

Bill No. CS for CS for SB 400

Amendment No. ____ Barcode 973668

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Peaden moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 73, after line 31,		
15			
16	insert:		
17	Section 34. Paragraph (b) of subsection (5) of section		
18	400.235, Florida Statutes, is amended to read:		
19	400.235 Nursing home quality and licensure status;		
20	Gold Seal Program.--		
21	(5) Facilities must meet the following additional		
22	criteria for recognition as a Gold Seal Program facility:		
23	(b) Evidence financial soundness and stability		
24	according to standards adopted by the agency in administrative		
25	rule. <u>Such standards must include, but not be limited to,</u>		
26	<u>criteria for the use of financial statements that are prepared</u>		
27	<u>in accordance with generally accepted accounting principles</u>		
28	<u>and that are reviewed or audited by certified public</u>		
29	<u>accountants.</u>		
30	Section 35. Subsection (2) of section 465.0255,		
31	Florida Statutes, is amended to read:		

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1 465.0255 Expiration date of medicinal drugs; display;
2 related use and storage instructions.--

3 (2) Each pharmacist for a community pharmacy
4 dispensing medicinal drugs and each practitioner dispensing
5 medicinal drugs on an outpatient basis shall display on the
6 outside of the container of each medicinal drug dispensed, or
7 in other written form delivered to the purchaser, the
8 expiration date when provided by the manufacturer, repackager,
9 or other distributor of the drug, which shall be consistent
10 with the manufacturer's expiration date, and appropriate
11 instructions regarding the proper use and storage of the drug.
12 Nothing in this section shall impose liability on the
13 dispensing pharmacist or practitioner for damages related to,
14 or caused by, a medicinal drug that loses its effectiveness
15 prior to the expiration date displayed by the dispensing
16 pharmacist or practitioner.

17 Section 36. Section 393.506, Florida Statutes, is
18 created to read:

19 393.506 Administration of medication.--

20 (1) Notwithstanding the provisions of part I of
21 chapter 464, the Nurse Practice Act, unlicensed direct care
22 service staff providing services to persons with developmental
23 disabilities may administer oral, transdermal, inhaled, or
24 topical prescription medications as provided in this section.

25 (a) For day programs, as defined in s. 393.063, the
26 director of the facility or program shall designate in writing
27 unlicensed direct care services staff who are eligible to be
28 trained to assist in the administration of or to administer
29 medication.

30 (b) For intermediate care facilities for the
31 developmentally disabled licensed pursuant to part XI of

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1 chapter 400, unlicensed staff designated by the director may
2 provide medication assistance under the general supervision of
3 a registered nurse licensed pursuant to chapter 464.

4 (2) Each facility, institution, or program must
5 include in its policies and procedures a plan for training
6 designated staff to ensure the safe handling, storage, and
7 administration of prescription medication. These policies and
8 procedures must be approved by the department before
9 unlicensed direct care services staff assist with medication.

10 (3) The policies and procedures must include, at a
11 minimum, the following provisions:

12 (a) An expressed and informed consent for each client.

13 (b) The director of the facility, program, or provider
14 must maintain a copy of the written prescription, and that
15 prescription must include the name of the medication, the
16 dosage and administration schedule, the reason for the
17 prescription, and the termination date.

18 (c) Each prescribed medication shall be kept in its
19 original container and in a secure location.

20 (4) The training required in this section shall be
21 conducted by a registered nurse or a physician licensed
22 pursuant to chapter 458 or chapter 459.

23 Section 37. Section 400.9685, Florida Statutes, is
24 created to read:

25 400.9685 Administration of medication.--

26 (1) Notwithstanding the provisions of the Nurse
27 Practice Act, part I of chapter 464, unlicensed direct care
28 services staff who are providing services to clients in
29 Intermediate Care Facilities for the Developmentally Disabled,
30 licensed pursuant to this part, may administer prescribed,
31 prepackaged, premeasured medications under the general

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1 supervision of a registered nurse as provided in this section
2 and applicable rules. Training required by this section and
3 applicable rules must be conducted by a registered nurse
4 licensed pursuant to chapter 464, or a physician licensed
5 pursuant to chapter 458 or chapter 459.

6 (2) Each facility that allows unlicensed direct care
7 service staff to administer medications pursuant to this
8 section must:

9 (a) Develop and implement policies and procedures that
10 include a plan to ensure the safe handling, storage, and
11 administration of prescription medication.

12 (b) Maintain written evidence of the expressed and
13 informed consent for each client.

14 (c) Maintain a copy of the written prescription
15 including the name of the medication, the dosage, and
16 administration schedule.

17 (d) Maintain documentation regarding the prescription
18 including the name, dosage, and administration schedule,
19 reason for prescription, and the termination date.

20 (e) Maintain documentation of compliance with required
21 training.

22 (3) Agency rules shall specify the following as it
23 relates to the administration of medications by unlicensed
24 staff:

25 (a) Medications authorized and packaging required.

26 (b) Acceptable methods of administration.

27 (c) A definition of the term "general supervision."

28 (d) Minimum educational requirements of staff.

29 (e) Criteria of required training and competency that
30 must be demonstrated prior to the administration of
31 medications by unlicensed staff including inservice training.

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1 (f) Requirements for safe handling, storage, and
2 administration of medications.

3 Section 38. Subsection (2) of section 394.74, Florida
4 Statutes, is amended, and subsection (6) is added to that
5 section, to read:

6 394.74 Contracts for provision of local substance
7 abuse and mental health programs.--

8 (2)(a) Contracts for service shall be consistent with
9 the approved district plan.

10 (b) Notwithstanding s. 394.76(3)(a) and (c), the
11 department may use unit cost methods of payment in contracts
12 for purchasing mental health and substance abuse services. The
13 unit cost contracting system must account for those patient
14 fees that are paid on behalf of a specific client and those
15 that are earned and used by the provider for those services
16 funded in whole or in part by the department. The department
17 may also use a fee-for-service arrangement, case rates, or a
18 capitation arrangement in order to account for those services.

19 (c) The department may reimburse actual expenditures
20 for startup contracts and fixed capital outlay contracts in
21 accordance with contract specifications.

22 (6) The department may use a fee-for-service
23 arrangement, case rates, or capitation in order to account for
24 mental health and substance abuse services.

25 Section 39. Subsections (1), (2), (7), (8), and (9) of
26 section 400.452, Florida Statutes, are amended to read:

27 400.452 Staff training and educational programs; core
28 educational requirement.--

29 (1) The department shall ensure that ~~provide, or cause~~
30 ~~to be provided, training and educational programs for the~~
31 administrators and other assisted living facility staff have

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1 ~~met training and education requirements that to better~~ enable
2 them to appropriately respond to the needs of residents, to
3 maintain resident care and facility standards, and to meet
4 licensure requirements.

5 (2) The department shall ~~also~~ establish a core
6 educational requirement ~~to be used in these programs~~.
7 Successful completion of the core educational requirement must
8 include successful completion of a competency test. ~~Programs~~
9 ~~must be provided by the department or by a provider approved~~
10 ~~by the department at least quarterly~~. The core educational
11 requirement must cover at least the following topics:

12 (a) State law and rules relating to assisted living
13 facilities.

14 (b) Resident rights and identifying and reporting
15 abuse, neglect, and exploitation.

16 (c) Special needs of elderly persons, persons with
17 mental illness, and persons with developmental disabilities
18 and how to meet those needs.

19 (d) Nutrition and food service, including acceptable
20 sanitation practices for preparing, storing, and serving food.

21 (e) Medication management, recordkeeping, and proper
22 techniques for assisting residents with self-administered
23 medication.

24 (f) Firesafety requirements, including fire evacuation
25 drill procedures and other emergency procedures.

26 (g) Care of persons with Alzheimer's disease and
27 related disorders.

28 ~~(7) A facility that does not have any residents who~~
29 ~~receive monthly optional supplementation payments must pay a~~
30 ~~reasonable fee for such training and education programs. A~~
31 ~~facility that has one or more such residents shall pay a~~

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1 ~~reduced fee that is proportional to the percentage of such~~
2 ~~residents in the facility. Any facility more than 90 percent~~
3 ~~of whose residents receive monthly optional state~~
4 ~~supplementation payments is not required to pay for the~~
5 ~~training and continuing education programs required under this~~
6 ~~section.~~

7 ~~(7)(8)~~ If the department or the agency determines that
8 there are problems in a facility that could be reduced through
9 specific staff training or education beyond that already
10 required under this section, the department or the agency may
11 require, and provide, or cause to be provided, the training or
12 education of any personal care staff in the facility.

13 ~~(8)(9)~~ The department shall adopt rules to establish
14 training programs, standards and curriculum for training,
15 staff training requirements, procedures for approving training
16 programs, and training fees.

17 Section 40. Subsection (1) of section 409.9116,
18 Florida Statutes, is amended to read:

19 409.9116 Disproportionate share/financial assistance
20 program for rural hospitals.--In addition to the payments made
21 under s. 409.911, the Agency for Health Care Administration
22 shall administer a federally matched disproportionate share
23 program and a state-funded financial assistance program for
24 statutory rural hospitals. The agency shall make
25 disproportionate share payments to statutory rural hospitals
26 that qualify for such payments and financial assistance
27 payments to statutory rural hospitals that do not qualify for
28 disproportionate share payments. The disproportionate share
29 program payments shall be limited by and conform with federal
30 requirements. Funds shall be distributed quarterly in each
31 fiscal year for which an appropriation is made.

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1 Notwithstanding the provisions of s. 409.915, counties are
 2 exempt from contributing toward the cost of this special
 3 reimbursement for hospitals serving a disproportionate share
 4 of low-income patients.

5 (1) The following formula shall be used by the agency
 6 to calculate the total amount earned for hospitals that
 7 participate in the rural hospital disproportionate share
 8 program or the financial assistance program:

9

10
$$TAERH = (CCD + MDD)/TPD$$

11

12 Where:

13 CCD = total charity care-other, plus charity
 14 care-Hill-Burton, minus 50 percent of unrestricted tax revenue
 15 from local governments, and restricted funds for indigent
 16 care, divided by gross revenue per adjusted patient day;
 17 however, if CCD is less than zero, then zero shall be used for
 18 CCD.

19 MDD = Medicaid inpatient days plus Medicaid HMO
 20 inpatient days.

21 TPD = total inpatient days.

22 TAERH = total amount earned by each rural hospital.

23

24 In computing the total amount earned by each rural hospital,
 25 the agency must use the most recent actual data reported in
 26 accordance with s. 408.061(4) ~~s. 408.061(4)(a)~~.

27 Section 41. Subsection (4) of section 400.980, Florida
 28 Statutes, is reenacted and amended to read:

29 400.980 Health care services pools.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 2. Has had prior action taken against the applicant
31 under the Medicaid or Medicare program as set forth in

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1 paragraph (e).

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

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

7 Section 42. Notwithstanding section 64 of chapter
8 95-228, Laws of Florida, the provisions of chapter 435,
9 Florida Statutes, as created therein and as subsequently
10 amended, and any reference thereto, shall apply to all
11 offenses regardless of the date on which the offenses
12 referenced in chapter 435, Florida Statutes, were committed,
13 unless specifically provided otherwise in a provision other
14 than a provision of chapter 95-228, Laws of Florida.

15 Section 43. Paragraph (b) of subsection (3) of section
16 435.03, Florida Statutes, is amended to read:

17 435.03 Level 1 screening standards.--

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

19 (b) Has not committed an act that constitutes domestic
20 violence as defined in s. 741.28(1), or committed a violation
21 of any order for injunction for protection as described in s.
22 741.30 or s. 741.31 s. 741.30.

23 Section 44. Subsection (4) of section 435.04, Florida
24 Statutes, is amended to read:

25 435.04 Level 2 screening standards.--

26 (4) Standards must also ensure that the person+

27 ~~(a) For employees or employers licensed or registered~~
28 ~~pursuant to chapter 400, does not have a confirmed report of~~
29 ~~abuse, neglect, or exploitation as defined in s. 415.102(6),~~
30 ~~which has been uncontested or upheld under s. 415.103.~~

31 (b) has not committed an act that constitutes domestic

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1 violence as defined in s. 741.28(1), or committed a violation
2 of any order for injunction for protection as described in s.
3 741.30 or s. 741.31 ~~s. 741.30.~~

4 Section 45. Paragraph (a) of subsection (4) of section
5 943.0585, Florida Statutes, is amended to read:

6 943.0585 Court-ordered expunction of criminal history
7 records.--The courts of this state have jurisdiction over
8 their own procedures, including the maintenance, expunction,
9 and correction of judicial records containing criminal history
10 information to the extent such procedures are not inconsistent
11 with the conditions, responsibilities, and duties established
12 by this section. Any court of competent jurisdiction may order
13 a criminal justice agency to expunge the criminal history
14 record of a minor or an adult who complies with the
15 requirements of this section. The court shall not order a
16 criminal justice agency to expunge a criminal history record
17 until the person seeking to expunge a criminal history record
18 has applied for and received a certificate of eligibility for
19 expunction pursuant to subsection (2). A criminal history
20 record that relates to a violation of s. 787.025, chapter 794,
21 s. 796.03, s. 800.04, s. 817.034, s. 825.1025, s. 827.071,
22 chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.
23 893.135, or a violation enumerated in s. 907.041 may not be
24 expunged, without regard to whether adjudication was withheld,
25 if the defendant was found guilty of or pled guilty or nolo
26 contendere to the offense, or if the defendant, as a minor,
27 was found to have committed, or pled guilty or nolo contendere
28 to committing, the offense as a delinquent act. The court may
29 only order expunction of a criminal history record pertaining
30 to one arrest or one incident of alleged criminal activity,
31 except as provided in this section. The court may, at its sole

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1 discretion, order the expunction of a criminal history record
2 pertaining to more than one arrest if the additional arrests
3 directly relate to the original arrest. If the court intends
4 to order the expunction of records pertaining to such
5 additional arrests, such intent must be specified in the
6 order. A criminal justice agency may not expunge any record
7 pertaining to such additional arrests if the order to expunge
8 does not articulate the intention of the court to expunge a
9 record pertaining to more than one arrest. This section does
10 not prevent the court from ordering the expunction of only a
11 portion of a criminal history record pertaining to one arrest
12 or one incident of alleged criminal activity. Notwithstanding
13 any law to the contrary, a criminal justice agency may comply
14 with laws, court orders, and official requests of other
15 jurisdictions relating to expunction, correction, or
16 confidential handling of criminal history records or
17 information derived therefrom. This section does not confer
18 any right to the expunction of any criminal history record,
19 and any request for expunction of a criminal history record
20 may be denied at the sole discretion of the court.

21 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.--Any
22 criminal history record of a minor or an adult which is
23 ordered expunged by a court of competent jurisdiction pursuant
24 to this section must be physically destroyed or obliterated by
25 any criminal justice agency having custody of such record;
26 except that any criminal history record in the custody of the
27 department must be retained in all cases. A criminal history
28 record ordered expunged that is retained by the department is
29 confidential and exempt from the provisions of s. 119.07(1)
30 and s. 24(a), Art. I of the State Constitution and not
31 available to any person or entity except upon order of a court

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1 of competent jurisdiction. A criminal justice agency may
 2 retain a notation indicating compliance with an order to
 3 expunge.

4 (a) The person who is the subject of a criminal
 5 history record that is expunged under this section or under
 6 other provisions of law, including former s. 893.14, former s.
 7 901.33, and former s. 943.058, may lawfully deny or fail to
 8 acknowledge the arrests covered by the expunged record, except
 9 when the subject of the record:

10 1. Is a candidate for employment with a criminal
 11 justice agency;

12 2. Is a defendant in a criminal prosecution;

13 3. Concurrently or subsequently petitions for relief
 14 under this section or s. 943.059;

15 4. Is a candidate for admission to The Florida Bar;

16 5. Is seeking to be employed or licensed by or to
 17 contract with the Agency for Health Care Administration, or
 18 the Department of Children and Family Services or the
 19 Department of Juvenile Justice or to be employed or used by
 20 such contractor or licensee in a position subject to
 21 background screening in accordance with chapter 435 as
 22 required by the statutes listed in this subparagraph or a
 23 sensitive position having direct contact with children, the
 24 developmentally disabled, the aged, or the elderly as provided
 25 in s. 110.1127(3), s. 112.0455, s. 381.60225, s. 383.305, s.
 26 390.015, s. 393.063(15), s. 394.4572(1), s. 394.875, s.
 27 395.0055, s. 395.0199, s. 397.451, s. 402.302(3), s.
 28 402.313(3), s. 409.175(2)(i), s. 415.102(4), s. 415.103, s.
 29 483.101, s. 483.30, s. 985.407, or chapter 400; or

30 6. Is seeking to be employed or licensed by the Office
 31 of Teacher Education, Certification, Staff Development, and

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1 Professional Practices of the Department of Education, any
2 district school board, or any local governmental entity that
3 licenses child care facilities.

4 Section 46. Paragraph (a) of subsection (4) of section
5 943.059, Florida Statutes, is amended to read:

6 943.059 Court-ordered sealing of criminal history
7 records.--The courts of this state shall continue to have
8 jurisdiction over their own procedures, including the
9 maintenance, sealing, and correction of judicial records
10 containing criminal history information to the extent such
11 procedures are not inconsistent with the conditions,
12 responsibilities, and duties established by this section. Any
13 court of competent jurisdiction may order a criminal justice
14 agency to seal the criminal history record of a minor or an
15 adult who complies with the requirements of this section. The
16 court shall not order a criminal justice agency to seal a
17 criminal history record until the person seeking to seal a
18 criminal history record has applied for and received a
19 certificate of eligibility for sealing pursuant to subsection
20 (2). A criminal history record that relates to a violation of
21 s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 817.034, s.
22 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135,
23 s. 847.0145, s. 893.135, or a violation enumerated in s.
24 907.041 may not be sealed, without regard to whether
25 adjudication was withheld, if the defendant was found guilty
26 of or pled guilty or nolo contendere to the offense, or if the
27 defendant, as a minor, was found to have committed or pled
28 guilty or nolo contendere to committing the offense as a
29 delinquent act. The court may only order sealing of a criminal
30 history record pertaining to one arrest or one incident of
31 alleged criminal activity, except as provided in this section.

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1 The court may, at its sole discretion, order the sealing of a
2 criminal history record pertaining to more than one arrest if
3 the additional arrests directly relate to the original arrest.
4 If the court intends to order the sealing of records
5 pertaining to such additional arrests, such intent must be
6 specified in the order. A criminal justice agency may not seal
7 any record pertaining to such additional arrests if the order
8 to seal does not articulate the intention of the court to seal
9 records pertaining to more than one arrest. This section does
10 not prevent the court from ordering the sealing of only a
11 portion of a criminal history record pertaining to one arrest
12 or one incident of alleged criminal activity. Notwithstanding
13 any law to the contrary, a criminal justice agency may comply
14 with laws, court orders, and official requests of other
15 jurisdictions relating to sealing, correction, or confidential
16 handling of criminal history records or information derived
17 therefrom. This section does not confer any right to the
18 sealing of any criminal history record, and any request for
19 sealing a criminal history record may be denied at the sole
20 discretion of the court.

21 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.--A
22 criminal history record of a minor or an adult which is
23 ordered sealed by a court of competent jurisdiction pursuant
24 to this section is confidential and exempt from the provisions
25 of s. 119.07(1) and s. 24(a), Art. I of the State Constitution
26 and is available only to the person who is the subject of the
27 record, to the subject's attorney, to criminal justice
28 agencies for their respective criminal justice purposes, or to
29 those entities set forth in subparagraphs (a)1., 4., 5., and
30 6. for their respective licensing and employment purposes.

31 (a) The subject of a criminal history record sealed

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1 under this section or under other provisions of law, including
 2 former s. 893.14, former s. 901.33, and former s. 943.058, may
 3 lawfully deny or fail to acknowledge the arrests covered by
 4 the sealed record, except when the subject of the record:

- 5 1. Is a candidate for employment with a criminal
 6 justice agency;
- 7 2. Is a defendant in a criminal prosecution;
- 8 3. Concurrently or subsequently petitions for relief
 9 under this section or s. 943.0585;
- 10 4. Is a candidate for admission to The Florida Bar;
- 11 5. Is seeking to be employed or licensed by or to
 12 contract with the Agency for Health Care Administration, or
 13 Department of Children and Family Services or the Department
 14 of Juvenile Justice or to be employed or used by such
 15 contractor or licensee in a position subject to background
 16 screening in accordance with chapter 435 as required by the
 17 statutes listed in this subparagraph or a sensitive position
 18 having direct contact with children, the developmentally
 19 disabled, the aged, or the elderly as provided in s.
 20 110.1127(3), s. 112.0455, s. 381.60225, s. 383.305, s.
 21 390.015, s. 393.063(15), s. 394.4572(1), s. 394.875, s.
 22 395.0055, s. 395.0199, s. 397.451, s. 402.302(3), s.
 23 402.313(3), s. 409.175(2)(i), s. 415.102(4), s. 415.103, s.
 24 483.101, s. 483.30, s. 985.407, or chapter 400; or
- 25 6. Is seeking to be employed or licensed by the Office
 26 of Teacher Education, Certification, Staff Development, and
 27 Professional Practices of the Department of Education, any
 28 district school board, or any local governmental entity which
 29 licenses child care facilities.

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Bill No. CS for CS for SB 400

Amendment No. ____ Barcode 973668

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

2 And the title is amended as follows:

3 On page 4, line 2, after the semicolon,

4

5 insert:

6 amending s. 400.235, F.S.; allowing reviewed
7 financial statements to be submitted for the
8 Gold Seal program; amending s. 465.0255, F.S.;
9 requiring the display of the expiration date of
10 prescribed drugs; creating s. 393.506, F.S.;
11 allowing administration of medication by
12 certain unlicensed staff for persons with
13 developmental disabilities; providing
14 requirements for such administration; creating
15 s. 400.9685, F.S.; allowing administration of
16 medication by certain unlicensed staff in
17 nursing homes and related health care
18 facilities for persons with developmental
19 disabilities; providing requirements for such
20 administration; amending s. 394.74, F.S.;
21 providing for alternative payment methods for
22 contracts for provision of local substance
23 abuse and mental health programs; amending s.
24 400.452, F.S.; revising training and education
25 requirements of the Department of Elderly
26 Affairs for assisted living facilities;
27 deleting a requirement that fees for training
28 and education programs be based on the
29 percentage of residents receiving monthly
30 optional supplementation payments; amending s.
31 409.9116, F.S.; correcting a cross-reference;

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1 providing that certain prior offenses shall be
2 considered in conducting employment screening,
3 notwithstanding the provisions of section 64 of
4 ch. 95-228, Laws of Florida; reenacting and
5 amending s. 400.980, F.S.; providing that the
6 provisions governing background screening of
7 persons involved with health care services
8 pools shall not stand repealed; amending s.
9 435.03, F.S.; providing additional criminal
10 offenses and deleting an offense that would
11 disqualify a person subject to level 1
12 screening standards from employment; amending
13 s. 435.04, F.S.; providing additional criminal
14 offenses and deleting an offense that would
15 disqualify a person subject to level 2
16 screening standards from employment; amending
17 ss. 943.0585 and 943.059, F.S.; adding the
18 Agency for Health Care Administration to the
19 list of agencies permitted to receive expunged
20 criminal history records and sealed criminal
21 history records; providing additional offenses
22 for which a person may not lawfully deny or
23 fail to acknowledge an arrest with respect to
24 an expunged or sealed record; reenacting ss.
25 39.821(1) and 400.414(1)(g), F.S., relating to
26 guardians ad litem and assisted living
27 facilities, to incorporate the amendment to ss.
28 435.03 and 435.04, F.S., in references thereto;
29
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