read:

16           400.512 Screening of home health agency personnel;  
17 nurse registry personnel; and companions and homemakers.--The  
18 agency shall require employment or contractor screening as  
19 provided in chapter 435, using the level 1 standards for  
20 screening set forth in that chapter, for home health agency  
21 personnel; persons referred for employment by nurse  
22 registries; and persons employed by companion or homemaker  
23 services registered under s. 400.509.

24           (3) As a prerequisite to operating as a home health  
25 agency, nurse registry, or companion or homemaker service  
26 under s. 400.509, the administrator or managing employee,  
27 respectively, must submit to the agency his or her name and  
28 any other information necessary to conduct a complete  
29 screening according to this section. The agency shall submit  
30 the information to the Department of Law Enforcement ~~and the~~  
31 ~~department's abuse hotline~~ for state processing. The agency

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1 shall review the record of the administrator or manager with  
2 respect to the offenses specified in this section and shall  
3 notify the owner of its findings. If disposition information  
4 is missing on a criminal record, the administrator or manager,  
5 upon request of the agency, must obtain and supply within 30  
6 days the missing disposition information to the agency.  
7 Failure to supply missing information within 30 days or to  
8 show reasonable efforts to obtain such information will result  
9 in automatic disqualification.

10 (4) Proof of compliance with the screening  
11 requirements of chapter 435 shall be accepted in lieu of the  
12 requirements of this section if the person has been  
13 continuously employed or registered without a breach in  
14 service that exceeds 180 days, the proof of compliance is not  
15 more than 2 years old, and the person has been screened  
16 ~~through the central abuse registry and tracking system of the~~  
17 ~~department~~ and by the Department of Law Enforcement. A home  
18 health agency, nurse registry, or companion or homemaker  
19 service registered under s. 400.509 shall directly provide  
20 proof of compliance to another home health agency, nurse  
21 registry, or companion or homemaker service registered under  
22 s. 400.509. The recipient home health agency, nurse registry,  
23 or companion or homemaker service registered under s. 400.509  
24 may not accept any proof of compliance directly from the  
25 person who requires screening. Proof of compliance with the  
26 screening requirements of this section shall be provided upon  
27 request to the person screened by the home health agencies;  
28 nurse registries; or companion or homemaker services  
29 registered under s. 400.509.

30 (5) There is no monetary liability on the part of, and  
31 no cause of action for damages arises against, a licensed home

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1 health agency, licensed nurse registry, or companion or  
 2 homemaker service registered under s. 400.509, that, upon  
 3 notice that the employee or contractor has been found guilty  
 4 of, regardless of adjudication, or entered a plea of nolo  
 5 contendere or guilty to, any offense prohibited under s.  
 6 435.03 or under any similar statute of another jurisdiction of  
 7 ~~a confirmed report of adult abuse, neglect, or exploitation,~~  
 8 terminates the employee or contractor ~~against whom the report~~  
 9 ~~was issued~~, whether or not the employee or contractor has  
 10 filed for an exemption with the agency in accordance with  
 11 chapter 435 and whether or not the time for filing has  
 12 expired.

13 (6) The costs of processing the statewide  
 14 correspondence criminal records checks ~~and the search of the~~  
 15 ~~department's central abuse hotline~~ must be borne by the home  
 16 health agency; the nurse registry; or the companion or  
 17 homemaker service registered under s. 400.509, or by the  
 18 person being screened, at the discretion of the home health  
 19 agency, nurse registry, or s. 400.509 registrant.

20 (7)(a) It is a misdemeanor of the first degree,  
 21 punishable under s. 775.082 or s. 775.083, for any person  
 22 willfully, knowingly, or intentionally to:

23 1. Fail, by false statement, misrepresentation,  
 24 impersonation, or other fraudulent means, to disclose in any  
 25 application for voluntary or paid employment a material fact  
 26 used in making a determination as to such person's  
 27 qualifications to be an employee under this section;

28 2. Operate or attempt to operate an entity licensed or  
 29 registered under this part with persons who do not meet the  
 30 minimum standards for good moral character as contained in  
 31 this section; or

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1           3. Use information from the criminal records ~~or~~  
2 ~~central abuse hotline~~ obtained under this section for any  
3 purpose other than screening that person for employment as  
4 specified in this section or release such information to any  
5 other person for any purpose other than screening for  
6 employment under this section.

7           Section 69. Paragraph (c) of subsection (1) and  
8 subsection (3) of section 400.5572, Florida Statutes, are  
9 amended to read:

10           400.5572 Background screening.--

11           (1)

12           (c) The agency may grant a provisional license to an  
13 adult day care center applying for an initial license when  
14 each individual required by this subsection to undergo  
15 screening has completed the ~~abuse registry and~~ Department of  
16 Law Enforcement background check ~~checks~~, but has not yet  
17 received results from the Federal Bureau of Investigation, or  
18 when a request for an exemption from disqualification has been  
19 submitted to the agency pursuant to s. 435.07, but a response  
20 has not been issued.

21           ~~(3) When an employee, volunteer, operator, or owner of~~  
22 ~~an adult day care center is the subject of a confirmed report~~  
23 ~~of adult abuse, neglect, or exploitation, as defined in s.~~  
24 ~~415.102, and the protective investigator knows that the~~  
25 ~~individual is an employee, volunteer, operator, or owner of a~~  
26 ~~center, the agency shall be notified of the confirmed report.~~

27           Section 70. Subsection (2) of section 400.628, Florida  
28 Statutes, is amended to read:

29           400.628 Residents' bill of rights.--

30           (2) The provider shall ensure that residents and their  
31 legal representatives are made aware of the rights,

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1 obligations, and prohibitions set forth in this part.  
2 Residents must also be given the names, addresses, and  
3 telephone numbers of the district ombudsman council and the  
4 central ~~adult~~ abuse hotline ~~registry~~ where they may lodge  
5 complaints.

6 Section 71. Paragraph (d) of subsection (4) of section  
7 400.801, Florida Statutes, is amended to read:

8 400.801 Homes for special services.--

9 (4) Each applicant for licensure must comply with the  
10 following requirements:

11 (d) A provisional license may be granted to an  
12 applicant when each individual required by this section to  
13 undergo background screening has met the standards for ~~the~~  
14 ~~abuse registry background check~~ and the Department of Law  
15 Enforcement background check, but the agency has not yet  
16 received background screening results from the Federal Bureau  
17 of Investigation, or a request for a disqualification  
18 exemption has been submitted to the agency as set forth in  
19 chapter 435, but a response has not yet been issued. A  
20 standard license may be granted to the applicant upon the  
21 agency's receipt of a report of the results of the Federal  
22 Bureau of Investigation background screening for each  
23 individual required by this section to undergo background  
24 screening which confirms that all standards have been met, or  
25 upon the granting of a disqualification exemption by the  
26 agency as set forth in chapter 435. Any other person who is  
27 required to undergo level 2 background screening may serve in  
28 his or her capacity pending the agency's receipt of the report  
29 from the Federal Bureau of Investigation. However, the person  
30 may not continue to serve if the report indicates any  
31 violation of background screening standards and a

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1 disqualification exemption has not been requested of and  
2 granted by the agency as set forth in chapter 435.

3 Section 72. Paragraph (d) of subsection (3) of section  
4 400.805, Florida Statutes, is amended to read:

5 400.805 Transitional living facilities.--

6 (3) Each applicant for licensure must comply with the  
7 following requirements:

8 (d) A provisional license may be granted to an  
9 applicant when each individual required by this section to  
10 undergo background screening has met the standards for ~~the~~  
11 ~~abuse registry background check~~ and the Department of Law  
12 Enforcement background check, but the agency has not yet  
13 received background screening results from the Federal Bureau  
14 of Investigation, or a request for a disqualification  
15 exemption has been submitted to the agency as set forth in  
16 chapter 435, but a response has not yet been issued. A  
17 standard license may be granted to the applicant upon the  
18 agency's receipt of a report of the results of the Federal  
19 Bureau of Investigation background screening for each  
20 individual required by this section to undergo background  
21 screening which confirms that all standards have been met, or  
22 upon the granting of a disqualification exemption by the  
23 agency as set forth in chapter 435. Any other person who is  
24 required to undergo level 2 background screening may serve in  
25 his or her capacity pending the agency's receipt of the report  
26 from the Federal Bureau of Investigation. However, the person  
27 may not continue to serve if the report indicates any  
28 violation of background screening standards and a  
29 disqualification exemption has not been requested of and  
30 granted by the agency as set forth in chapter 435.

31 Section 73. Paragraph (d) of subsection (5) of section

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1 400.906, Florida Statutes, is amended to read:

2 400.906 Initial application for license.--

3 (5) Each applicant for licensure must comply with the  
4 following requirements:

5 (d) A provisional license may be granted to an  
6 applicant when each individual required by this section to  
7 undergo background screening has met the standards for ~~the~~  
8 ~~abuse registry background check~~ and the Department of Law  
9 Enforcement background check, but the agency has not yet  
10 received background screening results from the Federal Bureau  
11 of Investigation, or a request for a disqualification  
12 exemption has been submitted to the agency as set forth in  
13 chapter 435, but a response has not yet been issued. A  
14 standard license may be granted to the applicant upon the  
15 agency's receipt of a report of the results of the Federal  
16 Bureau of Investigation background screening for each  
17 individual required by this section to undergo background  
18 screening which confirms that all standards have been met, or  
19 upon the granting of a disqualification exemption by the  
20 agency as set forth in chapter 435. Any other person who is  
21 required to undergo level 2 background screening may serve in  
22 his or her capacity pending the agency's receipt of the report  
23 from the Federal Bureau of Investigation. However, the person  
24 may not continue to serve if the report indicates any  
25 violation of background screening standards and a  
26 disqualification exemption has not been requested of and  
27 granted by the agency as set forth in chapter 435.

28 Section 74. Subsection (10) of section 400.931,  
29 Florida Statutes, is amended to read:

30 400.931 Application for license; fee; provisional  
31 license; temporary permit.--



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1           (10) When a change of the general manager of a home  
2 medical equipment provider occurs, the licensee must notify  
3 the agency of the change within 45 days thereof and must  
4 provide evidence of compliance with the background screening  
5 requirements in subsection (5); except that a general manager  
6 who has met the standards for ~~the abuse registry background~~  
7 ~~check and~~ the Department of Law Enforcement background check,  
8 but for whom background screening results from the Federal  
9 Bureau of Investigation have not yet been received, may be  
10 employed pending receipt of the Federal Bureau of  
11 Investigation background screening report. An individual may  
12 not continue to serve as general manager if the Federal Bureau  
13 of Investigation background screening report indicates any  
14 violation of background screening standards.

15           Section 75. Section 400.95, Florida Statutes, is  
16 amended to read:

17           400.95 Notice of toll-free telephone number for  
18 central abuse hotline registry.--On or before the first day  
19 home medical equipment is delivered to the patient's home, any  
20 home medical equipment provider licensed under this part must  
21 inform the consumer and his or her immediate family, if  
22 appropriate, of the right to report abusive, neglectful, or  
23 exploitative practices. The statewide toll-free telephone  
24 number for the central abuse hotline registry must be provided  
25 to consumers in a manner that is clearly legible and must  
26 include the words: "To report abuse, neglect, or  
27 exploitation, please call toll-free 1-800-962-2873." Home  
28 medical equipment providers shall establish appropriate  
29 policies and procedures for providing such notice to  
30 consumers.

31           Section 76. Subsections (3), (4), (5), and (6) and

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1 paragraph (a) of subsection (7) of section 400.953, Florida  
2 Statutes, are amended to read:

3           400.953 Background screening of home medical equipment  
4 provider personnel.--The agency shall require employment  
5 screening as provided in chapter 435, using the level 1  
6 standards for screening set forth in that chapter, for home  
7 medical equipment provider personnel.

8           (3) Proof of compliance with the screening  
9 requirements of s. 110.1127, s. 393.0655, s. 394.4572, s.  
10 397.451, s. 402.305, s. 402.313, s. 409.175, s. 464.008, or s.  
11 985.407 or this part must be accepted in lieu of the  
12 requirements of this section if the person has been  
13 continuously employed in the same type of occupation for which  
14 he or she is seeking employment without a breach in service  
15 that exceeds 180 days, the proof of compliance is not more  
16 than 2 years old, and the person has been screened ~~through the~~  
17 ~~central abuse registry and tracking system of the department~~  
18 ~~and~~ by the Department of Law Enforcement. An employer or  
19 contractor shall directly provide proof of compliance to  
20 another employer or contractor, and a potential employer or  
21 contractor may not accept any proof of compliance directly  
22 from the person requiring screening. Proof of compliance with  
23 the screening requirements of this section shall be provided,  
24 upon request, to the person screened by the home medical  
25 equipment provider.

26           (4) There is no monetary liability on the part of, and  
27 no cause of action for damages arising against, a licensed  
28 home medical equipment provider that, upon notice that an  
29 employee has been found guilty of, regardless of adjudication,  
30 or entered a plea of nolo contendere or guilty to, any offense  
31 prohibited under s. 435.03 or under any similar statute of

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1 ~~another jurisdiction of a confirmed report of adult abuse,~~  
2 ~~neglect, or exploitation under chapter 415,~~ terminates the  
3 employee ~~against whom the report was issued,~~ whether or not  
4 the employee has filed for an exemption with the agency and  
5 whether or not the time for filing has expired.

6 (5) The costs of processing the statewide  
7 correspondence criminal records checks ~~and the search of the~~  
8 ~~department's central abuse registry~~ must be borne by the home  
9 medical equipment provider or by the person being screened, at  
10 the discretion of the home medical equipment provider.

11 (6) Neither the agency nor the home medical equipment  
12 provider may use the criminal records ~~or~~ juvenile records, ~~or~~  
13 ~~central abuse registry information~~ of a person for any purpose  
14 other than determining whether that person meets minimum  
15 standards of good moral character for home medical equipment  
16 provider personnel.

17 (7)(a) It is a misdemeanor of the first degree,  
18 punishable as provided in s. 775.082 or s. 775.083, for any  
19 person willfully, knowingly, or intentionally to:

20 1. Fail, by false statement, misrepresentation,  
21 impersonation, or other fraudulent means, to disclose in any  
22 application for paid employment a material fact used in making  
23 a determination as to the person's qualifications to be an  
24 employee under this section;

25 2. Operate or attempt to operate an entity licensed  
26 under this part with persons who do not meet the minimum  
27 standards for good moral character as contained in this  
28 section; or

29 3. Use information from the criminal records ~~or~~  
30 ~~central abuse registry~~ obtained under this section for any  
31 purpose other than screening that person for employment as

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1 specified in this section, or release such information to any  
2 other person for any purpose other than screening for  
3 employment under this section.

4 Section 77. Subsection (1) of section 400.955, Florida  
5 Statutes, is amended to read:

6 400.955 Procedures for screening of home medical  
7 equipment provider personnel.--

8 (1) A person employed by a home medical equipment  
9 provider shall, within 5 working days after starting to work,  
10 submit to the home medical equipment provider a complete set  
11 of information necessary to conduct a screening under this  
12 section. The person must sign an affidavit stating whether he  
13 or she meets the minimum standards for good moral character  
14 under this section. The home medical equipment provider shall  
15 submit the information to the Department of Law Enforcement  
16 ~~and to the department's central abuse registry and tracking~~  
17 ~~system~~ for processing. If disposition information is missing  
18 on a criminal record, it is the responsibility of the person  
19 being screened to obtain and supply the missing information  
20 within 30 days. Failure to supply the missing information or  
21 to show reasonable efforts to obtain such information will  
22 result in automatic disqualification for employment.

23 Section 78. Paragraph (d) of subsection (10) of  
24 section 400.962, Florida Statutes, is amended to read:

25 400.962 License required; license application.--

26 (10)

27 (d) A provisional license may be granted to an  
28 applicant when each individual required by this section to  
29 undergo background screening has met the standards for ~~the~~  
30 ~~abuse registry background check~~ and the Department of Law  
31 Enforcement background check, but the agency has not yet

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1 received background screening results from the Federal Bureau  
2 of Investigation, or a request for a disqualification  
3 exemption has been submitted to the agency as set forth in  
4 chapter 435, but a response has not yet been issued. A license  
5 may be granted to the applicant upon the agency's receipt of a  
6 report of the results of the Federal Bureau of Investigation  
7 background screening for each individual required by this  
8 section to undergo background screening which confirms that  
9 all standards have been met, or upon the granting of a  
10 disqualification exemption by the agency as set forth in  
11 chapter 435. Any other person who is required to undergo level  
12 2 background screening may serve in his or her capacity  
13 pending the agency's receipt of the report from the Federal  
14 Bureau of Investigation; however, the person may not continue  
15 to serve if the report indicates any violation of background  
16 screening standards and a disqualification exemption has not  
17 been granted by the agency as set forth in chapter 435.

18 Section 79. Subsections (4) and (8) of section  
19 400.964, Florida Statutes, are amended to read:

20 400.964 Personnel screening requirement.--

21 (4) The applicant is responsible for paying the fees  
22 associated with obtaining the required screening. Payment for  
23 the screening ~~and the abuse registry check~~ must be submitted  
24 to the agency as prescribed by the agency.

25 (8) There is no monetary or unemployment liability on  
26 the part of, and no cause of action for damages arises against  
27 an employer that, upon notice of a disqualifying offense  
28 listed under chapter 435 ~~or a confirmed report of abuse,~~  
29 ~~neglect, or exploitation~~ or an act of domestic violence,  
30 terminates the employee ~~against whom the report was issued,~~  
31 whether or not the employee has filed for an exemption with

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1 the Department of Health or the Agency for Health Care  
2 Administration.

3 Section 80. Paragraph (d) of subsection (2) of section  
4 402.3025, Florida Statutes, is amended to read:

5 402.3025 Public and nonpublic schools.--For the  
6 purposes of ss. 402.301-402.319, the following shall apply:

7 (2) NONPUBLIC SCHOOLS.--

8 (d)1. Programs for children who are at least 3 years  
9 of age, but under 5 years of age, which are not licensed under  
10 ss. 402.301-402.319 shall substantially comply with the  
11 minimum child care standards promulgated pursuant to ss.  
12 402.305-402.3057.

13 2. The department or local licensing agency shall  
14 enforce compliance with such standards, where possible, to  
15 eliminate or minimize duplicative inspections or visits by  
16 staff enforcing the minimum child care standards and staff  
17 enforcing other standards under the jurisdiction of the  
18 department.

19 3. The department or local licensing agency may  
20 commence and maintain all proper and necessary actions and  
21 proceedings for any or all of the following purposes:

22 a. To protect the health, sanitation, safety, and  
23 well-being of all children under care.

24 b. To enforce its rules and regulations.

25 c. To use corrective action plans, whenever possible,  
26 to attain compliance prior to the use of more restrictive  
27 enforcement measures.

28 d. To make application for injunction to the proper  
29 circuit court, and the judge of that court shall have  
30 jurisdiction upon hearing and for cause shown to grant a  
31 temporary or permanent injunction, or both, restraining any

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1 person from violating or continuing to violate any of the  
2 provisions of ss. 402.301-402.319. Any violation of this  
3 section or of the standards applied under ss. 402.305-402.3057  
4 which threatens harm to any child in the school's programs for  
5 children who are at least 3 years of age, but are under 5  
6 years of age, or repeated violations of this section or the  
7 standards under ss. 402.305-402.3057, shall be grounds to seek  
8 an injunction to close a program in a school.

9 e. To impose an administrative fine, not to exceed  
10 \$100, for each violation of the minimum child care standards  
11 promulgated pursuant to ss. 402.305-402.3057.

12 4. It is a misdemeanor of the first degree, punishable  
13 as provided in s. 775.082 or s. 775.083, for any person  
14 willfully, knowingly, or intentionally to:

15 a. Fail, by false statement, misrepresentation,  
16 impersonation, or other fraudulent means, to disclose in any  
17 required written documentation for exclusion from licensure  
18 pursuant to this section a material fact used in making a  
19 determination as to such exclusion; or

20 b. Use information from the criminal records ~~or~~  
21 ~~central abuse registry~~ obtained under s. 402.305 or s.  
22 402.3055 for any purpose other than screening that person for  
23 employment as specified in those sections or release such  
24 information to any other person for any purpose other than  
25 screening for employment as specified in those sections.

26 5. It is a felony of the third degree, punishable as  
27 provided in s. 775.082, s. 775.083, or s. 775.084, for any  
28 person willfully, knowingly, or intentionally to use  
29 information from the juvenile records of any person obtained  
30 under s. 402.305 or s. 402.3055 for any purpose other than  
31 screening for employment as specified in those sections or to

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1 release information from such records to any other person for  
2 any purpose other than screening for employment as specified  
3 in those sections.

4 Section 81. Paragraph (c) of subsection (5) of section  
5 402.3125, Florida Statutes, is amended to read:

6 402.3125 Display and appearance of license; posting of  
7 violations; information to be provided to parents.--

8 (5) The department shall develop a model brochure for  
9 distribution by the department and by local licensing agencies  
10 to every child care facility in the state. Pursuant thereto:

11 (c) The brochure shall, at a minimum, contain the  
12 following information:

13 1. A statement that the facility is licensed and has  
14 met state standards for licensure as established by s. 402.305  
15 or that the facility is licensed by a local licensing agency  
16 and has met or exceeded the state standards, pursuant to ss.  
17 402.306 and 402.307. Such statement shall include a listing of  
18 specific standards that licensed facilities must meet pursuant  
19 to s. 402.305.

20 2. A statement indicating that information about the  
21 licensure status of the child care facility can be obtained by  
22 telephoning the department office or the office of the local  
23 licensing agency issuing the license at a telephone number or  
24 numbers which shall be printed upon or otherwise affixed to  
25 the brochure.

26 3. The statewide toll-free telephone number of the  
27 central Florida abuse hotline Registry, together with a notice  
28 that reports of suspected and actual cases of child physical  
29 abuse, sexual abuse, and neglect are received and referred for  
30 investigation by the hotline registry.

31 4. The date that the current license for the facility



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1 was issued and the date of its scheduled expiration if it is  
2 not renewed.

3 5. Any other information relating to competent child  
4 care that the department deems would be helpful to parents and  
5 other caretakers in their selection of a child care facility.

6 Section 82. Paragraph (d) of subsection (6) of section  
7 402.313, Florida Statutes, is amended to read:

8 402.313 Family day care homes.--

9 (6) The department shall prepare a brochure on family  
10 day care for distribution by the department and by local  
11 licensing agencies, if appropriate, to family day care homes  
12 for distribution to parents utilizing such child care, and to  
13 all interested persons, including physicians and other health  
14 professionals; mental health professionals; school teachers or  
15 other school personnel; social workers or other professional  
16 child care, foster care, residential, or institutional  
17 workers; and law enforcement officers. The brochure shall, at  
18 a minimum, contain the following information:

19 (d) The statewide toll-free telephone number of the  
20 central Florida ~~abuse hotline Registry~~, together with a notice  
21 that reports of suspected and actual child physical abuse,  
22 sexual abuse, and neglect are received and referred for  
23 investigation by the hotline registry.

24 Section 83. Paragraph (b) of subsection (11) of  
25 section 409.175, Florida Statutes, is amended to read:

26 409.175 Licensure of family foster homes, residential  
27 child-caring agencies, and child-placing agencies.--

28 (11)

29 (b) It is unlawful for any person, agency, summer day  
30 camp, or summer 24-hour camp providing care for children to:

31 1. Willfully or intentionally fail to comply with the

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1 requirements for the screening of personnel or the dismissal  
2 of personnel found not to be in compliance with the  
3 requirements for good moral character as specified in  
4 paragraph (4)(a).

5           2. Use information from the criminal records ~~or~~  
6 ~~central abuse registry~~ obtained under this section for any  
7 purpose other than screening a person for employment as  
8 specified in this section or to release such information to  
9 any other person for any purpose other than screening for  
10 employment as specified in this section.

11           Section 84. Subsection (29) of section 409.912,  
12 Florida Statutes, is amended to read:

13           409.912 Cost-effective purchasing of health care.--The  
14 agency shall purchase goods and services for Medicaid  
15 recipients in the most cost-effective manner consistent with  
16 the delivery of quality medical care. The agency shall  
17 maximize the use of prepaid per capita and prepaid aggregate  
18 fixed-sum basis services when appropriate and other  
19 alternative service delivery and reimbursement methodologies,  
20 including competitive bidding pursuant to s. 287.057, designed  
21 to facilitate the cost-effective purchase of a case-managed  
22 continuum of care. The agency shall also require providers to  
23 minimize the exposure of recipients to the need for acute  
24 inpatient, custodial, and other institutional care and the  
25 inappropriate or unnecessary use of high-cost services.

26           (29) Each managed care plan that is under contract  
27 with the agency to provide health care services to Medicaid  
28 recipients shall annually conduct a background check with the  
29 Florida Department of Law Enforcement of all persons with  
30 ownership interest of 5 percent or more or executive  
31 management responsibility for the managed care plan and shall

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1 submit to the agency information concerning any such person  
 2 who has been found guilty of, regardless of adjudication, or  
 3 has entered a plea of nolo contendere or guilty to, any of the  
 4 offenses listed in s. 435.03 ~~or has a confirmed report of~~  
 5 ~~abuse, neglect, or exploitation pursuant to chapter 415.~~

6 Section 85. Subsection (5) of section 430.205, Florida  
 7 Statutes, is amended to read:

8 430.205 Community care service system.--

9 (5) Any person who has been classified as a  
 10 functionally impaired elderly person is eligible to receive  
 11 community-care-for-the-elderly core services. Those elderly  
 12 persons who are determined by ~~adult~~ protective investigations  
 13 ~~services~~ to be vulnerable adults ~~elderly persons~~ in need of  
 14 services, pursuant to s. 415.104(3)(b) ~~415.1045(2)(b)~~, or to  
 15 be victims of abuse, neglect, or exploitation who are in need  
 16 of immediate services to prevent further harm and are referred  
 17 by the adult protective services program, shall be given  
 18 primary consideration for receiving  
 19 community-care-for-the-elderly services. As used in this  
 20 subsection, "primary consideration" means that an assessment  
 21 and services must commence within 72 hours after referral to  
 22 the department or as established in accordance with department  
 23 contracts by local protocols developed between department  
 24 service providers and the adult protective services program.

25 Section 86. Subsection (1) of section 447.208, Florida  
 26 Statutes, is amended to read:

27 447.208 Procedure with respect to certain appeals  
 28 under s. 447.207.--

29 (1) Any person filing an appeal pursuant to subsection  
 30 (8) or subsection (9) of s. 447.207 shall be entitled to a  
 31 hearing pursuant to subsections (4) and (5) of s. 447.503 and

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1 in accordance with chapter 120; however, the hearing shall be  
2 conducted within 30 days of the filing of an appeal with the  
3 commission, unless an extension of time is granted by the  
4 commission for good cause ~~or unless the basis for the appeal~~  
5 ~~is an allegation of abuse or neglect under s. 415.1075, in~~  
6 ~~which case the hearing by the Public Employees Relations~~  
7 ~~Commission may not be held until the confirmed report of abuse~~  
8 ~~or neglect has been upheld pursuant to the procedures for~~  
9 ~~appeal in s. 415.1075.~~ Discovery may be granted only upon a  
10 showing of extraordinary circumstances. A party requesting  
11 discovery shall demonstrate a substantial need for the  
12 information requested and an inability to obtain relevant  
13 information by other means. To the extent that chapter 120 is  
14 inconsistent with these provisions, the procedures contained  
15 in this section shall govern.

16 Section 87. Section 447.401, Florida Statutes, is  
17 amended to read:

18 447.401 Grievance procedures.--Each public employer  
19 and bargaining agent shall negotiate a grievance procedure to  
20 be used for the settlement of disputes between employer and  
21 employee, or group of employees, involving the interpretation  
22 or application of a collective bargaining agreement. Such  
23 grievance procedure shall have as its terminal step a final  
24 and binding disposition by an impartial neutral, mutually  
25 selected by the parties; however, when the issue under appeal  
26 is an allegation of abuse, abandonment, or neglect by an  
27 employee under s. 39.201 or s. 415.1034 ~~s. 415.1075~~, the  
28 grievance may not be decided until the abuse, abandonment, or  
29 neglect of a child has been judicially determined ~~or until a~~  
30 ~~confirmed report of abuse or neglect of a disabled adult or~~  
31 ~~elderly person has been upheld pursuant to the procedures for~~

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1 ~~appeal in s. 415.1075.~~ However, an arbiter or other neutral  
2 shall not have the power to add to, subtract from, modify, or  
3 alter the terms of a collective bargaining agreement. If an  
4 employee organization is certified as the bargaining agent of  
5 a unit, the grievance procedure then in existence may be the  
6 subject of collective bargaining, and any agreement which is  
7 reached shall supersede the previously existing procedure.  
8 All public employees shall have the right to a fair and  
9 equitable grievance procedure administered without regard to  
10 membership or nonmembership in any organization, except that  
11 certified employee organizations shall not be required to  
12 process grievances for employees who are not members of the  
13 organization. A career service employee shall have the option  
14 of utilizing the civil service appeal procedure, an unfair  
15 labor practice procedure, or a grievance procedure established  
16 under this section, but such employee is precluded from  
17 availing himself or herself to more than one of these  
18 procedures.

19 Section 88. Subsection (5) of section 455.712, Florida  
20 Statutes, is amended to read:

21 455.712 Business establishments; requirements for  
22 active status licenses.--

23 (5) This section applies to any business establishment  
24 registered, permitted, or licensed by the department to do  
25 business. Business establishments include, but are not limited  
26 to, dental laboratories, electrology facilities, massage  
27 establishments, and pharmacies, ~~and health care services~~  
28 ~~pools.~~

29 Section 89. Paragraph (e) of subsection (1) of section  
30 464.018, Florida Statutes, is amended to read:

31 464.018 Disciplinary actions.--

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1 (1) The following acts shall be grounds for  
2 disciplinary action set forth in this section:

3 (e) Having been found guilty of, regardless of  
4 adjudication, or entered a plea of nolo contendere or guilty  
5 to, any offense prohibited under s. 435.03 or under any  
6 similar statute of another jurisdiction ~~a confirmed report of~~  
7 ~~abuse, neglect, or exploitation as defined in s. 415.102(6)~~  
8 ~~which has been uncontested or upheld under the procedures of~~  
9 ~~s. 415.1075;~~ or having committed an act which constitutes  
10 domestic violence as defined in s. 741.28.

11 Section 90. Paragraph (f) of subsection (4) of section  
12 468.520, Florida Statutes, is amended to read:

13 468.520 Definitions.--As used in this part:

14 (4) "Employee leasing" means an arrangement whereby a  
15 leasing company assigns its employees to a client and  
16 allocates the direction of and control over the leased  
17 employees between the leasing company and the client. The term  
18 does not include the following:

19 (f) A health care services pool licensed under s.  
20 400.980 ~~402.48~~, unless otherwise engaged in business as an  
21 employee leasing company.

22 Section 91. Section 468.826, Florida Statutes, is  
23 amended to read:

24 468.826 Exemption from liability.--If an employer  
25 terminates or denies employment to a certified nursing  
26 assistant whose certification is inactive as shown on the  
27 certified nursing assistant registry or whose name appears ~~on~~  
28 ~~the central abuse registry and tracking system of the~~  
29 ~~Department of Children and Family Services~~ or on a criminal  
30 screening report of the Department of Law Enforcement, the  
31 employer is not civilly liable for such termination and a

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1 cause of action may not be brought against the employer for  
2 damages, regardless of whether the employee has filed for an  
3 exemption from the department under s. 468.824(1). There may  
4 not be any monetary liability on the part of, and a cause of  
5 action for damages may not arise against, any licensed  
6 facility, its governing board or members thereof, medical  
7 staff, disciplinary board, agents, investigators, witnesses,  
8 employees, or any other person for any action taken in good  
9 faith without intentional fraud in carrying out this section.

10 Section 92. Subsections (1) and (2) of section  
11 468.828, Florida Statutes, are amended to read:

12 468.828 Background screening information; rulemaking  
13 authority.--

14 (1) The Agency for Health Care Administration shall  
15 allow the department to electronically access its background  
16 screening database and records, ~~and the Department of Children~~  
17 ~~and Family Services shall allow the department to~~  
18 ~~electronically access its central abuse registry and tracking~~  
19 ~~system under chapter 415.~~

20 (2) An employer, or an agent thereof, may not use  
21 criminal records ~~or~~ juvenile records, ~~or information obtained~~  
22 ~~from the central abuse hotline under chapter 415~~ for any  
23 purpose other than determining if the person meets the  
24 requirements of this part. Such records and information  
25 obtained by the department shall remain confidential and  
26 exempt from s. 119.07(1).

27 Section 93. Paragraph (d) of subsection (2) of section  
28 483.101, Florida Statutes, is amended to read:

29 483.101 Application for clinical laboratory license.--

30 (2) Each applicant for licensure must comply with the  
31 following requirements:

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1 (d) A provisional license may be granted to an  
2 applicant when each individual required by this section to  
3 undergo background screening has met the standards for ~~the~~  
4 ~~abuse registry background check and~~ the Department of Law  
5 Enforcement background check but the agency has not yet  
6 received background screening results from the Federal Bureau  
7 of Investigation, or a request for a disqualification  
8 exemption has been submitted to the agency as set forth in  
9 chapter 435 but a response has not yet been issued. A license  
10 may be granted to the applicant upon the agency's receipt of a  
11 report of the results of the Federal Bureau of Investigation  
12 background screening for each individual required by this  
13 section to undergo background screening which confirms that  
14 all standards have been met, or upon the granting of a  
15 disqualification exemption by the agency as set forth in  
16 chapter 435. Any other person who is required to undergo level  
17 2 background screening may serve in his or her capacity  
18 pending the agency's receipt of the report from the Federal  
19 Bureau of Investigation. However, the person may not continue  
20 to serve if the report indicates any violation of background  
21 screening standards and a disqualification exemption has not  
22 been requested of and granted by the agency as set forth in  
23 chapter 435.

24 Section 94. Paragraph (d) of subsection (2) of section  
25 483.30, Florida Statutes, is amended to read:

26 483.30 Licensing of centers.--

27 (2) Each applicant for licensure must comply with the  
28 following requirements:

29 (d) A provisional license may be granted to an  
30 applicant when each individual required by this section to  
31 undergo background screening has met the standards for ~~the~~



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1 ~~abuse registry background check~~ and the Department of Law  
2 Enforcement background check, but the agency has not yet  
3 received background screening results from the Federal Bureau  
4 of Investigation, or a request for a disqualification  
5 exemption has been submitted to the agency as set forth in  
6 chapter 435 but a response has not yet been issued. A license  
7 may be granted to the applicant upon the agency's receipt of a  
8 report of the results of the Federal Bureau of Investigation  
9 background screening for each individual required by this  
10 section to undergo background screening which confirms that  
11 all standards have been met, or upon the granting of a  
12 disqualification exemption by the agency as set forth in  
13 chapter 435. Any other person who is required to undergo level  
14 2 background screening may serve in his or her capacity  
15 pending the agency's receipt of the report from the Federal  
16 Bureau of Investigation. However, the person may not continue  
17 to serve if the report indicates any violation of background  
18 screening standards and a disqualification exemption has not  
19 been requested of and granted by the agency as set forth in  
20 chapter 435.

21 Section 95. Paragraph (a) of subsection (2) of section  
22 509.032, Florida Statutes, is amended to read:

23 509.032 Duties.--

24 (2) INSPECTION OF PREMISES.--

25 (a) The division has responsibility and jurisdiction  
26 for all inspections required by this chapter. The division  
27 has responsibility for quality assurance. Each licensed  
28 establishment shall be inspected at least biannually and at  
29 such other times as the division determines is necessary to  
30 ensure the public's health, safety, and welfare. The division  
31 shall establish a system to determine inspection frequency.

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1 Public lodging units classified as resort condominiums or  
2 resort dwellings are not subject to this requirement, but  
3 shall be made available to the division upon request. If,  
4 during the inspection of a public lodging establishment  
5 classified for renting to transient or nontransient tenants,  
6 an inspector identifies vulnerable ~~disabled~~ adults ~~or elderly~~  
7 ~~persons~~ who appear to be victims of neglect, as defined in s.  
8 415.102, or, in the case of a building that is not equipped  
9 with automatic sprinkler systems, tenants or clients who may  
10 be unable to self-preserve in an emergency, the division shall  
11 convene meetings with the following agencies as appropriate to  
12 the individual situation: the Department of Health, the  
13 Department of Elderly Affairs, the area agency on aging, the  
14 local fire marshal, the landlord and affected tenants and  
15 clients, and other relevant organizations, to develop a plan  
16 which improves the prospects for safety of affected residents  
17 and, if necessary, identifies alternative living arrangements  
18 such as facilities licensed under part II or part III of  
19 chapter 400.

20 Section 96. Subsection (3) of section 744.309, Florida  
21 Statutes, is amended to read:

22 744.309 Who may be appointed guardian of a resident  
23 ward.--

24 (3) DISQUALIFIED PERSONS.--No person who has been  
25 convicted of a felony or who, from any incapacity or illness,  
26 is incapable of discharging the duties of a guardian, or who  
27 is otherwise unsuitable to perform the duties of a guardian,  
28 shall be appointed to act as guardian. Further, no person who  
29 has been judicially determined to have committed abuse,  
30 abandonment, or neglect against a child as defined in s. 39.01  
31 or s. 984.03(1),(2),and (39), or who has been found guilty

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1 of, regardless of adjudication, or entered a plea of nolo  
 2 contendere or guilty to, any offense prohibited under s.  
 3 435.03 or under any similar statute of another jurisdiction,  
 4 ~~confirmed report of abuse, neglect, or exploitation which has~~  
 5 ~~been uncontested or upheld pursuant to the provisions of ss.~~  
 6 ~~415.104 and 415.1075 shall be appointed to act as a guardian.~~  
 7 Except as provided in subsection (5) or subsection (6), a  
 8 person who provides substantial services to the proposed ward  
 9 in a professional or business capacity, or a creditor of the  
 10 proposed ward, may not be appointed guardian and retain that  
 11 previous professional or business relationship. A person may  
 12 not be appointed a guardian if he or she is in the employ of  
 13 any person, agency, government, or corporation that provides  
 14 service to the proposed ward in a professional or business  
 15 capacity, except that a person so employed may be appointed if  
 16 he or she is the spouse, adult child, parent, or sibling of  
 17 the proposed ward or the court determines that the potential  
 18 conflict of interest is insubstantial and that the appointment  
 19 would clearly be in the proposed ward's best interest. The  
 20 court may not appoint a guardian in any other circumstance in  
 21 which a conflict of interest may occur.

22 Section 97. Subsection (12) of section 744.474,  
 23 Florida Statutes, is amended to read:

24 744.474 Reasons for removal of guardian.--A guardian  
 25 may be removed for any of the following reasons, and the  
 26 removal shall be in addition to any other penalties prescribed  
 27 by law:

28 (12) Having been found guilty of, regardless of  
 29 adjudication, or entered a plea of nolo contendere or guilty  
 30 to, any offense prohibited under s. 435.03 or under any  
 31 similar statute of another jurisdiction ~~A confirmed report~~

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1 ~~pursuant to a protective investigation made by the Department~~  
2 ~~of Children and Family Services, which has been uncontested or~~  
3 ~~has been upheld, in accordance with s. 415.1075, that the~~  
4 ~~guardian has abused, neglected, or exploited the ward.~~

5 Section 98. Section 744.7081, Florida Statutes, is  
6 amended to read:

7 744.7081 Access to records by Statewide Public  
8 Guardianship Office; confidentiality.--Notwithstanding any  
9 other provision of law to the contrary, any medical,  
10 financial, or mental health records held by an agency, or the  
11 court and its agencies, which are necessary to evaluate the  
12 public guardianship system, to assess the need for additional  
13 public guardianship, or to develop required reports, shall be  
14 provided to the Statewide Public Guardianship Office upon that  
15 office's request. Any confidential or exempt information  
16 provided to the Statewide Public Guardianship Office shall  
17 continue to be held confidential or exempt as otherwise  
18 provided by law. All records held by the Statewide Public  
19 Guardianship Office relating to the medical, financial, or  
20 mental health of vulnerable ~~citizens who are elderly persons~~  
21 ~~or disabled~~ adults as defined in chapter 415, persons with a  
22 developmental disability as defined in chapter 393, or persons  
23 with a mental illness as defined in chapter 394, shall be  
24 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
25 of the State Constitution. This section is subject to the Open  
26 Government Sunset Review Act of 1995 in accordance with s.  
27 119.15, and shall stand repealed on October 2, 2004, unless  
28 reviewed and saved from repeal through reenactment by the  
29 Legislature.

30 Section 99. Paragraph (a) of subsection (6) of section  
31 775.21, Florida Statutes, is amended to read:

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1           775.21 The Florida Sexual Predators Act; definitions;  
2 legislative findings, purpose, and intent; criteria;  
3 designation; registration; community and public notification;  
4 immunity; penalties.--

5           (6) REGISTRATION.--

6           (a) A sexual predator must register with the  
7 department by providing the following information to the  
8 department:

9           1. Name, social security number, age, race, sex, date  
10 of birth, height, weight, hair and eye color, photograph,  
11 address of legal residence and address of any current  
12 temporary residence, including a rural route address and a  
13 post office box, date and place of any employment, date and  
14 place of each conviction, fingerprints, and a brief  
15 description of the crime or crimes committed by the offender.  
16 A post office box shall not be provided in lieu of a physical  
17 residential address. If the sexual predator's place of  
18 residence is a motor vehicle, trailer, mobile home, or  
19 manufactured home, as defined in chapter 320, the sexual  
20 predator shall also provide to the department written notice  
21 of the vehicle identification number; the license tag number;  
22 the registration number; and a description, including color  
23 scheme, of the motor vehicle, trailer, mobile home, or  
24 manufactured home. If a sexual predator's place of residence  
25 is a vessel, live-aboard vessel, or houseboat, as defined in  
26 chapter 327, the sexual predator shall also provide to the  
27 department written notice of the hull identification number;  
28 the manufacturer's serial number; the name of the vessel,  
29 live-aboard vessel, or houseboat; the registration number; and  
30 a description, including color scheme, of the vessel,  
31 live-aboard vessel, or houseboat.

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1           2. Any other information determined necessary by the  
2 department, including criminal and corrections records;  
3 nonprivileged personnel ~~and treatment, and abuse registry~~  
4 records; and evidentiary genetic markers when available.

5           Section 100. Paragraph (e) of subsection (5) of  
6 section 916.107, Florida Statutes, is amended to read:

7           916.107 Rights of forensic clients.--

8           (5) COMMUNICATION, ABUSE REPORTING, AND VISITS.--

9           (e) Each client committed pursuant to this chapter  
10 shall have ready access to a telephone in order to report an  
11 alleged abuse. The facility or program staff shall orally and  
12 in writing inform each client of the procedure for reporting  
13 abuse and shall present the information in a language the  
14 client understands. A written copy of that procedure,  
15 including the telephone number of the central abuse hotline  
16 ~~registry~~ and reporting forms, shall be posted in plain view.

17           Section 101. Paragraph (a) of subsection (4) of  
18 section 943.0585, Florida Statutes, is amended to read:

19           943.0585 Court-ordered expunction of criminal history  
20 records.--The courts of this state have jurisdiction over  
21 their own procedures, including the maintenance, expunction,  
22 and correction of judicial records containing criminal history  
23 information to the extent such procedures are not inconsistent  
24 with the conditions, responsibilities, and duties established  
25 by this section. Any court of competent jurisdiction may  
26 order a criminal justice agency to expunge the criminal  
27 history record of a minor or an adult who complies with the  
28 requirements of this section. The court shall not order a  
29 criminal justice agency to expunge a criminal history record  
30 until the person seeking to expunge a criminal history record  
31 has applied for and received a certificate of eligibility for

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1 expunction pursuant to subsection (2). A criminal history  
2 record that relates to a violation of chapter 794, s. 800.04,  
3 s. 817.034, s. 827.071, chapter 839, s. 893.135, or a  
4 violation enumerated in s. 907.041 may not be expunged,  
5 without regard to whether adjudication was withheld, if the  
6 defendant was found guilty of or pled guilty or nolo  
7 contendere to the offense, or if the defendant, as a minor,  
8 was found to have committed, or pled guilty or nolo contendere  
9 to committing, the offense as a delinquent act. The court may  
10 only order expunction of a criminal history record pertaining  
11 to one arrest or one incident of alleged criminal activity,  
12 except as provided in this section. The court may, at its sole  
13 discretion, order the expunction of a criminal history record  
14 pertaining to more than one arrest if the additional arrests  
15 directly relate to the original arrest. If the court intends  
16 to order the expunction of records pertaining to such  
17 additional arrests, such intent must be specified in the  
18 order. A criminal justice agency may not expunge any record  
19 pertaining to such additional arrests if the order to expunge  
20 does not articulate the intention of the court to expunge a  
21 record pertaining to more than one arrest. This section does  
22 not prevent the court from ordering the expunction of only a  
23 portion of a criminal history record pertaining to one arrest  
24 or one incident of alleged criminal activity. Notwithstanding  
25 any law to the contrary, a criminal justice agency may comply  
26 with laws, court orders, and official requests of other  
27 jurisdictions relating to expunction, correction, or  
28 confidential handling of criminal history records or  
29 information derived therefrom. This section does not confer  
30 any right to the expunction of any criminal history record,  
31 and any request for expunction of a criminal history record

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1 may be denied at the sole discretion of the court.

2 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.--Any  
3 criminal history record of a minor or an adult which is  
4 ordered expunged by a court of competent jurisdiction pursuant  
5 to this section must be physically destroyed or obliterated by  
6 any criminal justice agency having custody of such record;  
7 except that any criminal history record in the custody of the  
8 department must be retained in all cases. A criminal history  
9 record ordered expunged that is retained by the department is  
10 confidential and exempt from the provisions of s. 119.07(1)  
11 and s. 24(a), Art. I of the State Constitution and not  
12 available to any person or entity except upon order of a court  
13 of competent jurisdiction. A criminal justice agency may  
14 retain a notation indicating compliance with an order to  
15 expunge.

16 (a) The person who is the subject of a criminal  
17 history record that is expunged under this section or under  
18 other provisions of law, including former s. 893.14, former s.  
19 901.33, and former s. 943.058, may lawfully deny or fail to  
20 acknowledge the arrests covered by the expunged record, except  
21 when the subject of the record:

- 22 1. Is a candidate for employment with a criminal  
23 justice agency;
- 24 2. Is a defendant in a criminal prosecution;
- 25 3. Concurrently or subsequently petitions for relief  
26 under this section or s. 943.059;
- 27 4. Is a candidate for admission to The Florida Bar;
- 28 5. Is seeking to be employed or licensed by or to  
29 contract with the Department of Children and Family Services  
30 or the Department of Juvenile Justice or to be employed or  
31 used by such contractor or licensee in a sensitive position



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1 having direct contact with children, the developmentally  
2 disabled, the aged, or the elderly as provided in s.  
3 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s.  
4 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), ~~s.~~  
5 ~~415.1075(4)~~, s. 985.407, or chapter 400; or

6 6. Is seeking to be employed or licensed by the Office  
7 of Teacher Education, Certification, Staff Development, and  
8 Professional Practices of the Department of Education, any  
9 district school board, or any local governmental entity that  
10 licenses child care facilities.

11 Section 102. Paragraph (e) of subsection (4) of  
12 section 985.05, Florida Statutes, is amended to read:

13 985.05 Court records.--

14 (4) A court record of proceedings under this part is  
15 not admissible in evidence in any other civil or criminal  
16 proceeding, except that:

17 (e) Records of proceedings under this part may be used  
18 to prove disqualification pursuant to ss. 110.1127, 393.0655,  
19 394.457, 397.451, 402.305, 402.313, 409.175, 409.176, and  
20 985.407, ~~and for proof in a chapter 120 proceeding pursuant to~~  
21 ~~s. 415.1075.~~

22 Section 103. Sections 415.1065, 415.1075, 415.1085,  
23 and 415.109, Florida Statutes, are repealed.

24 Section 104. There is hereby appropriated from the  
25 Health Care Trust Fund to the Agency for Health Care  
26 Administration one full-time equivalent position and \$60,000  
27 to implement the provisions of s. 400.980, Florida Statutes,  
28 relating to the regulation of health care services pools, as  
29 provided for in this act.

30 Section 105. Except as otherwise provided herein, this  
31 act shall take effect upon becoming a law.

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

2 And the title is amended as follows:

3 remove from the title of the bill: the entire title

4

5 and insert in lieu thereof:

6 A bill to be entitled

7 An act relating to protection of vulnerable  
8 persons; creating the Task Force on the  
9 Availability and Affordability of Long-term  
10 Care; providing for membership and duties;  
11 providing for staff and expenses; requiring a  
12 report; providing for the expiration of the  
13 task force; providing an appropriation;  
14 amending s. 400.6065, F.S.; providing  
15 employment screening requirements for hospice  
16 personnel; providing penalties; renumbering and  
17 amending s. 402.48, F.S.; revising the  
18 definition of "health care services pool";  
19 providing background screening requirements for  
20 applicants for registration, managing  
21 employees, and financial officers of such  
22 entities, and certain others; providing  
23 penalties; requiring such entities to obtain a  
24 certificate of registration from the Agency for  
25 Health Care Administration; providing for  
26 injunction; revising application procedures;  
27 revising responsibilities regarding temporary  
28 employees; increasing a penalty; transferring  
29 powers, duties, functions, and appropriations  
30 relating to health care services pools from the  
31 Department of Health to the Agency for Health

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1 Care Administration; amending s. 415.102, F.S.;  
2 revising definitions; amending s. 415.103,  
3 F.S.; providing for a central abuse hotline to  
4 receive reports of abuse, neglect, or  
5 exploitation of vulnerable adults; amending s.  
6 415.1034, F.S.; conforming provisions relating  
7 to mandatory reporting; amending s. 415.1035,  
8 F.S.; providing duty of the Department of  
9 Children and Family Services to ensure that  
10 facilities inform residents of their right to  
11 report abuse, neglect, or exploitation;  
12 amending s. 415.1036, F.S.; conforming  
13 provisions relating to immunity of persons  
14 making reports; amending ss. 415.104 and  
15 415.1045, F.S.; revising provisions relating to  
16 protective investigations; extending the time  
17 limit for completion of the department's  
18 investigation; providing for access to records  
19 and documents; providing for working agreements  
20 with law enforcement entities; amending s.  
21 415.105, F.S.; authorizing the department to  
22 petition the court to enjoin interference with  
23 the provision of protective services; amending  
24 s. 415.1051, F.S.; providing for enforcement of  
25 court-ordered protective services when any  
26 person interferes; amending s. 415.1052, F.S.,  
27 relating to interference with investigations or  
28 provision of services; amending s. 415.1055,  
29 F.S.; deleting provisions relating to  
30 notification to subjects, reporters, law  
31 enforcement, and state attorneys of a report

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1       alleging abuse, neglect, or exploitation;  
2       amending s. 415.106, F.S., relating to  
3       cooperation by criminal justice and other  
4       agencies; amending s. 415.107, F.S.; providing  
5       certain access to confidential records and  
6       reports; providing that information in the  
7       central abuse hotline may not be used for  
8       employment screening; amending s. 415.1102,  
9       F.S.; revising provisions relating to adult  
10      protection teams; amending s. 415.111, F.S.,  
11      relating to criminal penalties; amending s.  
12      415.1111, F.S.; revising provisions relating to  
13      civil penalties; amending s. 415.1113, F.S.,  
14      relating to administrative fines for false  
15      reporting; amending s. 415.113, F.S., relating  
16      to treatment by spiritual means; amending s.  
17      435.03, F.S.; revising provisions relating to  
18      level 1 and level 2 screening standards;  
19      amending s. 435.05, F.S.; revising provisions  
20      relating to screening requirements for covered  
21      employees; amending s. 435.07, F.S., relating  
22      to exemptions; amending s. 435.08, F.S.,  
23      relating to payment for processing records  
24      checks; amending s. 435.09, F.S., relating to  
25      confidentiality of background check  
26      information; creating ss. 435.401, 435.402,  
27      435.403, and 435.405, F.S.; providing special  
28      work history checks for caregivers of  
29      vulnerable adults; providing definitions;  
30      requiring certain organizations that hire,  
31      contract with, or register for referral such

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1           caregivers to obtain service letters regarding  
2           applicants from all previous such organizations  
3           with whom the applicant worked within a  
4           specified period; providing duties of such  
5           applicants and organizations; providing  
6           penalties; providing for conditional  
7           employment, contract, or registration for  
8           referral for a specified period; providing for  
9           good faith efforts to perform required duties;  
10          providing for certain burden of proof;  
11          providing penalties for persons or  
12          organizations that knowingly provide certain  
13          false or incomplete information; providing  
14          certain immunity from civil liability;  
15          protecting certain information from discovery  
16          in legal or administrative proceedings;  
17          providing for enforcement by the Agency for  
18          Health Care Administration; providing for  
19          disposition of fines; requiring rules; amending  
20          ss. 20.43, 455.712, and 468.520, F.S.; deleting  
21          references to health care services pools in  
22          provisions relating to the Department of  
23          Health; correcting a cross reference; amending  
24          ss. 39.202, 90.803, 110.1127, 112.0455, 119.07,  
25          232.50, 242.335, 320.0848, 381.0059, 381.60225,  
26          383.305, 390.015, 393.067, 393.0674, 394.459,  
27          394.875, 355.0055, 395.0199, 395.3025, 397.461,  
28          400.022, 400.071, 400.215, 400.414, 400.4174,  
29          400.426, 400.428, 400.462, 400.471, 400.495,  
30          400.506, 400.509, 400.512, 400.5572, 400.628,  
31          400.801, 400.805, 400.906, 400.931, 400.95,

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1 400.953, 400.955, 400.962, 400.964, 402.3025,  
2 402.3125, 402.313, 409.175, 409.912, 430.205,  
3 447.208, 447.401, 464.018, 468.826, 468.828,  
4 483.101, 483.30, 509.032, 744.309, 744.474,  
5 744.7081, 775.21, 916.107, 943.0585, and  
6 985.05, F.S.; conforming to the act provisions  
7 relating to protection of vulnerable adults and  
8 the central abuse hotline; repealing s.  
9 415.1065, F.S., relating to management of  
10 records of the central abuse registry and  
11 tracking system; repealing s. 415.1075, F.S.,  
12 relating to amendment of such records, and  
13 expunctions, appeals, and exemptions with  
14 respect thereto; repealing s. 415.1085, F.S.,  
15 relating to photographs and medical  
16 examinations pursuant to investigations of  
17 abuse or neglect of an elderly person or  
18 disabled adult; repealing s. 415.109, F.S.,  
19 relating to abrogation of privileged  
20 communication in cases involving suspected  
21 adult abuse, neglect, or exploitation;  
22 providing an appropriation; providing effective  
23 dates.

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