

Bill No. CS for CS for SB 1280

Amendment No. ____ Barcode 135396

CHAMBER ACTION

Senate

House

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Senator Peaden moved the following amendment:

Senate Amendment (with title amendment)

On page 120, lines 3-19, delete those lines

and insert:

Section 51. Paragraph (a) of subsection (2) of section 400.215, Florida Statutes, is amended, and paragraphs (b) and (c) of subsection (2) and subsection (3) of that section are reenacted for the purpose of incorporating the amendments to sections 435.03 and 435.04, Florida Statutes, in references thereto, to read:

400.215 Personnel screening requirement.--

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

(a) Notwithstanding the provisions of s. 435.05(1), facilities must have in their possession evidence that level 1 screening has been completed before allowing an employee to begin working with patients as provided in subsection (1). All information necessary for conducting background screening using level 1 standards as specified in s. 435.03~~(1)~~ shall be

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1 submitted by the nursing facility to the agency. Results of
2 the background screening shall be provided by the agency to
3 the requesting nursing facility.

4 (b) Employees qualified under the provisions of
5 paragraph (a) who have not maintained continuous residency
6 within the state for the 5 years immediately preceding the
7 date of request for background screening must complete level 2
8 screening, as provided in chapter 435. Such employees may work
9 in a conditional status up to 180 days pending the receipt of
10 written findings evidencing the completion of level 2
11 screening. Level 2 screening shall not be required of
12 employees or prospective employees who attest in writing under
13 penalty of perjury that they meet the residency requirement.
14 Completion of level 2 screening shall require the employee or
15 prospective employee to furnish to the nursing facility a full
16 set of fingerprints to enable a criminal background
17 investigation to be conducted. The nursing facility shall
18 submit the completed fingerprint card to the agency. The
19 agency shall establish a record of the request in the database
20 provided for in paragraph (c) and forward the request to the
21 Department of Law Enforcement, which is authorized to submit
22 the fingerprints to the Federal Bureau of Investigation for a
23 national criminal history records check. The results of the
24 national criminal history records check shall be returned to
25 the agency, which shall maintain the results in the database
26 provided for in paragraph (c). The agency shall notify the
27 administrator of the requesting nursing facility or the
28 administrator of any other facility licensed under chapter
29 393, chapter 394, chapter 395, chapter 397, or this chapter,
30 as requested by such facility, as to whether or not the
31 employee has qualified under level 1 or level 2 screening. An

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1 employee or prospective employee who has qualified under level
2 2 screening and has maintained such continuous residency
3 within the state shall not be required to complete a
4 subsequent level 2 screening as a condition of employment at
5 another facility.

6 (c) The agency shall establish and maintain a database
7 of background screening information which shall include the
8 results of both level 1 and level 2 screening. The Department
9 of Law Enforcement shall timely provide to the agency,
10 electronically, the results of each statewide screening for
11 incorporation into the database. The agency shall, upon
12 request from any facility, agency, or program required by or
13 authorized by law to screen its employees or applicants,
14 notify the administrator of the facility, agency, or program
15 of the qualifying or disqualifying status of the employee or
16 applicant named in the request.

17 (3) The applicant is responsible for paying the fees
18 associated with obtaining the required screening. Payment for
19 the screening shall be submitted to the agency. The agency
20 shall establish a schedule of fees to cover the costs of level
21 1 and level 2 screening. Facilities may reimburse employees
22 for these costs. The Department of Law Enforcement shall
23 charge the agency for a level 1 or level 2 screening a rate
24 sufficient to cover the costs of such screening pursuant to s.
25 943.053(3). The agency shall, as allowable, reimburse nursing
26 facilities for the cost of conducting background screening as
27 required by this section. This reimbursement will not be
28 subject to any rate ceilings or payment targets in the
29 Medicaid Reimbursement plan.

30 Section 52. For the purpose of incorporating the
31 amendments to sections 435.03 and 435.04, Florida Statutes, in

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1 references thereto, subsections (1) and (2) of section
2 400.964, Florida Statutes, are reenacted, and subsection (7)
3 of that section is amended and reenacted, to read:

4 400.964 Personnel screening requirement.--

5 (1) The agency shall require level 2 background
6 screening as provided in chapter 435 for all employees or
7 prospective employees of facilities licensed under this part
8 who are expected to be, or whose responsibilities are such
9 that they would be considered to be, a direct service
10 provider.

11 (2) Employers and employees shall comply with the
12 requirements of chapter 435.

13 (7) All employees must comply with the requirements of
14 this section by October 1, 2000. A person employed by a
15 facility licensed pursuant to this part as of the effective
16 date of this act is not required to submit to rescreening if
17 the facility has in its possession written evidence that the
18 person has been screened and qualified according to level 1
19 standards as specified in s. 435.03~~(1)~~. Any current employee
20 who meets the level 1 requirement but does not meet the 5-year
21 residency requirement must provide to the employing facility
22 written attestation under penalty of perjury that the employee
23 has not been convicted of a disqualifying offense in another
24 state or jurisdiction. All applicants hired on or after
25 October 1, 1999, must comply with the requirements of this
26 section.

27 Section 53. For the purposes of incorporating the
28 amendment to section 435.04, Florida Statutes, in references
29 thereto, paragraph (a) of subsection (1) of section 435.045,
30 Florida Statutes, is amended and reenacted to read:

31 435.045 Requirements for placement of dependent

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1 children.--

2 (1)(a) Unless an election provided for in subsection
3 (2) is made with respect to the state, the department is
4 authorized to conduct criminal records checks equivalent to
5 the level 2 screening required in s. 435.04~~(1)~~ for any person
6 being considered by the department for placement of a child
7 subject to a placement decision pursuant to chapter 39.

8 Approval shall not be granted:

9 1. In any case in which a record check reveals a
10 felony conviction for child abuse, abandonment, or neglect;
11 for spousal abuse; for a crime against children, including
12 child pornography, or for a crime involving violence,
13 including rape, sexual assault, or homicide but not including
14 other physical assault or battery, if the department finds
15 that a court of competent jurisdiction has determined that the
16 felony was committed at any time; and

17 2. In any case in which a record check reveals a
18 felony conviction for physical assault, battery, or a
19 drug-related offense, if the department finds that a court of
20 competent jurisdiction has determined that the felony was
21 committed within the past 5 years.

22 Section 54. For the purpose of incorporating the
23 amendment to sections 435.03 and 435.04, Florida Statutes, in
24 references thereto, paragraphs (f) and (g) of subsection (1)
25 of section 400.414, Florida Statutes, are reenacted to read:

26 400.414 Denial, revocation, or suspension of license;
27 imposition of administrative fine; grounds.--

28 (1) The agency may deny, revoke, or suspend any
29 license issued under this part, or impose an administrative
30 fine in the manner provided in chapter 120, for any of the
31 following actions by an assisted living facility, for the

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1 actions of any person subject to level 2 background screening
2 under s. 400.4174, or for the actions of any facility
3 employee:

4 (f) A determination that a person subject to level 2
5 background screening under s. 400.4174(1) does not meet the
6 screening standards of s. 435.04 or that the facility is
7 retaining an employee subject to level 1 background screening
8 standards under s. 400.4174(2) who does not meet the screening
9 standards of s. 435.03 and for whom exemptions from
10 disqualification have not been provided by the agency.

11 (g) A determination that an employee, volunteer,
12 administrator, or owner, or person who otherwise has access to
13 the residents of a facility does not meet the criteria
14 specified in s. 435.03(2), and the owner or administrator has
15 not taken action to remove the person. Exemptions from
16 disqualification may be granted as set forth in s. 435.07. No
17 administrative action may be taken against the facility if the
18 person is granted an exemption.

19
20 Administrative proceedings challenging agency action under
21 this subsection shall be reviewed on the basis of the facts
22 and conditions that resulted in the agency action.

23 Section 55. For the purpose of incorporating the
24 amendment to sections 435.03 and 435.04, Florida Statutes, in
25 references thereto, section 400.4174, Florida Statutes, is
26 reenacted to read:

27 400.4174 Background screening; exemptions.--

28 (1)(a) Level 2 background screening must be conducted
29 on each of the following persons, who shall be considered
30 employees for the purposes of conducting screening under
31 chapter 435:

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1 1. The facility owner if an individual, the
2 administrator, and the financial officer.

3 2. An officer or board member if the facility owner is
4 a firm, corporation, partnership, or association, or any
5 person owning 5 percent or more of the facility if the agency
6 has probable cause to believe that such person has been
7 convicted of any offense prohibited by s. 435.04. For each
8 officer, board member, or person owning 5 percent or more who
9 has been convicted of any such offense, the facility shall
10 submit to the agency a description and explanation of the
11 conviction at the time of license application. This
12 subparagraph does not apply to a board member of a
13 not-for-profit corporation or organization if the board member
14 serves solely in a voluntary capacity, does not regularly take
15 part in the day-to-day operational decisions of the
16 corporation or organization, receives no remuneration for his
17 or her services, and has no financial interest and has no
18 family members with a financial interest in the corporation or
19 organization, provided that the board member and facility
20 submit a statement affirming that the board member's
21 relationship to the facility satisfies the requirements of
22 this subparagraph.

23 (b) Proof of compliance with level 2 screening
24 standards which has been submitted within the previous 5 years
25 to meet any facility or professional licensure requirements of
26 the agency or the Department of Health satisfies the
27 requirements of this subsection, provided that such proof is
28 accompanied, under penalty of perjury, by an affidavit of
29 compliance with the provisions of chapter 435. Proof of
30 compliance with the background screening requirements of the
31 Financial Services Commission and the Office of Insurance

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1 Regulation for applicants for a certificate of authority to
2 operate a continuing care retirement community under chapter
3 651, submitted within the last 5 years, satisfies the
4 Department of Law Enforcement and Federal Bureau of
5 Investigation portions of a level 2 background check.

6 (c) The agency may grant a provisional license to a
7 facility applying for an initial license when each individual
8 required by this subsection to undergo screening has completed
9 the Department of Law Enforcement background checks, but has
10 not yet received results from the Federal Bureau of
11 Investigation, or when a request for an exemption from
12 disqualification has been submitted to the agency pursuant to
13 s. 435.07, but a response has not been issued.

14 (2) The owner or administrator of an assisted living
15 facility must conduct level 1 background screening, as set
16 forth in chapter 435, on all employees hired on or after
17 October 1, 1998, who perform personal services as defined in
18 s. 400.402(17). The agency may exempt an individual from
19 employment disqualification as set forth in chapter 435. Such
20 persons shall be considered as having met this requirement if:

21 (a) Proof of compliance with level 1 screening
22 requirements obtained to meet any professional license
23 requirements in this state is provided and accompanied, under
24 penalty of perjury, by a copy of the person's current
25 professional license and an affidavit of current compliance
26 with the background screening requirements.

27 (b) The person required to be screened has been
28 continuously employed in the same type of occupation for which
29 the person is seeking employment without a breach in service
30 which exceeds 180 days, and proof of compliance with the level
31 1 screening requirement which is no more than 2 years old is

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1 provided. Proof of compliance shall be provided directly from
2 one employer or contractor to another, and not from the person
3 screened. Upon request, a copy of screening results shall be
4 provided by the employer retaining documentation of the
5 screening to the person screened.

6 (c) The person required to be screened is employed by
7 a corporation or business entity or related corporation or
8 business entity that owns, operates, or manages more than one
9 facility or agency licensed under this chapter, and for whom a
10 level 1 screening was conducted by the corporation or business
11 entity as a condition of initial or continued employment.

12 Section 56. For the purpose of incorporating the
13 amendment to sections 435.03 and 435.04, Florida Statutes, in
14 references thereto, paragraphs (a), (b), (c), (d), (f), and
15 (g) of subsection (4) of section 400.509, Florida Statutes,
16 are reenacted to read:

17 400.509 Registration of particular service providers
18 exempt from licensure; certificate of registration; regulation
19 of registrants.--

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

22 (a) Upon receipt of a completed, signed, and dated
23 application, the agency shall require background screening, in
24 accordance with the level 1 standards for screening set forth
25 in chapter 435, of every individual who will have contact with
26 the client. The agency shall require background screening of
27 the managing employee or other similarly titled individual who
28 is responsible for the operation of the entity, and of the
29 financial officer or other similarly titled individual who is
30 responsible for the financial operation of the entity,
31 including billings for client services in accordance with the

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1 level 2 standards for background screening as set forth in
2 chapter 435.

3 (b) The agency may require background screening of any
4 other individual who is affiliated with the applicant if the
5 agency has a reasonable basis for believing that he or she has
6 been convicted of a crime or has committed any other offense
7 prohibited under the level 2 standards for screening set forth
8 in chapter 435.

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

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

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

4 (f) Each applicant must submit to the agency a
5 description and explanation of any conviction of an offense
6 prohibited under the level 2 standards of chapter 435 which
7 was committed by a member of the board of directors of the
8 applicant, its officers, or any individual owning 5 percent or
9 more of the applicant. This requirement does not apply to a
10 director of a not-for-profit corporation or organization who
11 serves solely in a voluntary capacity for the corporation or
12 organization, does not regularly take part in the day-to-day
13 operational decisions of the corporation or organization,
14 receives no remuneration for his or her services on the
15 corporation's or organization's board of directors, and has no
16 financial interest and no family members having a financial
17 interest in the corporation or organization, if the director
18 and the not-for-profit corporation or organization include in
19 the application a statement affirming that the director's
20 relationship to the corporation satisfies the requirements of
21 this paragraph.

22 (g) A registration may not be granted to an applicant
23 if the applicant or managing employee has been found guilty
24 of, regardless of adjudication, or has entered a plea of nolo
25 contendere or guilty to, any offense prohibited under the
26 level 2 standards for screening set forth in chapter 435,
27 unless an exemption from disqualification has been granted by
28 the agency as set forth in chapter 435.

29 Section 57. For the purpose of incorporating the
30 amendment to sections 435.03 and 435.04, Florida Statutes, in
31 references thereto, paragraph (c) of subsection (2) of section

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1 400.556, Florida Statutes, is reenacted to read:

2 400.556 Denial, suspension, revocation of license;
3 administrative fines; investigations and inspections.--

4 (2) Each of the following actions by the owner of an
5 adult day care center or by its operator or employee is a
6 ground for action by the agency against the owner of the
7 center or its operator or employee:

8 (c) A failure of persons subject to level 2 background
9 screening under s. 400.4174(1) to meet the screening standards
10 of s. 435.04, or the retention by the center of an employee
11 subject to level 1 background screening standards under s.
12 400.4174(2) who does not meet the screening standards of s.
13 435.03 and for whom exemptions from disqualification have not
14 been provided by the agency.

15 Section 58. For the purpose of incorporating the
16 amendment to sections 435.03 and 435.04, Florida Statutes, in
17 references thereto, subsections (1), (2), and (4) of section
18 400.6065, Florida Statutes, are reenacted to read:

19 400.6065 Background screening.--

20 (1) Upon receipt of a completed application under s.
21 400.606, the agency shall require level 2 background screening
22 on each of the following persons, who shall be considered
23 employees for the purposes of conducting screening under
24 chapter 435:

25 (a) The hospice administrator and financial officer.

26 (b) An officer or board member if the hospice is a
27 firm, corporation, partnership, or association, or any person
28 owning 5 percent or more of the hospice if the agency has
29 probable cause to believe that such officer, board member, or
30 owner has been convicted of any offense prohibited by s.

31 435.04. For each officer, board member, or person owning 5

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1 percent or more who has been convicted of any such offense,
2 the hospice shall submit to the agency a description and
3 explanation of the conviction at the time of license
4 application. This paragraph does not apply to a board member
5 of a not-for-profit corporation or organization if the board
6 member serves solely in a voluntary capacity, does not
7 regularly take part in the day-to-day operational decisions of
8 the corporation or organization, receives no remuneration for
9 his or her services, and has no financial interest and has no
10 family members with a financial interest in the corporation or
11 organization, provided that the board member and the
12 corporation or organization submit a statement affirming that
13 the board member's relationship to the corporation or
14 organization satisfies the requirements of this paragraph.

15 (2) Proof of compliance with level 2 screening
16 standards which has been submitted within the previous 5 years
17 to meet any facility or professional licensure requirements of
18 the agency or the Department of Health satisfies the
19 requirements of this section.

20 (4) The agency shall require employment or contractor
21 screening as provided in chapter 435, using the level 1
22 standards for screening set forth in that chapter, for hospice
23 personnel.

24 Section 59. For the purpose of incorporating the
25 amendment to sections 435.03 and 435.04, Florida Statutes, in
26 references thereto, paragraphs (a), (b), (c), (d), (f), and
27 (g) of subsection (4) of section 400.980, Florida Statutes,
28 are reenacted 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 (f) Each applicant must submit to the agency a
14 description and explanation of any conviction of an offense
15 prohibited under the level 2 standards of chapter 435 which
16 was committed by a member of the board of directors of the
17 applicant, its officers, or any individual owning 5 percent or
18 more of the applicant. This requirement does not apply to a
19 director of a not-for-profit corporation or organization who
20 serves solely in a voluntary capacity for the corporation or
21 organization, does not regularly take part in the day-to-day
22 operational decisions of the corporation or organization,
23 receives no remuneration for his or her services on the
24 corporation's or organization's board of directors, and has no
25 financial interest and no family members having a financial
26 interest in the corporation or organization, if the director
27 and the not-for-profit corporation or organization include in
28 the application a statement affirming that the director's
29 relationship to the corporation satisfies the requirements of
30 this paragraph.

31 (g) A registration may not be granted to an applicant

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1 if the applicant or managing employee has been found guilty
2 of, regardless of adjudication, or has entered a plea of nolo
3 contendere or guilty to, any offense prohibited under the
4 level 2 standards for screening set forth in chapter 435,
5 unless an exemption from disqualification has been granted by
6 the agency as set forth in chapter 435.

7 Section 60. For the purpose of incorporating the
8 amendment to sections 435.03 and 435.04, Florida Statutes, in
9 references thereto, paragraph (k) of subsection (2) of section
10 409.175, Florida Statutes, is reenacted to read:

11 409.175 Licensure of family foster homes, residential
12 child-caring agencies, and child-placing agencies; public
13 records exemption.--

14 (2) As used in this section, the term:

15 (k) "Screening" means the act of assessing the
16 background of personnel and includes, but is not limited to,
17 employment history checks as provided in chapter 435, using
18 the level 2 standards for screening set forth in that chapter.
19 Screening for employees and volunteers in summer day camps and
20 summer 24-hour camps and screening for all volunteers included
21 under the definition of "personnel" shall be conducted as
22 provided in chapter 435, using the level 1 standards set forth
23 in that chapter.

24 Section 61. For the purpose of incorporating the
25 amendment to sections 435.03 and 435.04, Florida Statutes, in
26 references thereto, paragraph (d) of subsection (8) of section
27 409.907, Florida Statutes, is reenacted to read:

28 409.907 Medicaid provider agreements.--The agency may
29 make payments for medical assistance and related services
30 rendered to Medicaid recipients only to an individual or
31 entity who has a provider agreement in effect with the agency,

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1 who is performing services or supplying goods in accordance
2 with federal, state, and local law, and who agrees that no
3 person shall, on the grounds of handicap, race, color, or
4 national origin, or for any other reason, be subjected to
5 discrimination under any program or activity for which the
6 provider receives payment from the agency.

7 (8)

8 (d) Proof of compliance with the requirements of level
9 2 screening under s. 435.04 conducted within 12 months prior
10 to the date that the Medicaid provider application is
11 submitted to the agency shall fulfill the requirements of this
12 subsection. Proof of compliance with the requirements of level
13 1 screening under s. 435.03 conducted within 12 months prior
14 to the date that the Medicaid provider application is
15 submitted to the agency shall meet the requirement that the
16 Department of Law Enforcement conduct a state criminal history
17 record check.

18 Section 62. For the purpose of incorporating the
19 amendment to sections 435.03 and 435.04, Florida Statutes, in
20 references thereto, subsections (1) and (3) of section 435.05,
21 Florida Statutes, are reenacted to read:

22 435.05 Requirements for covered employees.--Except as
23 otherwise provided by law, the following requirements shall
24 apply to covered employees:

25 (1)(a) Every person employed in a position for which
26 employment screening is required must, within 5 working days
27 after starting to work, submit to the employer a complete set
28 of information necessary to conduct a screening under this
29 section.

30 (b) For level 1 screening, the employer must submit
31 the information necessary for screening to the Florida

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1 Department of Law Enforcement within 5 working days after
2 receiving it. The Florida Department of Law Enforcement will
3 conduct a search of its records and will respond to the
4 employer agency. The employer will inform the employee whether
5 screening has revealed any disqualifying information.

6 (c) For level 2 screening, the employer or licensing
7 agency must submit the information necessary for screening to
8 the Florida Department of Law Enforcement within 5 working
9 days after receiving it. The Florida Department of Law
10 Enforcement will conduct a search of its criminal and juvenile
11 records and will request that the Federal Bureau of
12 Investigation conduct a search of its records for each
13 employee for whom the request is made. The Florida Department
14 of Law Enforcement will respond to the employer or licensing
15 agency, and the employer or licensing agency will inform the
16 employee whether screening has revealed disqualifying
17 information.

18 (d) The person whose background is being checked must
19 supply any missing criminal or other necessary information to
20 the employer within 30 days after the employer makes a request
21 for the information or be subject to automatic
22 disqualification.

23 (3) Each employer required to conduct level 2
24 background screening must sign an affidavit annually, under
25 penalty of perjury, stating that all covered employees have
26 been screened or are newly hired and are awaiting the results
27 of the required screening checks.

28 Section 63. For the purpose of incorporating the
29 amendment to sections 435.03 and 435.04, Florida Statutes, in
30 references thereto, section 744.3135, Florida Statutes, as
31 amended by chapter 2003-402, Laws of Florida, is reenacted to

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1 read:

2 744.3135 Credit and criminal investigation.--The court
3 may require a nonprofessional guardian and shall require a
4 professional or public guardian, and all employees of a
5 professional guardian who have a fiduciary responsibility to a
6 ward, to submit, at their own expense, to an investigation of
7 the guardian's credit history and to undergo level 2
8 background screening as required under s. 435.04. The clerk of
9 the court shall obtain fingerprint cards from the Federal
10 Bureau of Investigation and make them available to guardians.
11 Any guardian who is so required shall have his or her
12 fingerprints taken and forward the proper fingerprint card
13 along with the necessary fee to the Florida Department of Law
14 Enforcement for processing. The professional guardian shall
15 pay to the clerk of the court a fee of up to \$7.50 for
16 handling and processing professional guardian files. The
17 results of the fingerprint checks shall be forwarded to the
18 clerk of court who shall maintain the results in a guardian
19 file and shall make the results available to the court. If
20 credit or criminal investigations are required, the court must
21 consider the results of the investigations in appointing a
22 guardian. Professional guardians and all employees of a
23 professional guardian who have a fiduciary responsibility to a
24 ward, so appointed, must resubmit, at their own expense, to an
25 investigation of credit history, and undergo level 1
26 background screening as required under s. 435.03, at least
27 every 2 years after the date of their appointment. At any
28 time, the court may require guardians or their employees to
29 submit to an investigation of credit history and undergo level
30 1 background screening as required under s. 435.03. The court
31 must consider the results of these investigations in

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1 reappointing a guardian. This section shall not apply to a
 2 professional guardian, or to the employees of a professional
 3 guardian, that is a trust company, a state banking corporation
 4 or state savings association authorized and qualified to
 5 exercise fiduciary powers in this state, or a national banking
 6 association or federal savings and loan association authorized
 7 and qualified to exercise fiduciary powers in this state

8 Section 64. For the purpose of incorporating the
 9 amendment to sections 435.03 and 435.04, Florida Statutes, in
 10 references thereto, subsection (2) of section 985.04, Florida
 11 Statutes, is reenacted to read:

12 985.04 Oaths; records; confidential information.--

13 (2) Records maintained by the Department of Juvenile
 14 Justice, including copies of records maintained by the court,
 15 which pertain to a child found to have committed a delinquent
 16 act which, if committed by an adult, would be a crime
 17 specified in ss. 435.03 and 435.04 may not be destroyed
 18 pursuant to this section for a period of 25 years after the
 19 youth's final referral to the department, except in cases of
 20 the death of the child. Such records, however, shall be sealed
 21 by the court for use only in meeting the screening
 22 requirements for personnel in s. 402.3055 and the other
 23 sections cited above, or pursuant to departmental rule;
 24 however, current criminal history information must be obtained
 25 from the Department of Law Enforcement in accordance with s.
 26 943.053. The information shall be released to those persons
 27 specified in the above cited sections for the purposes of
 28 complying with those sections. The court may punish by
 29 contempt any person who releases or uses the records for any
 30 unauthorized purpose.

31 Section 65. For the purpose of incorporating the

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1 amendment to section 435.03, Florida Statutes, in references
2 thereto, section 400.512, Florida Statutes, is reenacted to
3 read:

4 400.512 Screening of home health agency personnel;
5 nurse registry personnel; and companions and homemakers.--The
6 agency shall require employment or contractor screening as
7 provided in chapter 435, using the level 1 standards for
8 screening set forth in that chapter, for home health agency
9 personnel; persons referred for employment by nurse
10 registries; and persons employed by companion or homemaker
11 services registered under s. 400.509.

12 (1)(a) The Agency for Health Care Administration may,
13 upon request, grant exemptions from disqualification from
14 employment or contracting under this section as provided in s.
15 435.07, except for health care practitioners licensed by the
16 Department of Health or a regulatory board within that
17 department.

18 (b) The appropriate regulatory board within the
19 Department of Health, or that department itself when there is
20 no board, may, upon request of the licensed health care
21 practitioner, grant exemptions from disqualification from
22 employment or contracting under this section as provided in s.
23 435.07.

24 (2) The administrator of each home health agency, the
25 managing employee of each nurse registry, and the managing
26 employee of each companion or homemaker service registered
27 under s. 400.509 must sign an affidavit annually, under
28 penalty of perjury, stating that all personnel hired,
29 contracted with, or registered on or after October 1, 1994,
30 who enter the home of a patient or client in their service
31 capacity have been screened and that its remaining personnel

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1 have worked for the home health agency or registrant
2 continuously since before October 1, 1994.

3 (3) As a prerequisite to operating as a home health
4 agency, nurse registry, or companion or homemaker service
5 under s. 400.509, the administrator or managing employee,
6 respectively, must submit to the agency his or her name and
7 any other information necessary to conduct a complete
8 screening according to this section. The agency shall submit
9 the information to the Department of Law Enforcement for state
10 processing. The agency shall review the record of the
11 administrator or manager with respect to the offenses
12 specified in this section and shall notify the owner of its
13 findings. If disposition information is missing on a criminal
14 record, the administrator or manager, upon request of the
15 agency, must obtain and supply within 30 days the missing
16 disposition information to the agency. Failure to supply
17 missing information within 30 days or to show reasonable
18 efforts to obtain such information will result in automatic
19 disqualification.

20 (4) Proof of compliance with the screening
21 requirements of chapter 435 shall be accepted in lieu of the
22 requirements of this section if the person has been
23 continuously employed or registered without a breach in
24 service that exceeds 180 days, the proof of compliance is not
25 more than 2 years old, and the person has been screened by the
26 Department of Law Enforcement. A home health agency, nurse
27 registry, or companion or homemaker service registered under
28 s. 400.509 shall directly provide proof of compliance to
29 another home health agency, nurse registry, or companion or
30 homemaker service registered under s. 400.509. The recipient
31 home health agency, nurse registry, or companion or homemaker

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1 service registered under s. 400.509 may not accept any proof
2 of compliance directly from the person who requires screening.
3 Proof of compliance with the screening requirements of this
4 section shall be provided upon request to the person screened
5 by the home health agencies; nurse registries; or companion or
6 homemaker services registered under s. 400.509.

7 (5) There is no monetary liability on the part of, and
8 no cause of action for damages arises against, a licensed home
9 health agency, licensed nurse registry, or companion or
10 homemaker service registered under s. 400.509, that, upon
11 notice that the employee or contractor has been found guilty
12 of, regardless of adjudication, or entered a plea of nolo
13 contendere or guilty to, any offense prohibited under s.
14 435.03 or under any similar statute of another jurisdiction,
15 terminates the employee or contractor, whether or not the
16 employee or contractor has filed for an exemption with the
17 agency in accordance with chapter 435 and whether or not the
18 time for filing has expired.

19 (6) The costs of processing the statewide
20 correspondence criminal records checks must be borne by the
21 home health agency; the nurse registry; or the companion or
22 homemaker service registered under s. 400.509, or by the
23 person being screened, at the discretion of the home health
24 agency, nurse registry, or s. 400.509 registrant.

25 (7)(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 an employee under this section;

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

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

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

17 Section 66. For the purpose of incorporating the
18 amendment to section 435.03, Florida Statutes, in references
19 thereto, subsection (4) of section 400.619, Florida Statutes,
20 is reenacted to read:

21 400.619 Licensure application and renewal.--

22 (4) Upon receipt of a completed license application or
23 license renewal, and the fee, the agency shall initiate a
24 level 1 background screening as provided under chapter 435 on
25 the adult family-care home provider, the designated relief
26 person, all adult household members, and all staff members.
27 The agency shall conduct an onsite visit to the home that is
28 to be licensed.

29 (a) Proof of compliance with level 1 screening
30 standards which has been submitted within the previous 5 years
31 to meet any facility or professional licensure requirements of

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1 the agency or the Department of Health satisfies the
2 requirements of this subsection. Such proof must be
3 accompanied, under penalty of perjury, by a copy of the
4 person's current professional license and an affidavit of
5 current compliance with the background screening requirements.

6 (b) The person required to be screened must have been
7 continuously employed in the same type of occupation for which
8 the person is seeking employment without a breach in service
9 that exceeds 180 days, and proof of compliance with the level
10 screening requirement which is no more than 2 years old must
11 be provided. Proof of compliance shall be provided directly
12 from one employer or contractor to another, and not from the
13 person screened. Upon request, a copy of screening results
14 shall be provided to the person screened by the employer
15 retaining documentation of the screening.

16 Section 67. For the purpose of incorporating the
17 amendment to section 435.03, Florida Statutes, in references
18 thereto, subsection (1) of section 400.6194, Florida Statutes,
19 is reenacted to read:

20 400.6194 Denial, revocation, or suspension of a
21 license.--The agency may deny, suspend, or revoke a license
22 for any of the following reasons:

23 (1) Failure of any of the persons required to undergo
24 background screening under s. 400.619 to meet the level 1
25 screening standards of s. 435.03, unless an exemption from
26 disqualification has been provided by the agency.

27 Section 68. For the purpose of incorporating the
28 amendment to section 435.03, Florida Statutes, in references
29 thereto, section 400.953, Florida Statutes, is reenacted to
30 read:

31 400.953 Background screening of home medical equipment

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

5 (1) The agency may grant exemptions from
6 disqualification from employment under this section as
7 provided in s. 435.07.

8 (2) The general manager of each home medical equipment
9 provider must sign an affidavit annually, under penalty of
10 perjury, stating that all home medical equipment provider
11 personnel hired on or after July 1, 1999, who enter the home
12 of a patient in the capacity of their employment have been
13 screened and that its remaining personnel have worked for the
14 home medical equipment provider continuously since before July
15 1, 1999.

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

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1 (4) There is no monetary liability on the part of, and
2 no cause of action for damages arising against, a licensed
3 home medical equipment provider that, upon notice that an
4 employee has been found guilty of, regardless of adjudication,
5 or entered a plea of nolo contendere or guilty to, any offense
6 prohibited under s. 435.03 or under any similar statute of
7 another jurisdiction, terminates the employee, whether or not
8 the employee has filed for an exemption with the agency and
9 whether or not the time for filing has expired.

10 (5) The costs of processing the statewide
11 correspondence criminal records checks must be borne by the
12 home medical equipment provider or by the person being
13 screened, at the discretion of the home medical equipment
14 provider.

15 (6) Neither the agency nor the home medical equipment
16 provider may use the criminal records or juvenile records of a
17 person for any purpose other than determining whether that
18 person meets minimum standards of good moral character for
19 home medical equipment provider personnel.

20 (7)(a) It is a misdemeanor of the first degree,
21 punishable as provided in s. 775.082 or s. 775.083, for any
22 person 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 paid employment a material fact used in making
26 a determination as to the person's qualifications to be an
27 employee under this section;

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

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

6 (b) It is a felony of the third degree, punishable as
7 provided in s. 775.082, s. 775.083, or s. 775.084, for any
8 person willfully, knowingly, or intentionally to use
9 information from the juvenile records of a person obtained
10 under this section for any purpose other than screening for
11 employment under this section.

12 Section 69. For the purpose of incorporating the
13 amendment to section 435.03, Florida Statutes, in references
14 thereto, subsection (32) of section 409.912, Florida Statutes,
15 is reenacted to read:

16 409.912 Cost-effective purchasing of health care.--The
17 agency shall purchase goods and services for Medicaid
18 recipients in the most cost-effective manner consistent with
19 the delivery of quality medical care. The agency shall
20 maximize the use of prepaid per capita and prepaid aggregate
21 fixed-sum basis services when appropriate and other
22 alternative service delivery and reimbursement methodologies,
23 including competitive bidding pursuant to s. 287.057, designed
24 to facilitate the cost-effective purchase of a case-managed
25 continuum of care. The agency shall also require providers to
26 minimize the exposure of recipients to the need for acute
27 inpatient, custodial, and other institutional care and the
28 inappropriate or unnecessary use of high-cost services. The
29 agency may establish prior authorization requirements for
30 certain populations of Medicaid beneficiaries, certain drug
31 classes, or particular drugs to prevent fraud, abuse, overuse,

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1 and possible dangerous drug interactions. The Pharmaceutical
2 and Therapeutics Committee shall make recommendations to the
3 agency on drugs for which prior authorization is required. The
4 agency shall inform the Pharmaceutical and Therapeutics
5 Committee of its decisions regarding drugs subject to prior
6 authorization.

7 (32) Each managed care plan that is under contract
8 with the agency to provide health care services to Medicaid
9 recipients shall annually conduct a background check with the
10 Florida Department of Law Enforcement of all persons with
11 ownership interest of 5 percent or more or executive
12 management responsibility for the managed care plan and shall
13 submit to the agency information concerning any such person
14 who has been found guilty of, regardless of adjudication, or
15 has entered a plea of nolo contendere or guilty to, any of the
16 offenses listed in s. 435.03.

17 Section 70. For the purpose of incorporating the
18 amendment to section 435.03, Florida Statutes, in references
19 thereto, subsection (4) of section 435.07, Florida Statutes,
20 is reenacted to read:

21 435.07 Exemptions from disqualification.--Unless
22 otherwise provided by law, the provisions of this section
23 shall apply to exemptions from disqualification.

24 (4) Disqualification from employment under subsection
25 (1) may not be removed from, nor may an exemption be granted
26 to, any personnel who is found guilty of, regardless of
27 adjudication, or who has entered a plea of nolo contendere or
28 guilty to, any felony covered by s. 435.03 solely by reason of
29 any pardon, executive clemency, or restoration of civil
30 rights.

31 Section 71. For the purpose of incorporating the

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1 amendment to section 435.03, Florida Statutes, in references
2 thereto, paragraph (e) of subsection (1) of section 464.018,
3 Florida Statutes, is reenacted to read:

4 464.018 Disciplinary actions.--

5 (1) The following acts constitute grounds for denial
6 of a license or disciplinary action, as specified in s.
7 456.072(2):

8 (e) Having been found guilty of, regardless of
9 adjudication, or entered a plea of nolo contendere or guilty
10 to, any offense prohibited under s. 435.03 or under any
11 similar statute of another jurisdiction; or having committed
12 an act which constitutes domestic violence as defined in s.
13 741.28.

14 Section 72. For the purpose of incorporating the
15 amendment to section 435.03, Florida Statutes, in references
16 thereto, subsection (3) of section 744.309, Florida Statutes,
17 is reenacted to read:

18 744.309 Who may be appointed guardian of a resident
19 ward.--

20 (3) DISQUALIFIED PERSONS.--No person who has been
21 convicted of a felony or who, from any incapacity or illness,
22 is incapable of discharging the duties of a guardian, or who
23 is otherwise unsuitable to perform the duties of a guardian,
24 shall be appointed to act as guardian. Further, no person who
25 has been judicially determined to have committed abuse,
26 abandonment, or neglect against a child as defined in s. 39.01
27 or s. 984.03(1), (2), and (37), or who has been found guilty
28 of, regardless of adjudication, or entered a plea of nolo
29 contendere or guilty to, any offense prohibited under s.
30 435.03 or under any similar statute of another jurisdiction,
31 shall be appointed to act as a guardian. Except as provided in

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1 subsection (5) or subsection (6), a person who provides
2 substantial services to the proposed ward in a professional or
3 business capacity, or a creditor of the proposed ward, may not
4 be appointed guardian and retain that previous professional or
5 business relationship. A person may not be appointed a
6 guardian if he or she is in the employ of any person, agency,
7 government, or corporation that provides service to the
8 proposed ward in a professional or business capacity, except
9 that a person so employed may be appointed if he or she is the
10 spouse, adult child, parent, or sibling of the proposed ward
11 or the court determines that the potential conflict of
12 interest is insubstantial and that the appointment would
13 clearly be in the proposed ward's best interest. The court may
14 not appoint a guardian in any other circumstance in which a
15 conflict of interest may occur.

16 Section 73. For the purpose of incorporating the
17 amendment to section 435.03, Florida Statutes, in references
18 thereto, subsection (12) of section 744.474, Florida Statutes,
19 is reenacted to read:

20 744.474 Reasons for removal of guardian.--A guardian
21 may be removed for any of the following reasons, and the
22 removal shall be in addition to any other penalties prescribed
23 by law:

24 (12) Having been found guilty of, regardless of
25 adjudication, or entered a plea of nolo contendere or guilty
26 to, any offense prohibited under s. 435.03 or under any
27 similar statute of another jurisdiction.

28 Section 74. For the purpose of incorporating the
29 amendment to section 435.03, Florida Statutes, in references
30 thereto, subsection (4) of section 985.407, Florida Statutes,
31 is reenacted to read:

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1 985.407 Departmental contracting powers; personnel
2 standards and screening.--

3 (4) The department shall require employment screening
4 pursuant to chapter 435, using the level 1 standards for
5 screening set forth in that chapter, for personnel in
6 delinquency facilities, services, and programs.

7 Section 75. For the purpose of incorporating the
8 amendment to section 435.04, Florida Statutes, in references
9 thereto, paragraph (b) of subsection (2) of section 39.001,
10 Florida Statutes, is reenacted to read:

11 39.001 Purposes and intent; personnel standards and
12 screening.--

13 (2) DEPARTMENT CONTRACTS.--The department may contract
14 with the Federal Government, other state departments and
15 agencies, county and municipal governments and agencies,
16 public and private agencies, and private individuals and
17 corporations in carrying out the purposes of, and the
18 responsibilities established in, this chapter.

19 (b) The department shall require employment screening,
20 and rescreening no less frequently than once every 5 years,
21 pursuant to chapter 435, using the level 2 standards set forth
22 in that chapter for personnel in programs for children or
23 youths.

24 Section 76. For the purpose of incorporating the
25 amendment to section 435.04, Florida Statutes, in references
26 thereto, subsection (1) of section 39.821, Florida Statutes,
27 is reenacted to read:

28 39.821 Qualifications of guardians ad litem.--

29 (1) Because of the special trust or responsibility
30 placed in a guardian ad litem, the Guardian Ad Litem Program
31 may use any private funds collected by the program, or any

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1 state funds so designated, to conduct a security background
2 investigation before certifying a volunteer to serve. A
3 security background investigation must include, but need not
4 be limited to, employment history checks, checks of
5 references, local criminal records checks through local law
6 enforcement agencies, and statewide criminal records checks
7 through the Department of Law Enforcement. Upon request, an
8 employer shall furnish a copy of the personnel record for the
9 employee or former employee who is the subject of a security
10 background investigation conducted under this section. The
11 information contained in the personnel record may include, but
12 need not be limited to, disciplinary matters and the reason
13 why the employee was terminated from employment. An employer
14 who releases a personnel record for purposes of a security
15 background investigation is presumed to have acted in good
16 faith and is not liable for information contained in the
17 record without a showing that the employer maliciously
18 falsified the record. A security background investigation
19 conducted under this section must ensure that a person is not
20 certified as a guardian ad litem if the person has been
21 convicted of, regardless of adjudication, or entered a plea of
22 nolo contendere or guilty to, any offense prohibited under the
23 provisions of the Florida Statutes specified in s. 435.04(2)
24 or under any similar law in another jurisdiction. Before
25 certifying an applicant to serve as a guardian ad litem, the
26 chief judge of the circuit court may request a federal
27 criminal records check of the applicant through the Federal
28 Bureau of Investigation. In analyzing and evaluating the
29 information obtained in the security background investigation,
30 the program must give particular emphasis to past activities
31 involving children, including, but not limited to,

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1 child-related criminal offenses or child abuse. The program
2 has the sole discretion in determining whether to certify a
3 person based on his or her security background investigation.
4 The information collected pursuant to the security background
5 investigation is confidential and exempt from s. 119.07(1).

6 Section 77. For the purpose of incorporating the
7 amendment to section 435.04, Florida Statutes, in references
8 thereto, paragraphs (a) and (c) of subsection (3) of section
9 110.1127, Florida Statutes, are reenacted to read:

10 110.1127 Employee security checks.--

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

20 (c) All persons and employees in such positions of
21 trust or responsibility shall be required to undergo security
22 background investigations as a condition of employment and
23 continued employment. For the purposes of this subsection,
24 security background investigations shall be conducted as
25 provided in chapter 435, using the level 2 standards for
26 screening set forth in that chapter.

27 Section 78. For the purpose of incorporating the
28 amendment to section 435.04, Florida Statutes, in references
29 thereto, paragraph (a) of subsection (12) of section 112.0455,
30 Florida Statutes, is reenacted to read:

31 112.0455 Drug-Free Workplace Act.--

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

2 (a) A laboratory may analyze initial or confirmation
3 drug specimens only if:

4 1. The laboratory is licensed and approved by the
5 Agency for Health Care Administration using criteria
6 established by the United States Department of Health and
7 Human Services as general guidelines for modeling the state
8 drug testing program. Each applicant for licensure must comply
9 with the following requirements:

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

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

26 c. Proof of compliance with the level 2 background
27 screening requirements of chapter 435 which has been submitted
28 within the previous 5 years in compliance with any other
29 health care licensure requirements of this state is acceptable
30 in fulfillment of screening requirements.

31 d. A provisional license may be granted to an

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

22 e. Each applicant must submit to the agency, with its
23 application, a description and explanation of any exclusions,
24 permanent suspensions, or terminations of the applicant from
25 the Medicare or Medicaid programs. Proof of compliance with
26 the requirements for disclosure of ownership and control
27 interests under the Medicaid or Medicare programs shall be
28 accepted in lieu of this submission.

29 f. Each applicant must submit to the agency a
30 description and explanation of any conviction of an offense
31 prohibited under the level 2 standards of chapter 435 by a

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1 member of the board of directors of the applicant, its
2 officers, or any individual owning 5 percent or more of the
3 applicant. This requirement does not apply to a director of a
4 not-for-profit corporation or organization if the director
5 serves solely in a voluntary capacity for the corporation or
6 organization, does not regularly take part in the day-to-day
7 operational decisions of the corporation or organization,
8 receives no remuneration for his or her services on the
9 corporation or organization's board of directors, and has no
10 financial interest and has no family members with a financial
11 interest in the corporation or organization, provided that the
12 director and the not-for-profit corporation or organization
13 include in the application a statement affirming that the
14 director's relationship to the corporation satisfies the
15 requirements of this sub-subparagraph.

16 g. A license may not be granted to any applicant if
17 the applicant or managing employee has been found guilty of,
18 regardless of adjudication, or has entered a plea of nolo
19 contendere or guilty to, any offense prohibited under the
20 level 2 standards for screening set forth in chapter 435,
21 unless an exemption from disqualification has been granted by
22 the agency as set forth in chapter 435.

23 h. The agency may deny or revoke licensure if the
24 applicant:

25 (I) Has falsely represented a material fact in the
26 application required by sub-subparagraph e. or
27 sub-subparagraph f., or has omitted any material fact from the
28 application required by sub-subparagraph e. or
29 sub-subparagraph f.; or

30 (II) Has had prior action taken against the applicant
31 under the Medicaid or Medicare program as set forth in

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1 sub-subparagraph e.

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

4 2. The laboratory has written procedures to ensure
5 chain of custody.

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

8 a. The use of internal quality controls including the
9 use of samples of known concentrations which are used to check
10 the performance and calibration of testing equipment, and
11 periodic use of blind samples for overall accuracy.

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

15 c. Security measures implemented by the testing
16 laboratory to preclude adulteration of specimens and drug test
17 results.

18 d. Other necessary and proper actions taken to ensure
19 reliable and accurate drug test results.

20 Section 79. For the purpose of incorporating the
21 amendment to section 435.04, Florida Statutes, in references
22 thereto, subsections (1), (2), and (4) of section 381.0059,
23 Florida Statutes, are reenacted to read:

24 381.0059 Background screening requirements for school
25 health services personnel.--

26 (1) Pursuant to the provisions of chapter 435, any
27 person who provides services under a school health services
28 plan pursuant to s. 381.0056 must meet level 2 screening
29 requirements as described in s. 435.04. A person may satisfy
30 the requirements of this subsection by submitting proof of
31 compliance with the requirements of level 2 screening

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1 conducted within 12 months before the date that person
2 initially provides services under a school health services
3 plan.

4 (2) A person may provide services under a school
5 health services plan pursuant to s. 381.0056 prior to the
6 completion of level 2 screening. However, pending the results
7 of the screening, such person may not be alone with a minor.

8 (4) Under penalty of perjury, each person who provides
9 services under a school health plan pursuant to s. 381.0056
10 must attest to meeting the level 2 screening requirements for
11 participation under the plan and agree to inform his or her
12 employer immediately if convicted of any disqualifying offense
13 while providing services under a plan.

14 Section 80. For the purpose of incorporating the
15 amendment to section 435.04, Florida Statutes, in references
16 thereto, paragraphs (a), (b), (c), (d), (f), and (g) of
17 subsection (1) of section 381.60225, Florida Statutes, are
18 reenacted to read:

19 381.60225 Background screening.--

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

22 (a) Upon receipt of a completed, signed, and dated
23 application, the Agency for Health Care Administration shall
24 require background screening, in accordance with the level 2
25 standards for screening set forth in chapter 435, of the
26 managing employee, or other similarly titled individual
27 responsible for the daily operation of the organization,
28 agency, or entity, and financial officer, or other similarly
29 titled individual who is responsible for the financial
30 operation of the organization, agency, or entity, including
31 billings for services. The applicant must comply with the

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1 procedures for level 2 background screening as set forth in
2 chapter 435, as well as the requirements of s. 435.03(3).

3 (b) The Agency for Health Care Administration may
4 require background screening of any other individual who is an
5 applicant if the Agency for Health Care Administration has
6 probable cause to believe that he or she has been convicted of
7 a crime or has committed any other offense prohibited under
8 the level 2 standards for screening set forth in chapter 435.

9 (c) Proof of compliance with the level 2 background
10 screening requirements of chapter 435 which has been submitted
11 within the previous 5 years in compliance with any other
12 health care licensure requirements of this state is acceptable
13 in fulfillment of the requirements of paragraph (a).

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

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1 Federal Bureau of Investigation. However, the person may not
2 continue to serve if the report indicates any violation of
3 background screening standards and a disqualification
4 exemption has not been requested of and granted by the agency
5 as set forth in chapter 435.

6 (f) Each applicant must submit to the agency a
7 description and explanation of any conviction of an offense
8 prohibited under the level 2 standards of chapter 435 by a
9 member of the board of directors of the applicant, its
10 officers, or any individual owning 5 percent or more of the
11 applicant. This requirement does not apply to a director of a
12 not-for-profit corporation or organization if the director
13 serves solely in a voluntary capacity for the corporation or
14 organization, does not regularly take part in the day-to-day
15 operational decisions of the corporation or organization,
16 receives no remuneration for his or her services on the
17 corporation or organization's board of directors, and has no
18 financial interest and has no family members with a financial
19 interest in the corporation or organization, provided that the
20 director and the not-for-profit corporation or organization
21 include in the application a statement affirming that the
22 director's relationship to the corporation satisfies the
23 requirements of this paragraph.

24 (g) The agency may not certify any organization,
25 agency, or entity if any applicant or managing employee has
26 been found guilty of, regardless of adjudication, or has
27 entered a plea of nolo contendere or guilty to, any offense
28 prohibited under the level 2 standards for screening set forth
29 in chapter 435, unless an exemption from disqualification has
30 been granted by the agency as set forth in chapter 435.

31 Section 81. For the purpose of incorporating the

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1 amendment to section 435.04, Florida Statutes, in references
2 thereto, paragraphs (a), (b), (c), (d), (f), and (g) of
3 subsection (7) of section 383.305, Florida Statutes, are
4 reenacted to read:

5 383.305 Licensure; issuance, renewal, denial,
6 suspension, revocation; fees; background screening.--

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

9 (a) Upon receipt of a completed, signed, and dated
10 application, the agency shall require background screening, in
11 accordance with the level 2 standards for screening set forth
12 in chapter 435, of the managing employee, or other similarly
13 titled individual who is responsible for the daily operation
14 of the center, and of the financial officer, or other
15 similarly titled individual who is responsible for the
16 financial operation of the center, including billings for
17 patient care and services. The applicant must comply with the
18 procedures for level 2 background screening as set forth in
19 chapter 435 as well as the requirements of s. 435.03(3).

20 (b) The agency may require background screening of any
21 other individual who is an applicant if the agency has
22 probable cause to believe that he or she has been convicted of
23 a crime or has committed any other offense prohibited under
24 the level 2 standards for screening set forth in chapter 435.

25 (c) Proof of compliance with the level 2 background
26 screening requirements of chapter 435 which has been submitted
27 within the previous 5 years in compliance with any other
28 health care licensure requirements of this state is acceptable
29 in fulfillment of the requirements of paragraph (a).

30 (d) A provisional license may be granted to an
31 applicant when each individual required by this section to

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1 undergo background screening has met the standards for the
2 Department of Law Enforcement background check, but the agency
3 has not yet received background screening results from the
4 Federal Bureau of Investigation, or a request for a
5 disqualification exemption has been submitted to the agency as
6 set forth in chapter 435 but a response has not yet been
7 issued. A standard license may be granted to the applicant
8 upon the agency's receipt of a report of the results of the
9 Federal 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 (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 by a
24 member of the board of directors of the applicant, its
25 officers, or any individual owning 5 percent or more of the
26 applicant. This requirement does not apply to a director of a
27 not-for-profit corporation or organization if the director
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 or organization's board of directors, and has no
2 financial interest and has no family members with a financial
3 interest in the corporation or organization, provided that the
4 director and the not-for-profit corporation or organization
5 include in the application a statement affirming that the
6 director's relationship to the corporation satisfies the
7 requirements of this paragraph.

8 (g) A license may not be granted to an applicant if
9 the applicant or managing employee has been found guilty of,
10 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 Section 82. For the purpose of incorporating the
16 amendment to section 435.04, Florida Statutes, in references
17 thereto, paragraphs (a), (b), (c), (d), (f), and (g) of
18 subsection (3) of section 390.015, Florida Statutes, are
19 reenacted to read:

20 390.015 Application for license.--

21 (3) Each applicant for licensure must comply with the
22 following requirements:

23 (a) Upon receipt of a completed, signed, and dated
24 application, the agency shall require background screening, in
25 accordance with the level 2 standards for screening set forth
26 in chapter 435, of the managing employee, or other similarly
27 titled individual who is responsible for the daily operation
28 of the clinic, and financial officer, or other similarly
29 titled individual who is responsible for the financial
30 operation of the clinic, including billings for patient care
31 and services. The applicant must comply with the procedures

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1 for level 2 background screening as set forth in chapter 435,
2 as well as the requirements of s. 435.03(3).

3 (b) The agency may require background screening of any
4 other individual who is an applicant if the agency has
5 probable cause to believe that he or she has been convicted of
6 a crime or has committed any other offense prohibited under
7 the level 2 standards for screening set forth in chapter 435.

8 (c) Proof of compliance with the level 2 background
9 screening requirements of chapter 435 which has been submitted
10 within the previous 5 years in compliance with any other
11 health care licensure requirements of this state is acceptable
12 in fulfillment of the requirements of paragraph (a).

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

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1 violation of background screening standards and a
2 disqualification exemption has not been requested of and
3 granted by the agency as set forth in chapter 435.

4 (f) Each applicant must submit to the agency a
5 description and explanation of any conviction of an offense
6 prohibited under the level 2 standards of chapter 435 by a
7 member of the board of directors of the applicant, its
8 officers, or any individual owning 5 percent or more of the
9 applicant. This requirement does not apply to a director of a
10 not-for-profit corporation or organization if the director
11 serves solely in a voluntary capacity for the corporation or
12 organization, does not regularly take part in the day-to-day
13 operational decisions of the corporation or organization,
14 receives no remuneration for his or her services on the
15 corporation or organization's board of directors, and has no
16 financial interest and has no family members with a financial
17 interest in the corporation or organization, provided that the
18 director and the not-for-profit corporation or organization
19 include in the application a statement affirming that the
20 director's relationship to the corporation satisfies the
21 requirements of this paragraph.

22 (g) A license may not be granted to an applicant if
23 the applicant or managing employee has been found guilty of,
24 regardless of adjudication, or has entered a plea of nolo
25 contendere or guilty to, any offense prohibited under the
26 level 2 standards for screening set forth in chapter 435,
27 unless an exemption from disqualification has been granted by
28 the agency as set forth in chapter 435.

29 Section 83. Paragraph (a) of subsection (1) of section
30 394.4572, Florida Statutes, is amended to read:

31 394.4572 Screening of mental health personnel.--

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1 (1)(a) The department and the Agency for Health Care
2 Administration shall require employment screening for mental
3 health personnel using the standards for level 2 screening set
4 forth in chapter 435. "Mental health personnel" includes all
5 program directors, professional clinicians, staff members, and
6 volunteers working in public or private mental health programs
7 and facilities who have direct contact with unmarried patients
8 under the age of 18 years. For the purpose of this chapter,
9 employment screening of mental health personnel also includes,
10 but is not limited to, employment history checks as provided
11 in chapter 435.

12 Section 84. For the purpose of incorporating the
13 amendment to section 435.04, Florida Statutes, in references
14 thereto, paragraphs (a), (b), (c), (d), (f), and (g) of
15 subsection (13) of section 394.875, Florida Statutes, are
16 reenacted to read:

17 394.875 Crisis stabilization units, residential
18 treatment facilities, and residential treatment centers for
19 children and adolescents; authorized services; license
20 required; penalties.--

21 (13) Each applicant for licensure must comply with the
22 following requirements:

23 (a) Upon receipt of a completed, signed, and dated
24 application, the agency shall require background screening, in
25 accordance with the level 2 standards for screening set forth
26 in chapter 435, of the managing employee and financial
27 officer, or other similarly titled individual who is
28 responsible for the financial operation of the facility,
29 including billings for client care and services. The applicant
30 must comply with the procedures for level 2 background
31 screening as set forth in chapter 435, as well as the

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1 requirements of s. 435.03(3).

2 (b) The agency may require background screening of any
3 other individual who is an applicant if the agency has
4 probable cause to believe that he or she has been convicted of
5 a crime or has committed any other offense prohibited under
6 the level 2 standards for screening set forth in chapter 435.

7 (c) Proof of compliance with the level 2 background
8 screening requirements of chapter 435 which has been submitted
9 within the previous 5 years in compliance with any other
10 health care licensure requirements of this state is acceptable
11 in fulfillment of the requirements of paragraph (a).

12 (d) A provisional license may be granted to an
13 applicant when each individual required by this section to
14 undergo background screening has met the standards for the
15 Department of Law Enforcement background check, but the agency
16 has not yet received background screening results from the
17 Federal Bureau of Investigation, or a request for a
18 disqualification exemption has been submitted to the agency as
19 set forth in chapter 435, but a response has not yet been
20 issued. A standard license may be granted to the applicant
21 upon the agency's receipt of a report of the results of the
22 Federal 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 (f) Each applicant must submit to the agency a
4 description and explanation of any conviction of an offense
5 prohibited under the level 2 standards of chapter 435 by a
6 member of the board of directors of the applicant, its
7 officers, or any individual owning 5 percent or more of the
8 applicant. This requirement does not apply to a director of a
9 not-for-profit corporation or organization if the director
10 serves solely in a voluntary capacity for the corporation or
11 organization, does not regularly take part in the day-to-day
12 operational decisions of the corporation or organization,
13 receives no remuneration for his or her services on the
14 corporation or organization's board of directors, and has no
15 financial interest and has no family members with a financial
16 interest in the corporation or organization, provided that the
17 director and the not-for-profit corporation or organization
18 include in the application a statement affirming that the
19 director's relationship to the corporation satisfies the
20 requirements of this paragraph.

21 (g) A license may not be granted to an applicant if
22 the applicant or managing employee has been found guilty of,
23 regardless of adjudication, or has entered a plea of nolo
24 contendere or guilty to, any offense prohibited under the
25 level 2 standards for screening set forth in chapter 435,
26 unless an exemption from disqualification has been granted by
27 the agency as set forth in chapter 435.

28 Section 85. For the purpose of incorporating the
29 amendment to section 435.04, Florida Statutes, in references
30 thereto, subsections (1), (2), (3), (4), (6), and (8) of
31 section 395.0055, Florida Statutes, are reenacted to read:

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1 395.0055 Background screening.--Each applicant for
2 licensure must comply with the following requirements:

3 (1) Upon receipt of a completed, signed, and dated
4 application, the agency shall require background screening of
5 the managing employee in accordance with the level 2 standards
6 for screening set forth in chapter 435, as well as the
7 requirements of s. 435.03(3).

8 (2) The agency may require background screening for a
9 member of the board of directors of the licensee, or an
10 officer or an individual owning 5 percent or more of the
11 licensee, if the agency has probable cause to believe that
12 such individual has been convicted of an offense prohibited
13 under the level 2 standards for screening set forth in chapter
14 435.

15 (3) Proof of compliance with the level 2 background
16 screening requirements of chapter 435 which has been submitted
17 within the previous 5 years in compliance with any other
18 health care licensure requirements of this state is acceptable
19 in fulfillment of subsection (1).

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

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1 screening which confirms that all standards have been met, or
2 upon the granting of a disqualification exemption by the
3 agency as set forth in chapter 435. Any other person who is
4 required to undergo level 2 background screening may serve in
5 his or her capacity pending the agency's receipt of the report
6 from the Federal Bureau of Investigation; however, the person
7 may not continue to serve if the report indicates any
8 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 (6) Each applicant must submit to the agency a
12 description and explanation of any conviction of an offense
13 prohibited under the level 2 standards of chapter 435 by a
14 member of the board of directors of the applicant, its
15 officers, or any individual owning 5 percent or more of the
16 applicant.

17 (8) A license may not be granted to an applicant if
18 the applicant or managing employee has been found guilty of,
19 regardless of adjudication, or has entered a plea of nolo
20 contendere or guilty to, any offense prohibited under the
21 level 2 standards for screening set forth in chapter 435,
22 unless an exemption from disqualification has been granted by
23 the agency as set forth in chapter 435.

24 Section 86. For the purpose of incorporating the
25 amendment to section 435.04, Florida Statutes, in references
26 thereto, paragraphs (a), (b), (c), (d), (f), and (g) of
27 subsection (4) of section 395.0199, Florida Statutes, are
28 reenacted to read:

29 395.0199 Private utilization review.--

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 2 standards for screening set forth
4 in chapter 435, of the managing employee or other similarly
5 titled individual who is responsible for the operation of the
6 entity. The applicant must comply with the procedures for
7 level 2 background screening as set forth in chapter 435, as
8 well as the requirements of s. 435.03(3).

9 (b) The agency may require background screening of any
10 other individual who is an applicant, if the agency has
11 probable cause to believe that he or she has been convicted of
12 a crime or has committed any other offense prohibited under
13 the level 2 standards for screening set forth in chapter 435.

14 (c) Proof of compliance with the level 2 background
15 screening requirements of chapter 435 which has been submitted
16 within the previous 5 years in compliance with any other
17 health care licensure requirements of this state is acceptable
18 in fulfillment of the requirements of paragraph (a).

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

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

10 | (f) Each applicant must submit to the agency a
11 | description and explanation of any conviction of an offense
12 | prohibited under the level 2 standards of chapter 435 by a
13 | member of the board of directors of the applicant, its
14 | officers, or any individual owning 5 percent or more of the
15 | applicant. This requirement does not apply to a director of a
16 | not-for-profit corporation or organization if the director
17 | serves solely in a voluntary capacity for the corporation or
18 | organization, does not regularly take part in the day-to-day
19 | operational decisions of the corporation or organization,
20 | receives no remuneration for his or her services on the
21 | corporation or organization's board of directors, and has no
22 | financial interest and has no family members with a financial
23 | interest in the corporation or organization, provided that the
24 | director and the not-for-profit corporation or organization
25 | include in the application a statement affirming that the
26 | director's relationship to the corporation satisfies the
27 | requirements of this paragraph.

28 | (g) A registration may not be granted to an applicant
29 | if the applicant or managing employee has been found guilty
30 | of, regardless of adjudication, or has entered a plea of nolo
31 | contendere or guilty to, any offense prohibited under the

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1 level 2 standards for screening set forth in chapter 435,
2 unless an exemption from disqualification has been granted by
3 the agency as set forth in chapter 435.

4 Section 87. For the purpose of incorporating the
5 amendment to section 435.04, Florida Statutes, in references
6 thereto, paragraph (a) of subsection (1) of section 397.451,
7 Florida Statutes, is reenacted to read:

8 397.451 Background checks of service provider
9 personnel.--

10 (1) PERSONNEL BACKGROUND CHECKS; REQUIREMENTS AND
11 EXCEPTIONS.--

12 (a) Background checks shall apply as follows:

13 1. All owners, directors, and chief financial officers
14 of service providers are subject to level 2 background
15 screening as provided under chapter 435.

16 2. All service provider personnel who have direct
17 contact with children receiving services or with adults who
18 are developmentally disabled receiving services are subject to
19 level 2 background screening as provided under chapter 435.

20 Section 88. For the purpose of incorporating the
21 amendment to section 435.04, Florida Statutes, in references
22 thereto, paragraphs (a), (b), (c), (d), and (f) of subsection
23 (4) of section 400.071, Florida Statutes, are reenacted to
24 read:

25 400.071 Application for license.--

26 (4) Each applicant for licensure must comply with the
27 following requirements:

28 (a) Upon receipt of a completed, signed, and dated
29 application, the agency shall require background screening of
30 the applicant, in accordance with the level 2 standards for
31 screening set forth in chapter 435. As used in this

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1 subsection, the term "applicant" means the facility
2 administrator, or similarly titled individual who is
3 responsible for the day-to-day operation of the licensed
4 facility, and the facility financial officer, or similarly
5 titled individual who is responsible for the financial
6 operation of the licensed facility.

7 (b) The agency may require background screening for a
8 member of the board of directors of the licensee or an officer
9 or an individual owning 5 percent or more of the licensee if
10 the agency has probable cause to believe that such individual
11 has been convicted of an offense prohibited under the level 2
12 standards for screening set forth in chapter 435.

13 (c) Proof of compliance with the level 2 background
14 screening requirements of chapter 435 which has been submitted
15 within the previous 5 years in compliance with any other
16 health care or assisted living licensure requirements of this
17 state is acceptable in fulfillment of paragraph (a). Proof of
18 compliance with background screening which has been submitted
19 within the previous 5 years to fulfill the requirements of the
20 Financial Services Commission and the Office of Insurance
21 Regulation pursuant to chapter 651 as part of an application
22 for a certificate of authority to operate a continuing care
23 retirement community is acceptable in fulfillment of the
24 Department of Law Enforcement and Federal Bureau of
25 Investigation background check.

26 (d) A provisional license 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 Department of Law Enforcement background check, but the agency
30 has not yet received background screening results from the
31 Federal Bureau of Investigation, or a request for a

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

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

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1 include in the application a statement affirming that the
2 director's relationship to the corporation satisfies the
3 requirements of this paragraph.

4 Section 89. For the purpose of incorporating the
5 amendment to section 435.04, Florida Statutes, in references
6 thereto, paragraphs (a), (b), (c), (d), (f), and (g) of
7 subsection (4) of section 400.471, Florida Statutes, are
8 reenacted to read:

9 400.471 Application for license; fee; provisional
10 license; temporary permit.--

11 (4) Each applicant for licensure must comply with the
12 following requirements:

13 (a) Upon receipt of a completed, signed, and dated
14 application, the agency shall require background screening of
15 the applicant, in accordance with the level 2 standards for
16 screening set forth in chapter 435. As used in this
17 subsection, the term "applicant" means the administrator, or a
18 similarly titled person who is responsible for the day-to-day
19 operation of the licensed home health agency, and the
20 financial officer, or similarly titled individual who is
21 responsible for the financial operation of the licensed home
22 health agency.

23 (b) The agency may require background screening for a
24 member of the board of directors of the licensee or an officer
25 or an individual owning 5 percent or more of the licensee if
26 the agency reasonably suspects that such individual has been
27 convicted of an offense prohibited under the level 2 standards
28 for screening set forth in chapter 435.

29 (c) Proof of compliance with the level 2 background
30 screening requirements of chapter 435 which has been submitted
31 within the previous 5 years in compliance with any other

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1 health care or assisted living licensure requirements of this
2 state is acceptable in fulfillment of paragraph (a). Proof of
3 compliance with background screening which has been submitted
4 within the previous 5 years to fulfill the requirements of the
5 Financial Services Commission and the Office of Insurance
6 Regulation pursuant to chapter 651 as part of an application
7 for a certificate of authority to operate a continuing care
8 retirement community is acceptable in fulfillment of the
9 Department of Law Enforcement and Federal Bureau of
10 Investigation background check.

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

31 (f) Each applicant must submit to the agency a

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1 description and explanation of any conviction of an offense
2 prohibited under the level 2 standards of chapter 435 by a
3 member of the board of directors of the applicant, its
4 officers, or any individual owning 5 percent or more of the
5 applicant. This requirement does not apply to a director of a
6 not-for-profit corporation or organization if the director
7 serves solely in a voluntary capacity for the corporation or
8 organization, does not regularly take part in the day-to-day
9 operational decisions of the corporation or organization,
10 receives no remuneration for his or her services on the
11 corporation or organization's board of directors, and has no
12 financial interest and has no family members with a financial
13 interest in the corporation or organization, provided that the
14 director and the not-for-profit corporation or organization
15 include in the application a statement affirming that the
16 director's relationship to the corporation satisfies the
17 requirements of this paragraph.

18 (g) A license may not be granted to an applicant if
19 the applicant, administrator, or financial officer has been
20 found guilty of, regardless of adjudication, or has entered a
21 plea of nolo contendere or guilty to, any offense prohibited
22 under the level 2 standards for screening set forth in chapter
23 435, unless an exemption from disqualification has been
24 granted by the agency as set forth in chapter 435.

25 Section 90. For the purpose of incorporating the
26 amendment to section 435.04, Florida Statutes, in references
27 thereto, paragraphs (a), (b), (c), (d), (f), and (g) of
28 subsection (2) of section 400.506, Florida Statutes, are
29 reenacted to read:

30 400.506 Licensure of nurse registries; requirements;
31 penalties.--

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

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

14 (b) The agency may require background screening of any
15 other individual who is an applicant if the agency has
16 probable cause to believe that he or she has been convicted of
17 a crime or has committed any other offense prohibited under
18 the level 2 standards for screening set forth 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 the requirements of
24 paragraph (a).

25 (d) A provisional license 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 license may be
31 granted to the applicant upon the agency's receipt of a report

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

14 (f) Each applicant must submit to the agency a
15 description and explanation of any conviction of an offense
16 prohibited under the level 2 standards of chapter 435 by a
17 member of the board of directors of the applicant, its
18 officers, or any individual owning 5 percent or more of the
19 applicant. This requirement does not apply to a director of a
20 not-for-profit corporation or organization if the director
21 serves solely in a voluntary capacity for the corporation or
22 organization, does not regularly take part in the day-to-day
23 operational decisions of the corporation or organization,
24 receives no remuneration for his or her services on the
25 corporation or organization's board of directors, and has no
26 financial interest and has no family members with a financial
27 interest in the corporation or organization, provided that the
28 director and the not-for-profit corporation or organization
29 include in the application a statement affirming that the
30 director's relationship to the corporation satisfies the
31 requirements of this paragraph.

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

8 Section 91. For the purpose of incorporating the
 9 amendment to section 435.04, Florida Statutes, in references
 10 thereto, section 400.5572, Florida Statutes, is reenacted to
 11 read:

12 400.5572 Background screening.--

13 (1)(a) Level 2 background screening must be conducted
 14 on each of the following persons, who shall be considered
 15 employees for the purposes of conducting screening under
 16 chapter 435:

17 1. The adult day care center owner if an individual,
 18 the operator, and the financial officer.

19 2. An officer or board member if the owner of the
 20 adult day care center is a firm, corporation, partnership, or
 21 association, or any person owning 5 percent or more of the
 22 facility, if the agency has probable cause to believe that
 23 such person has been convicted of any offense prohibited by s.
 24 435.04. For each officer, board member, or person owning 5
 25 percent or more who has been convicted of any such offense,
 26 the facility shall submit to the agency a description and
 27 explanation of the conviction at the time of license
 28 application. This subparagraph does not apply to a board
 29 member of a not-for-profit corporation or organization if the
 30 board member serves solely in a voluntary capacity, does not
 31 regularly take part in the day-to-day operational decisions of

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1 the corporation or organization, receives no remuneration for
2 his or her services, and has no financial interest and has no
3 family members with a financial interest in the corporation or
4 organization, provided that the board member and facility
5 submit a statement affirming that the board member's
6 relationship to the facility satisfies the requirements of
7 this subparagraph.

8 (b) Proof of compliance with level 2 screening
9 standards which has been submitted within the previous 5 years
10 to meet any facility or professional licensure requirements of
11 the agency or the Department of Health satisfies the
12 requirements of this subsection.

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

22 (2) The owner or administrator of an adult day care
23 center must conduct level 1 background screening as set forth
24 in chapter 435 on all employees hired on or after October 1,
25 1998, who provide basic services or supportive and optional
26 services to the participants. Such persons satisfy this
27 requirement if:

28 (a) Proof of compliance with level 1 screening
29 requirements obtained to meet any professional license
30 requirements in this state is provided and accompanied, under
31 penalty of perjury, by a copy of the person's current

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1 professional license and an affidavit of current compliance
2 with the background screening requirements.

3 (b) The person required to be screened has been
4 continuously employed, without a breach in service that
5 exceeds 180 days, in the same type of occupation for which the
6 person is seeking employment and provides proof of compliance
7 with the level 1 screening requirement which is no more than 2
8 years old. Proof of compliance must be provided directly from
9 one employer or contractor to another, and not from the person
10 screened. Upon request, a copy of screening results shall be
11 provided to the person screened by the employer retaining
12 documentation of the screening.

13 (c) The person required to be screened is employed by
14 a corporation or business entity or related corporation or
15 business entity that owns, operates, or manages more than one
16 facility or agency licensed under this chapter, and for whom a
17 level 1 screening was conducted by the corporation or business
18 entity as a condition of initial or continued employment.

19 Section 92. For the purpose of incorporating the
20 amendment to section 435.04, Florida Statutes, in references
21 thereto, paragraph (a) of subsection (3) of section 400.607,
22 Florida Statutes, is reenacted to read:

23 400.607 Denial, suspension, or revocation of license;
24 imposition of administrative fine; grounds; injunctions.--

25 (3) The agency may deny or revoke a license upon a
26 determination that:

27 (a) Persons subject to level 2 background screening
28 under s. 400.6065 do not meet the screening standards of s.
29 435.04, and exemptions from disqualification have not been
30 provided by the agency.

31 Section 93. For the purpose of incorporating the

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1 amendment to section 435.04, Florida Statutes, in references
2 thereto, paragraphs (a), (b), (c), (d), (f), and (g) of
3 subsection (4) of section 400.801, Florida Statutes, are
4 reenacted to read:

5 400.801 Homes for special services.--

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

8 (a) Upon receipt of a completed, signed, and dated
9 application, the agency shall require background screening, in
10 accordance with the level 2 standards for screening set forth
11 in chapter 435, of the managing employee, or other similarly
12 titled individual who is responsible for the daily operation
13 of the facility, and of the financial officer, or other
14 similarly titled individual who is responsible for the
15 financial operation of the facility, including billings for
16 client care and services, in accordance with the level 2
17 standards for screening set forth in chapter 435. The
18 applicant must comply with the procedures for level 2
19 background screening as set forth in chapter 435.

20 (b) The agency may require background screening of any
21 other individual who is an applicant if the agency has
22 probable cause to believe that he or she has been convicted of
23 a crime or has committed any other offense prohibited under
24 the level 2 standards for screening set forth in chapter 435.

25 (c) Proof of compliance with the level 2 background
26 screening requirements of chapter 435 which has been submitted
27 within the previous 5 years in compliance with any other
28 health care or assisted living licensure requirements of this
29 state is acceptable in fulfillment of the requirements of
30 paragraph (a).

31 (d) A provisional license may be granted to an

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

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 paragraph.

9 (g) A license may not be granted to an 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 Section 94. For the purpose of incorporating the
17 amendment to section 435.04, Florida Statutes, in references
18 thereto, paragraphs (a), (b), (c), (d), (f), and (g) of
19 subsection (3) of section 400.805, Florida Statutes, are
20 reenacted to read:

21 400.805 Transitional living facilities.--

22 (3) Each applicant for licensure must comply with the
23 following requirements:

24 (a) Upon receipt of a completed, signed, and dated
25 application, the agency shall require background screening, in
26 accordance with the level 2 standards for screening set forth
27 in chapter 435, of the managing employee, or other similarly
28 titled individual who is responsible for the daily operation
29 of the facility, and of the financial officer, or other
30 similarly titled individual who is responsible for the
31 financial operation of the facility, including billings for

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1 client care and services. The applicant must comply with the
2 procedures for level 2 background screening as set forth in
3 chapter 435.

4 (b) The agency may require background screening of any
5 other individual who is an applicant if the agency has
6 probable cause to believe that he or she has been convicted of
7 a crime or has committed any other offense prohibited under
8 the level 2 standards for screening set forth in chapter 435.

9 (c) Proof of compliance with the level 2 background
10 screening requirements of chapter 435 which has been submitted
11 within the previous 5 years in compliance with any other
12 health care or assisted living licensure requirements of this
13 state is acceptable in fulfillment of the requirements of
14 paragraph (a).

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

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1 from the Federal Bureau of Investigation. However, the person
2 may not continue to serve if the report indicates any
3 violation of background screening standards and a
4 disqualification exemption has not been requested of and
5 granted by the agency as set forth in chapter 435.

6 (f) Each applicant must submit to the agency a
7 description and explanation of any conviction of an offense
8 prohibited under the level 2 standards of chapter 435 by a
9 member of the board of directors of the applicant, its
10 officers, or any individual owning 5 percent or more of the
11 applicant. This requirement does not apply to a director of a
12 not-for-profit corporation or organization if the director
13 serves solely in a voluntary capacity for the corporation or
14 organization, does not regularly take part in the day-to-day
15 operational decisions of the corporation or organization,
16 receives no remuneration for his or her services on the
17 corporation or organization's board of directors, and has no
18 financial interest and has no family members with a financial
19 interest in the corporation or organization, provided that the
20 director and the not-for-profit corporation or organization
21 include in the application a statement affirming that the
22 director's relationship to the corporation satisfies the
23 requirements of this paragraph.

24 (g) A license may not be granted to an applicant if
25 the applicant or managing employee has been found guilty of,
26 regardless of adjudication, or has entered a plea of nolo
27 contendere or guilty to, any offense prohibited under the
28 level 2 standards for screening set forth in chapter 435,
29 unless an exemption from disqualification has been granted by
30 the agency as set forth in chapter 435.

31 Section 95. For the purpose of incorporating the

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1 amendment to section 435.04, Florida Statutes, in references
2 thereto, paragraphs (a), (b), (c), (d), (f), and (g) of
3 subsection (5) of section 400.906, Florida Statutes, are
4 reenacted to read:

5 400.906 Initial application for license.--

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

8 (a) Upon receipt of a completed, signed, and dated
9 application, the agency shall require background screening, in
10 accordance with the level 2 standards for screening set forth
11 in chapter 435, of the operator, and of the financial officer,
12 or other similarly titled individual who is responsible for
13 the financial operation of the center, including billings for
14 patient care and services. The applicant must comply with the
15 procedures for level 2 background screening as set forth in
16 chapter 435, as well as the requirements of s. 435.03(3).

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

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

28 (d) A provisional license may be granted to an
29 applicant when each individual required by this section to
30 undergo background screening has met the standards for the
31 Department of Law Enforcement background check, but the agency

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

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

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1 interest in the corporation or organization, provided that the
2 director and the not-for-profit corporation or organization
3 include in the application a statement affirming that the
4 director's relationship to the corporation satisfies the
5 requirements of this paragraph.

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

13 Section 96. For the purpose of incorporating the
14 amendment to section 435.04, Florida Statutes, in references
15 thereto, paragraphs (a), (b), (c), (e), and (f) of subsection
16 (5) of section 400.931, Florida Statutes, are reenacted to
17 read:

18 400.931 Application for license; fee; provisional
19 license; temporary permit.--

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

22 (a) Upon receipt of a completed, signed, and dated
23 application, the agency shall require background screening of
24 the applicant, in accordance with the level 2 standards for
25 screening set forth in chapter 435. As used in this
26 subsection, the term "applicant" means the general manager and
27 the financial officer or similarly titled individual who is
28 responsible for the financial operation of the licensed
29 facility.

30 (b) The agency may require background screening for a
31 member of the board of directors of the licensee or an officer

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1 or an individual owning 5 percent or more of the licensee if
2 the agency has probable cause to believe that such individual
3 has been convicted of an offense prohibited under the level 2
4 standards for screening set forth in chapter 435.

5 (c) Proof of compliance with the level 2 background
6 screening requirements of chapter 435 which has been submitted
7 within the previous 5 years in compliance with any other
8 health care licensure requirements of this state is acceptable
9 in fulfillment of paragraph (a).

10 (e) Each applicant must submit to the agency a
11 description and explanation of any conviction of an offense
12 prohibited under the level 2 standards of chapter 435 by a
13 member of the board of directors of the applicant, its
14 officers, or any individual owning 5 percent or more of the
15 applicant. This requirement does not apply to a director of a
16 not-for-profit corporation or organization if the director
17 serves solely in a voluntary capacity for the corporation or
18 organization, does not regularly take part in the day-to-day
19 operational decisions of the corporation or organization,
20 receives no remuneration for his or her services on the
21 corporation's or organization's board of directors, and has no
22 financial interest and has no family members with a financial
23 interest in the corporation or organization, provided that the
24 director and the not-for-profit corporation or organization
25 include in the application a statement affirming that the
26 director's relationship to the corporation satisfies the
27 requirements of this provision.

28 (f) A license may not be granted to any potential
29 licensee if any applicant, administrator, or financial officer
30 has been found guilty of, regardless of adjudication, or has
31 entered a plea of nolo contendere or guilty to, any offense

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1 prohibited under the level 2 standards for screening set forth
2 in chapter 435, unless an exemption from disqualification has
3 been granted by the agency as set forth in chapter 435.

4 Section 97. For the purpose of incorporating the
5 amendment to section 435.04, Florida Statutes, in references
6 thereto, paragraphs (a), (b), (c), (d), and (f) of subsection
7 (10) of section 400.962, Florida Statutes, are reenacted to
8 read:

9 400.962 License required; license application.--

10 (10)(a) Upon receipt of a completed, signed, and dated
11 application, the agency shall require background screening of
12 the applicant, in accordance with the level 2 standards for
13 screening set forth in chapter 435. As used in this
14 subsection, the term "applicant" means the facility
15 administrator, or similarly titled individual who is
16 responsible for the day-to-day operation of the licensed
17 facility, and the facility financial officer, or similarly
18 titled individual who is responsible for the financial
19 operation of the licensed facility.

20 (b) The agency may require background screening for a
21 member of the board of directors of the licensee or an officer
22 or an individual owning 5 percent or more of the licensee if
23 the agency has probable cause to believe that such individual
24 has been convicted of an offense prohibited under the level 2
25 standards for screening set forth in chapter 435.

26 (c) Proof of compliance with the level 2 background
27 screening requirements of chapter 435 which has been submitted
28 within the previous 5 years in compliance with any other
29 licensure requirements under this chapter satisfies the
30 requirements of paragraph (a). Proof of compliance with
31 background screening which has been submitted within the

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1 previous 5 years to fulfill the requirements of the Financial
2 Services Commission and the Office of Insurance Regulation
3 under chapter 651 as part of an application for a certificate
4 of authority to operate a continuing care retirement community
5 satisfies the requirements for the Department of Law
6 Enforcement and Federal Bureau of Investigation background
7 checks.

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

30 (f) Each applicant must submit to the agency a
31 description and explanation of any conviction of an offense

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1 prohibited under the level 2 standards of chapter 435 by a
2 member of the board of directors of the applicant, its
3 officers, or any individual owning 5 percent or more of the
4 applicant. This requirement does not apply to a director of a
5 not-for-profit corporation or organization if the director
6 serves solely in a voluntary capacity for the corporation or
7 organization, does not regularly take part in the day-to-day
8 operational decisions of the corporation or organization,
9 receives no remuneration for his or her services on the
10 corporation's or organization's board of directors, and has no
11 financial interest and has no family members with a financial
12 interest in the corporation or organization, provided that the
13 director and the not-for-profit corporation or organization
14 include in the application a statement affirming that the
15 director's relationship to the corporation satisfies the
16 requirements of this paragraph.

17 Section 98. For the purpose of incorporating the
18 amendment to section 435.04, Florida Statutes, in references
19 thereto, paragraphs (b) and (d) of subsection (7) of section
20 400.991, Florida Statutes, are reenacted to read:

21 400.991 License requirements; background screenings;
22 prohibitions.--

23 (7) Each applicant for licensure shall comply with the
24 following requirements:

25 (b) Upon receipt of a completed, signed, and dated
26 application, the agency shall require background screening of
27 the applicant, in accordance with the level 2 standards for
28 screening set forth in chapter 435. Proof of compliance with
29 the level 2 background screening requirements of chapter 435
30 which has been submitted within the previous 5 years in
31 compliance with any other health care licensure requirements

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1 of this state is acceptable in fulfillment of this paragraph.

2 (d) A license may not be granted to a clinic if the
3 applicant has been found guilty of, regardless of
4 adjudication, or has entered a plea of nolo contendere or
5 guilty to, any offense prohibited under the level 2 standards
6 for screening set forth in chapter 435, or a violation of
7 insurance fraud under s. 817.234, within the past 5 years. If
8 the applicant has been convicted of an offense prohibited
9 under the level 2 standards or insurance fraud in any
10 jurisdiction, the applicant must show that his or her civil
11 rights have been restored prior to submitting an application.

12 Section 99. For the purpose of incorporating the
13 amendment to section 435.04, Florida Statutes, in references
14 thereto, paragraph (e) of subsection (2) of section 402.302,
15 Florida Statutes, is reenacted to read:

16 402.302 Definitions.--

17 (2) "Child care facility" includes any child care
18 center or child care arrangement which provides child care for
19 more than five children unrelated to the operator and which
20 receives a payment, fee, or grant for any of the children
21 receiving care, wherever operated, and whether or not operated
22 for profit. The following are not included:

23 (e) Operators of transient establishments, as defined
24 in chapter 509, which provide child care services solely for
25 the guests of their establishment or resort, provided that all
26 child care personnel of the establishment are screened
27 according to the level 2 screening requirements of chapter
28 435.

29 Section 100. For the purpose of incorporating the
30 amendment to section 435.04, Florida Statutes, in references
31 thereto, paragraph (a) of subsection (2) of section 402.305,

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1 Florida Statutes, is reenacted to read:

2 402.305 Licensing standards; child care facilities.--

3 (2) PERSONNEL.--Minimum standards for child care
4 personnel shall include minimum requirements as to:

5 (a) Good moral character based upon screening. This
6 screening shall be conducted as provided in chapter 435, using
7 the level 2 standards for screening set forth in that chapter.

8 Section 101. For the purpose of incorporating the
9 amendment to section 435.04, Florida Statutes, in references
10 thereto, subsection (3) of section 402.3054, Florida Statutes,
11 is reenacted to read:

12 402.3054 Child enrichment service providers.--

13 (3) A child enrichment service provider shall be of
14 good moral character based upon screening. This screening
15 shall be conducted as provided in chapter 435, using the level
16 2 standards for screening set forth in that chapter. A child
17 enrichment service provider must meet the screening
18 requirements prior to providing services to a child in a child
19 care facility. A child enrichment service provider who has met
20 the screening standards shall not be required to be under the
21 direct and constant supervision of child care personnel.

22 Section 102. For the purpose of incorporating the
23 amendment to section 435.04, Florida Statutes, in references
24 thereto, paragraphs (a), (b), (c), (d), (f), and (g) of
25 subsection (2) of section 483.30, Florida Statutes, are
26 reenacted to read:

27 483.30 Licensing of centers.--

28 (2) Each applicant for licensure must comply with the
29 following requirements:

30 (a) Upon receipt of a completed, signed, and dated
31 application, the agency shall require background screening, in

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1 accordance with the level 2 standards for screening set forth
2 in chapter 435, of the managing employee, or other similarly
3 titled individual who is responsible for the daily operation
4 of the center, and of the financial officer, or other
5 similarly titled individual who is responsible for the
6 financial operation of the center, including billings for
7 patient services. The applicant must comply with the
8 procedures for level 2 background screening as set forth in
9 chapter 435, as well as the requirements of s. 435.03(3).

10 (b) The agency may require background screening of any
11 other individual who is an applicant if the agency has
12 probable cause to believe that he or she has been convicted of
13 a crime or has committed any other offense prohibited under
14 the level 2 standards for screening set forth in chapter 435.

15 (c) Proof of compliance with the level 2 background
16 screening requirements of chapter 435 which has been submitted
17 within the previous 5 years in compliance with any other
18 health care licensure requirements of this state is acceptable
19 in fulfillment of the requirements of paragraph (a).

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

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1 screening which confirms that all standards have been met, or
2 upon the granting of a disqualification exemption by the
3 agency as set forth in chapter 435. Any other person who is
4 required to undergo level 2 background screening may serve in
5 his or her capacity pending the agency's receipt of the report
6 from the Federal Bureau of Investigation. However, the person
7 may not continue to serve if the report indicates any
8 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 (f) Each applicant must submit to the agency a
12 description and explanation of any conviction of an offense
13 prohibited under the level 2 standards of chapter 435 by a
14 member of the board of directors of the applicant, its
15 officers, or any individual owning 5 percent or more of the
16 applicant. This requirement does not apply to a director of a
17 not-for-profit corporation or organization if the director
18 serves solely in a voluntary capacity for the corporation or
19 organization, does not regularly take part in the day-to-day
20 operational decisions of the corporation or organization,
21 receives no remuneration for his or her services on the
22 corporation or organization's board of directors, and has no
23 financial interest and has no family members with a financial
24 interest in the corporation or organization, provided that the
25 director and the not-for-profit corporation or organization
26 include in the application a statement affirming that the
27 director's relationship to the corporation satisfies the
28 requirements of this paragraph.

29 (g) A license may not be granted to an applicant if
30 the applicant or managing employee has been found guilty of,
31 regardless of adjudication, or has entered a plea of nolo

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1 | contendere or guilty to, any offense prohibited under the
2 | level 2 standards for screening set forth in chapter 435,
3 | unless an exemption from disqualification has been granted by
4 | the agency as set forth in chapter 435.

5 | Section 103. For the purpose of incorporating the
6 | amendment to section 435.04, Florida Statutes, in references
7 | thereto, paragraphs (a), (b), (c), (d), (f), and (g) of
8 | subsection (2) of section 483.101, Florida Statutes, are
9 | reenacted to read:

10 | 483.101 Application for clinical laboratory license.--

11 | (2) Each applicant for licensure must comply with the
12 | following requirements:

13 | (a) Upon receipt of a completed, signed, and dated
14 | application, the agency shall require background screening, in
15 | accordance with the level 2 standards for screening set forth
16 | in chapter 435, of the managing director or other similarly
17 | titled individual who is responsible for the daily operation
18 | of the laboratory and of the financial officer, or other
19 | similarly titled individual who is responsible for the
20 | financial operation of the laboratory, including billings for
21 | patient services. The applicant must comply with the
22 | procedures for level 2 background screening as set forth in
23 | chapter 435, as well as the requirements of s. 435.03(3).

24 | (b) The agency may require background screening of any
25 | other individual who is an applicant if the agency has
26 | probable cause to believe that he or she has been convicted of
27 | a crime or has committed any other offense prohibited under
28 | the level 2 standards for screening set forth in chapter 435.

29 | (c) Proof of compliance with the level 2 background
30 | screening requirements of chapter 435 which has been submitted
31 | within the previous 5 years in compliance with any other

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1 health care licensure requirements of this state is acceptable
2 in fulfillment of the requirements of paragraph (a).

3 (d) A provisional license may be granted to an
4 applicant when each individual required by this section to
5 undergo background screening has met the standards for the
6 Department of Law Enforcement background check but the agency
7 has not yet received background screening results from the
8 Federal Bureau of Investigation, or a request for a
9 disqualification exemption has been submitted to the agency as
10 set forth in chapter 435 but a response has not yet been
11 issued. A 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 (f) Each applicant must submit to the agency a
26 description and explanation of any conviction of an offense
27 prohibited under the level 2 standards of chapter 435 by a
28 member of the board of directors of the applicant, its
29 officers, or any individual owning 5 percent or more of the
30 applicant. This requirement does not apply to a director of a
31 not-for-profit corporation or organization if the director

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1 serves solely in a voluntary capacity for the corporation or
2 organization, does not regularly take part in the day-to-day
3 operational decisions of the corporation or organization,
4 receives no remuneration for his or her services on the
5 corporation or organization's board of directors, and has no
6 financial interest and has no family members with a financial
7 interest in the corporation or organization, provided that the
8 director and the not-for-profit corporation or organization
9 include in the application a statement affirming that the
10 director's relationship to the corporation satisfies the
11 requirements of this paragraph.

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

19 Section 104. For the purpose of incorporating the
20 amendment to section 435.04, Florida Statutes, in references
21 thereto, subsection (5) of section 744.1085, Florida Statutes,
22 is reenacted to read:

23 744.1085 Regulation of professional guardians;
24 application; bond required; educational requirements.--

25 (5) As required in s. 744.3135, each professional
26 guardian shall allow a level 2 background screening of the
27 guardian and employees of the guardian in accordance with the
28 provisions of s. 435.04.

29 Section 105. For the purpose of incorporating the
30 amendment to section 435.04, Florida Statutes, in references
31 thereto, paragraph (b) of subsection (2) of section 984.01,

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1 Florida Statutes, is reenacted to read:

2 984.01 Purposes and intent; personnel standards and
3 screening.--

4 (2) The Department of Juvenile Justice or the
5 Department of Children and Family Services, as appropriate,
6 may contract with the Federal Government, other state
7 departments and agencies, county and municipal governments and
8 agencies, public and private agencies, and private individuals
9 and corporations in carrying out the purposes of, and the
10 responsibilities established in, this chapter.

11 (b) The Department of Juvenile Justice and the
12 Department of Children and Family Services shall require
13 employment screening pursuant to chapter 435, using the level
14 2 standards set forth in that chapter for personnel in
15 programs for children or youths.

16 Section 106. For the purpose of incorporating the
17 amendment to section 435.04, Florida Statutes, in references
18 thereto, paragraph (b) of subsection (2) of section 985.01,
19 Florida Statutes, is reenacted to read:

20 985.01 Purposes and intent; personnel standards and
21 screening.--

22 (2) The Department of Juvenile Justice or the
23 Department of Children and Family Services, as appropriate,
24 may contract with the Federal Government, other state
25 departments and agencies, county and municipal governments and
26 agencies, public and private agencies, and private individuals
27 and corporations in carrying out the purposes of, and the
28 responsibilities established in, this chapter.

29 (b) The Department of Juvenile Justice and the
30 Department of Children and Family Services shall require
31 employment screening pursuant to chapter 435, using the level

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1 2 standards set forth in that chapter for personnel in
2 programs for children or youths.

3 Section 107. For the purpose of incorporating the
4 amendment to section 435.04, Florida Statutes, in references
5 thereto, paragraphs (a) and (b) of subsection (7) of section
6 1002.36, Florida Statutes, are reenacted to read:

7 1002.36 Florida School for the Deaf and the Blind.--

8 (7) PERSONNEL SCREENING.--

9 (a) The Board of Trustees of the Florida School for
10 the Deaf and the Blind shall, because of the special trust or
11 responsibility of employees of the school, require all
12 employees and applicants for employment to undergo personnel
13 screening and security background investigations as provided
14 in chapter 435, using the level 2 standards for screening set
15 forth in that chapter, as a condition of employment and
16 continued employment. The cost of a personnel screening and
17 security background investigation for an employee of the
18 school shall be paid by the school. The cost of such a
19 screening and investigation for an applicant for employment
20 may be paid by the school.

21 (b) As a prerequisite for initial and continuing
22 employment at the Florida School for the Deaf and the Blind:

23 1. The applicant or employee shall submit to the
24 Florida School for the Deaf and the Blind a complete set of
25 fingerprints taken by an authorized law enforcement agency or
26 an employee of the Florida School for the Deaf and the Blind
27 who is trained to take fingerprints. The Florida School for
28 the Deaf and the Blind shall submit the fingerprints to the
29 Department of Law Enforcement for state processing and the
30 Federal Bureau of Investigation for federal processing.

31 2.a. The applicant or employee shall attest to the

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1 minimum standards for good moral character as contained in
2 chapter 435, using the level 2 standards set forth in that
3 chapter under penalty of perjury.

4 b. New personnel shall be on a probationary status
5 pending a determination of compliance with such minimum
6 standards for good moral character. This paragraph is in
7 addition to any probationary status provided for by Florida
8 law or Florida School for the Deaf and the Blind rules or
9 collective bargaining contracts.

10 3. The Florida School for the Deaf and the Blind shall
11 review the record of the applicant or employee with respect to
12 the crimes contained in s. 435.04 and shall notify the
13 applicant or employee of its findings. When disposition
14 information is missing on a criminal record, it shall be the
15 responsibility of the applicant or employee, upon request of
16 the Florida School for the Deaf and the Blind, to obtain and
17 supply within 30 days the missing disposition information to
18 the Florida School for the Deaf and the Blind. Failure to
19 supply missing information within 30 days or to show
20 reasonable efforts to obtain such information shall result in
21 automatic disqualification of an applicant and automatic
22 termination of an employee.

23 4. After an initial personnel screening and security
24 background investigation, written notification shall be given
25 to the affected employee within a reasonable time prior to any
26 subsequent screening and investigation.

27 Section 108. For the purpose of incorporating the
28 amendments to sections 943.0585 and 943.059, Florida Statutes,
29 in references thereto, paragraph (a) of subsection (2) and
30 subsection (6) of section 943.0582, Florida Statutes, are
31 reenacted to read:

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1 943.0582 Prearrest, postarrest, or teen court
2 diversion program expunction.--

3 (2)(a) As used in this section, the term "expunction"
4 has the same meaning ascribed in and effect as s. 943.0585,
5 except that:

6 1. The provisions of s. 943.0585(4)(a) do not apply,
7 except that the criminal history record of a person whose
8 record is expunged pursuant to this section shall be made
9 available only to criminal justice agencies for the purpose of
10 determining eligibility for prearrest, postarrest, or teen
11 court diversion programs; when the record is sought as part of
12 a criminal investigation; or when the subject of the record is
13 a candidate for employment with a criminal justice agency. For
14 all other purposes, a person whose record is expunged under
15 this section may lawfully deny or fail to acknowledge the
16 arrest and the charge covered by the expunged record.

17 2. Records maintained by local criminal justice
18 agencies in the county in which the arrest occurred that are
19 eligible for expunction pursuant to this section shall be
20 sealed as the term is used in s. 943.059.

21 (6) Expunction or sealing granted under this section
22 does not prevent the minor who receives such relief from
23 petitioning for the expunction or sealing of a later criminal
24 history record as provided for in ss. 943.0585 and 943.059, if
25 the minor is otherwise eligible under those sections.

26 Section 109. For the purpose of incorporating the
27 amendment to section 943.059, Florida Statutes, in references
28 thereto, subsections (7), (8), and (9) of section 943.053,
29 Florida Statutes, are reenacted to read:

30 943.053 Dissemination of criminal justice information;
31 fees.--

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1 (7) Notwithstanding the provisions of s. 943.0525, and
2 any user agreements adopted pursuant thereto, and
3 notwithstanding the confidentiality of sealed records as
4 provided for in s. 943.059, the sheriff of any county that has
5 contracted with a private entity to operate a county detention
6 facility pursuant to the provisions of s. 951.062 shall
7 provide that private entity, in a timely manner, copies of the
8 Florida criminal history records for its inmates. The sheriff
9 may assess a charge for the Florida criminal history records
10 pursuant to the provisions of chapter 119. Sealed records
11 received by the private entity under this section remain
12 confidential and exempt from the provisions of s. 119.07(1).

13 (8) Notwithstanding the provisions of s. 943.0525, and
14 any user agreements adopted pursuant thereto, and
15 notwithstanding the confidentiality of sealed records as
16 provided for in s. 943.059, the Department of Corrections
17 shall provide, in a timely manner, copies of the Florida
18 criminal history records for inmates housed in a private state
19 correctional facility to the private entity under contract to
20 operate the facility pursuant to the provisions of s. 944.105
21 or s. 957.03. The department may assess a charge for the
22 Florida criminal history records pursuant to the provisions of
23 chapter 119. Sealed records received by the private entity
24 under this section remain confidential and exempt from the
25 provisions of s. 119.07(1).

26 (9) Notwithstanding the provisions of s. 943.0525 and
27 any user agreements adopted pursuant thereto, and
28 notwithstanding the confidentiality of sealed records as
29 provided for in s. 943.059, the Department of Juvenile Justice
30 or any other state or local criminal justice agency may
31 provide copies of the Florida criminal history records for

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1 juvenile offenders currently or formerly detained or housed in
2 a contracted juvenile assessment center or detention facility
3 or serviced in a contracted treatment program and for
4 employees or other individuals who will have access to these
5 facilities, only to the entity under direct contract with the
6 Department of Juvenile Justice to operate these facilities or
7 programs pursuant to the provisions of s. 985.411. The
8 criminal justice agency providing such data may assess a
9 charge for the Florida criminal history records pursuant to
10 the provisions of chapter 119. Sealed records received by the
11 private entity under this section remain confidential and
12 exempt from the provisions of s. 119.07(1). Information
13 provided under this section shall be used only for the
14 criminal justice purpose for which it was requested and may
15 not be further disseminated.

16 Section 110. Sections 393.135, 394.4593, and 916.1075,
17 Florida Statutes, as created by this act, shall apply to
18 offenses committed on or after July 1, 2004.

19 Section 111. (1) In the Department of Children and
20 Family Services' Economic Self-Sufficiency Services program,
21 the department may provide its eligibility determination
22 functions either with department staff or through contract
23 with at least two private vendors or with a combination of at
24 least one private vendor and department employees, with the
25 following restrictions:

26 (a) With the exception of information technology, no
27 contract with a private vendor shall be for a geographic area
28 larger than a combined seven districts or combined three zones
29 without the prior approval of the Legislative Budget
30 Commission; and

31 (b) Department employees must provide the functions in

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1 at least one zone or combined 3 districts of the state if the
2 department's proposed cost is competitive with private
3 vendors.

4 (2) This section shall take effect upon this act
5 becoming a law.

6
7 (Redesignate subsequent sections.)
8

9
10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 On page 6, lines 13-18, delete those lines

13
14 and insert:

15 conforming cross-references; amending s.
16 400.215, F.S., and reenacting paragraphs (b)
17 and (c) of subsection (2) and subsection (3),
18 relating to background screening requirements
19 for certain nursing home personnel, for the
20 purpose of incorporating the amendments to ss.
21 435.03 and 435.04, F.S., in references thereto;
22 correcting a cross-reference; amending s.
23 400.964, F.S., and reenacting subsections (1),
24 (2), and (7), relating to background screening
25 requirements for certain personnel employed by
26 intermediate care facilities for the
27 developmentally disabled, for the purpose of
28 incorporating the amendments to ss. 435.03 and
29 435.04, F.S., in references thereto; correcting
30 a cross-reference; amending s. 435.045, F.S.,
31 and reenacting paragraph (a) of subsection (1),

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1 relating to requirements for the placement of
2 dependent children, for the purpose of
3 incorporating the amendment to s. 435.04, F.S.,
4 in a reference thereto; correcting a
5 cross-reference; reenacting ss. 400.414(1)(f)
6 and (g), 400.4174, 400.509(4)(a), (b), (c),
7 (d), (f), and (g), 400.556(2)(c), 400.6065(1),
8 (2), and (4), 400.980(4)(a), (b), (c), (d),
9 (f), and (g), 409.175(2)(k), 409.907(8)(d),
10 435.05(1) and (3), 744.3135, and 985.04(2),
11 F.S., relating to denial, revocation, or
12 suspension of license to operate an assisted
13 living facility; background screening
14 requirements for certain personnel employed by
15 assisted living facilities; registration of
16 particular home health care service providers;
17 denial, suspension, or revocation of license to
18 operate adult day care centers; background
19 screening requirements for certain hospice
20 personnel; background screening requirements
21 for registrants of the health care service
22 pools; the definition of "screening" in
23 connection with the licensure of family foster
24 homes, residential child-caring agencies, and
25 child-placing agencies; background screening
26 requirements of Medicaid providers; employment
27 of persons in positions requiring background
28 screening; credit and criminal investigations
29 of guardians; and oaths, records, and
30 confidential information pertaining to juvenile
31 offenders, respectively, for the purpose of

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1 incorporating the amendments to ss. 435.03 and
2 435.04, F.S., in references thereto; reenacting
3 ss. 400.512, 400.619(4), 400.6194(1), 400.953,
4 409.912(32), 435.07(4), 464.018(1)(e),
5 744.309(3), 744.474(12), and 985.407(4), F.S.,
6 relating to background screening of home health
7 agency personnel, nurse registry personnel,
8 companions, and homemakers; application and
9 renewal of adult family-care home provider
10 licenses; denial, revocation, or suspension of
11 adult family-care home provider license;
12 background screening of home medical equipment
13 provider personnel and background screening
14 requirements for certain persons responsible
15 for managed care plans; exemptions from
16 disqualification from employment; denial of
17 nursing license and disciplinary actions
18 against such licensees; disqualification of
19 guardians; removal of guardians; and background
20 screening requirements for certain Department
21 of Juvenile Justice personnel, respectively,
22 for the purpose of incorporating the amendment
23 to s. 435.03, F.S., in references thereto;
24 reenacting ss. 39.001(2)(b), 39.821(1),
25 110.1127(3)(a) and (c), 112.0455(12)(a),
26 381.0059(1), (2), and (4), 381.60225(1)(a),
27 (b), (c), (d), (f), and (g), 383.305(7)(a),
28 (b), (c), (d), (f), and (g), 390.015(3)(a),
29 (b), (c), (d), (f), and (g), 394.875(13)(a),
30 (b), (c), (d), (f), and (g), 395.0055(1), (2),
31 (3), (4), (6), and (8), 395.0199(4)(a), (b),

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1 (c), (d), (f), and (g), 397.451(1)(a),
 2 400.071(4)(a), (b), (c), (d), and (f),
 3 400.471(4)(a), (b), (c), (d), (f), and (g),
 4 400.506(2)(a), (b), (c), (d), (f), and (g),
 5 400.5572, 400.607(3)(a), 400.801(4)(a), (b),
 6 (c), (d), (f), and (g), 400.805(3)(a), (b),
 7 (c), (d), (f), and (g), 400.906(5)(a), (b),
 8 (c), (d), (f), and (g), 400.931(5)(a), (b),
 9 (c), (e), and (f), 400.962(10)(a), (b), (c),
 10 (d), and (f), 400.991(7)(b) and (d),
 11 402.302(2)(e), 402.305(2)(a), 402.3054(3),
 12 483.30(2)(a), (b), (c), (d), (f), and (g),
 13 483.101(2)(a), (b), (c), (d), (f), and (g),
 14 744.1085(5), 984.01(2)(b), 985.01(2)(b),
 15 1002.36(7)(a) and (b), F.S., relating to
 16 background screening requirements for certain
 17 Department of Children and Family Services
 18 personnel; qualifications of guardians ad
 19 litem; security checks of certain public
 20 officers and employees; background screening
 21 requirements of certain laboratory personnel in
 22 connection with the Drug-Free Workplace Act;
 23 background screening requirements for school
 24 health services personnel; background screening
 25 of certain personnel of the public health
 26 system; background screening and licensure of
 27 birth center personnel; background screening
 28 and licensure of abortion clinic personnel;
 29 background screening of direct service
 30 providers; background screening and licensure
 31 of personnel of intermediate care facilities

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1 for the developmentally disabled; background
2 screening of mental health personnel;
3 background screening and licensure of personnel
4 of crisis stabilization units, residential
5 treatment facilities, and residential treatment
6 centers for children and adolescents;
7 background screening and licensure of personnel
8 of hospitals, ambulatory surgical centers, and
9 mobile surgical facilities; background
10 screening of certain personnel in connection
11 with registration for private utilization
12 reviews; background screening of certain
13 service provider personnel; background
14 screening and licensure of certain long-term
15 care facility personnel; background screening
16 and licensure of certain home health agency
17 personnel; background screening and licensure
18 of nurse registry applicants; background
19 screening of certain adult day care center
20 personnel; denial or revocation of hospice
21 license; background screening and licensure of
22 certain transitional living facility personnel;
23 background screening and licensure of certain
24 prescribed pediatric extended care center
25 personnel; background screening and licensure
26 of certain home medical equipment provider
27 personnel; background screening and licensure
28 of certain personnel of intermediate care
29 facilities for the developmentally disabled;
30 background screening and licensure of health
31 care clinic personnel; the definition of "child

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1 care facility" in connection with background
2 screening of operators; background screening
3 requirements for personnel of child care
4 facilities; background screening requirements
5 for child enrichment service providers;
6 background screening and licensure of certain
7 personnel of multiphasic health testing
8 centers; background screening and licensure of
9 certain clinical laboratory personnel;
10 regulation of professional guardians;
11 background screening of certain Department of
12 Juvenile Justice and Department of Children and
13 Family Services personnel in connection with
14 programs for children and families in need of
15 services; and background screening of certain
16 Department of Juvenile Justice and Department
17 of Children and Family Services personnel in
18 connection with juvenile justice programs,
19 background screening of personnel of the
20 Florida School for the Deaf and the Blind,
21 respectively, for the purposes of incorporating
22 the amendment to s. 435.04, F.S., in references
23 thereto; amending s. 394.4572, F.S.; requiring
24 the department and the agency to check the
25 employment history of a person when screening
26 mental health personnel for employment;
27 reenacting s. 943.0582(2)(a) and (6), F.S.,
28 relating to prearrest, postarrest, or teen
29 court diversion program expunction for the
30 purpose of incorporating the amendments to ss.
31 943.0585 and 943.059, F.S., in references

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1 thereto; reenacting s. 943.053(7), (8), and
2 (9), F.S., relating to dissemination of
3 criminal justice information, for the purpose
4 of incorporating the amendment to s. 943.059,
5 F.S., in references thereto; providing
6 applicability; directing the Department of
7 Children and Family Services to provide its
8 eligibility determination functions with
9 department staff or through contract, with
10 certain restrictions; conforming to
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