

By Senators Peaden, Argenziano, Wise and Hill

2-388A-05

1	A bill to be entitled
2	An act relating to screening of prospective
3	residents of nursing homes and adult assisted
4	living facilities; creating ss. 400.2155 and
5	400.41745, F.S.; requiring each nursing home
6	and assisted living facility to search the
7	sexual predator and sexual offender registries
8	maintained by the Department of Law Enforcement
9	before admitting a new resident; requiring a
10	nursing home and assisted living facility to
11	deny admission to sexual predators and sexual
12	offenders; requiring a nursing home and
13	assisted living facility to notify the Agency
14	for Health Care Administration each time the
15	nursing home or assisted living facility
16	refuses to admit a prospective resident who is
17	a sexual predator or sexual offender; requiring
18	the agency to conduct a level 1 screening of
19	each potential resident of a nursing home or
20	assisted living facility; directing a nursing
21	home and assisted living facility to reject a
22	prospective resident who is disqualified under
23	a level 1 screening; requiring a nursing home
24	and assisted living facility to maintain proper
25	records; requiring a nursing home and assisted
26	living facility to notify the agency each time
27	the nursing home refuses to admit a prospective
28	resident because he or she is disqualified
29	under a level 1 screening; providing an
30	effective date.
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1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Section 400.2155, Florida Statutes, is
4 created to read:

5 400.2155 Resident screening requirement.--

6 (1)(a) The Legislature finds that sexual offenders and
7 sexual predators often pose a high risk of engaging in sexual
8 offenses even after being released from incarceration or
9 commitments.

10 (b) The Legislature also finds that protecting nursing
11 home residents from sexual offenders and sexual predators is a
12 paramount governmental interest.

13 (c) The Legislature also finds that sexual offenders
14 and sexual predators have a reduced expectation of privacy
15 because of the public's interest in public safety and in the
16 effective operation of government. Releasing information
17 concerning sexual offenders and sexual predators to the public
18 by a law enforcement agency or public agency will help to
19 ensure public safety.

20 (2) Each facility licensed under this part must
21 conduct a search of each person desiring to be admitted as a
22 resident of the facility, before the person is admitted, in
23 order to determine whether the person is a registered sexual
24 predator or sexual offender. The facility must search the
25 sexual predator and sexual offender registries maintained by
26 the Department of Law Enforcement. A facility may not admit
27 any prospective resident whose name appears on the sexual
28 predator registry or sexual offender registry. Each facility
29 must have in its possession evidence showing that the facility
30 has completed a search of the sexual predator and sexual
31 offender registries before allowing a person to be admitted as

1 a resident of the facility. The facility must notify the
2 agency each time the facility refuses to admit a prospective
3 resident who is identified as a sexual predator or sexual
4 offender.

5 (3) The agency must require a level 1 background
6 screening, as provided in s. 435.03, of each person desiring
7 to be admitted as a resident of a facility licensed under this
8 part. The agency must use the database maintained under s.
9 400.215(2)(c) to conduct the level 1 screening. The facility
10 must submit to the agency all information necessary for
11 conducting the level 1 screening. The facility may not admit a
12 resident who does not qualify under a level 1 screening. Each
13 facility must have in its possession evidence that a level 1
14 screening has been completed before allowing a person to be
15 admitted as a resident of the facility. The facility must
16 notify the agency each time the facility refuses to admit a
17 prospective resident because the person is disqualified under
18 a level 1 screening.

19 Section 2. Section 400.41745, Florida Statutes, is
20 created to read:

21 400.41745 Resident screening requirement.--

22 (1)(a) The Legislature finds that sexual offenders and
23 sexual predators often pose a high risk of engaging in sexual
24 offenses even after being released from incarceration or
25 commitments.

26 (b) The Legislature also finds that protecting
27 assisted living facility residents from sexual offenders and
28 sexual predators is a paramount governmental interest.

29 (c) The Legislature also finds that sexual offenders
30 and sexual predators have a reduced expectation of privacy
31 because of the public's interest in public safety and in the

1 effective operation of government. Releasing information
2 concerning sexual offenders and sexual predators to the public
3 by a law enforcement agency or public agency will help to
4 ensure public safety.

5 (2) Each assisted living facility licensed under this
6 part must conduct a search of each person desiring to be
7 admitted as a resident of the assisted living facility, before
8 the person is admitted, in order to determine whether the
9 person is a registered sexual predator or sexual offender. The
10 assisted living facility must search the sexual predator and
11 sexual offender registries maintained by the Department of Law
12 Enforcement. A facility may not admit any prospective resident
13 whose name appears on the sexual predator registry or sexual
14 offender registry. Each assisted living facility must have in
15 its possession evidence showing that the assisted living
16 facility has completed a search of the sexual predator and
17 sexual offender registries before allowing a person to be
18 admitted as a resident of the assisted living facility. The
19 assisted living facility must notify the agency each time the
20 assisted living facility refuses to admit a prospective
21 resident who is identified as a sexual predator or sexual
22 offender.

23 (3) The agency must require a level 1 background
24 screening, as provided in s. 435.03, of each person desiring
25 to be admitted as a resident of an assisted living facility
26 licensed under this part. The agency must use the database
27 maintained under s. 400.215(2)(c) to conduct the level 1
28 screening. The assisted living facility must submit to the
29 agency all information necessary for conducting the level 1
30 screening. The assisted living facility may not admit a
31 resident who does not qualify under a level 1 screening. Each

1 assisted living facility must have in its possession evidence
2 that a level 1 screening has been completed before allowing a
3 person to be admitted as a resident of the assisted living
4 facility. The assisted living facility must notify the agency
5 each time the assisted living facility refuses to admit a
6 prospective resident because the person is disqualified under
7 a level 1 screening.

8 Section 3. This act shall take effect upon becoming a
9 law.

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12 SENATE SUMMARY

13 Requires nursing homes and assisted living facilities to
14 search the sexual predator and sexual offender registries
15 maintained by the Department of Law Enforcement before
16 admitting a new resident. Requires nursing homes and
17 assisted living facilities to deny admission to sexual
18 predators and sexual offenders. Requires nursing homes
19 and assisted living facilities to notify the Agency for
20 Health Care Administration each time the facility refuses
21 to admit a prospective resident identified as a sexual
22 predator or sexual offender. Requires the agency to
23 conduct a level 1 screening of all potential residents of
24 the nursing home and assisted living facility. Directs
25 nursing homes and assisted living facilities to reject a
26 prospective resident disqualified under a level 1
27 screening. Requires proper records. Requires nursing
28 homes and assisted living facilities to notify the agency
29 each time the nursing home or assisted living facility
30 rejects a prospective resident because he or she is
31 disqualified under a level 1 screening.