

1 A bill to be entitled
 2 An act relating to the Department of Elderly Affairs;
 3 amending s. 400.0069 F.S.; revising the individuals
 4 who may not be appointed as ombudsmen under the State
 5 Long-Term Care Ombudsman Program; amending s.
 6 430.0402, F.S.; revising exemptions from level 2
 7 background screening requirements for certain persons;
 8 providing an effective date.

9

10 Be It Enacted by the Legislature of the State of Florida:

11

12 Section 1. Paragraph (b) of subsection (4) of section
 13 400.0069, Florida Statutes, is amended to read:

14 400.0069 Long-term care ombudsman districts; local long-
 15 term care ombudsman councils; duties; appointment.—

16 (4) Each district and local council shall be composed of
 17 ombudsmen whose primary residences are located within the
 18 boundaries of the district.

19 (b) The following individuals may not be appointed as
 20 ombudsmen:

21 1. The owner or representative of a long-term care
 22 facility.

23 2. A provider or representative of a provider of long-term
 24 care service.

25 3. An employee of the agency.

26 4. An employee of the department who is not employed in
 27 the Long-Term Care Ombudsman Program, ~~except for staff certified~~
 28 ~~as ombudsmen in the district offices.~~

29 5. An employee of the Department of Children and Families.

30 6. An employee of the Agency for Persons with
 31 Disabilities.

32 Section 2. Subsections (4), (5), and (6) of section
 33 430.0402, Florida Statutes, are renumbered as subsections (3),
 34 (4), and (5), respectively, and paragraph (b) of subsection (1),
 35 paragraphs (a) and (c) of subsection (2), and subsection (3) of
 36 that section are amended, to read:

37 430.0402 Screening of direct service providers.—

38 (1)

39 (b) For purposes of this section, the term "direct service
 40 provider" means a person 18 years of age or older who, pursuant
 41 to a program to provide services to the elderly, has direct,
 42 face-to-face contact with a client while providing services to
 43 the client and has access to the client's living areas, funds,
 44 personal property, or personal identification information as
 45 defined in s. 817.568. The term includes, but is not limited to,
 46 the administrator or a similarly titled person who is
 47 responsible for the daily operation of the provider; the
 48 financial officer or similarly titled person who is responsible
 49 for the financial operation of the provider; coordinators,
 50 managers, and supervisors of residential facilities; ~~and~~

51 volunteers; and any other person seeking employment with a
 52 provider who is expected to or whose responsibilities may
 53 require him or her to provide personal care or services directly
 54 to clients or have access to client funds, financial matters,
 55 legal matters, personal property, or living areas.

56 (2) Level 2 background screening pursuant to chapter 435
 57 and this section is not required for the following direct
 58 service providers:

59 (a)~~1.~~ Licensed physicians, nurses, or other professionals
 60 licensed by the Department of Health who are providing a service
 61 that is within the scope of their license, ~~who~~ have been
 62 fingerprinted and undergone background screening as part of
 63 their licensure; ~~and~~

64 ~~2. Attorneys in good standing with The Florida Bar;~~
 65
 66 ~~if they are providing a service that is within the scope of~~
 67 ~~their licensed practice.~~

68 (c) Volunteers who assist on an intermittent basis for
 69 less than 20 hours per month and who are not listed on the
 70 Department of Law Enforcement Career Offender Search or the Dru
 71 Sjodin National Sex Offender Public Website.

72 ~~1.~~ The program that provides services to the elderly is
 73 responsible for verifying that the volunteer is not listed on
 74 either database.

75 ~~2. Once the department is participating as a specified~~

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76 | ~~agency in the clearinghouse created under s. 435.12,~~ The
77 | provider shall forward the volunteer information to the
78 | Department of Elderly Affairs if the volunteer is not listed in
79 | either database ~~specified in subparagraph 1.~~ The department must
80 | then perform a check of the clearinghouse. If a disqualification
81 | is identified in the clearinghouse, the volunteer must undergo
82 | level 2 background screening pursuant to chapter 435 and this
83 | section.

84 | ~~(3) Until the department is participating as a specified~~
85 | ~~agency in the clearinghouse created under s. 435.12, the~~
86 | ~~department may not require additional level 2 screening if the~~
87 | ~~individual is qualified for licensure or employment by the~~
88 | ~~Agency for Health Care Administration pursuant to the agency's~~
89 | ~~background screening standards under s. 408.809 and the~~
90 | ~~individual is providing a service that is within the scope of~~
91 | ~~his or her licensed practice or employment.~~

92 | Section 3. This act shall take effect July 1, 2023.