

vices to persons who are hearing impaired or speech impaired.

(5) The administrator shall provide for the distribution of specialized telecommunications devices to persons qualified to receive such equipment in accordance with the provisions of this act. The administrator shall establish procedures for the distribution of specialized telecommunications devices and shall solicit the advice and counsel and consider the recommendations of the advisory committee in establishing such procedures. The procedures shall:

(a) Provide for certification of persons as hearing impaired, speech impaired, or dual sensory impaired. Such certification process shall include a statement attesting to such impairment by a licensed physician, audiologist, speech-language pathologist, hearing aid specialist, or deaf service center director; by a state-certified teacher of the hearing impaired; by a state-certified teacher of the visually impaired; or by an appropriate state or federal agency. The licensed physician, audiologist, speech-language pathologist, hearing aid specialist, state-certified teacher of the hearing impaired, or state-certified teacher of the visually impaired providing statements which attest to such impairments shall work within their individual scopes of practice according to their education and training. The deaf service center directors and appropriate state and federal agencies shall attest to such impairments as provided for in the procedures developed by the administrator.

(b) Establish characteristics and performance standards for specialized telecommunications devices determined to be necessary, and for the selection of equipment to be purchased for distribution to qualified recipients. The characteristics and standards shall be modified as advances in equipment technology render such standards inapplicable.

(c) Provide for the administrator to apply for, contract for, receive, and expend for the purposes of this part any appropriation, grant, gift, or donation from the Federal Government or any other public or private source.

(d) Require the administrator to purchase the equipment required by this part on a competitively bid basis, so that the best value per unit may be obtained on the equipment selected for purchase, unless the equipment is available from only one source, or the total amount of the subject transaction does not exceed \$5,000.

(6) All names, addresses, and telephone numbers provided to the Florida Public Service Commission or administrator by applicants for specialized telecommunications devices are confidential and exempt from the provisions of s. 119.07(1). The information shall be released to contractors only to the extent necessary for assignment and shipment of equipment, for provision of training in the use of equipment, and for inventory reconciliation purposes. Neither the administrator or any contractor shall release this information nor use it for any other purpose.

(7) By September 1, 1991, the administrator shall assume responsibility for distribution of specialized telecommunications devices.

(8) The administrator shall submit financial statements to the commission quarterly, in the manner prescribed by the commission.

(9) The administrator shall prepare a report for presentation to the commission no later than November 1, 1991, which shall include a status on the distribution of specialized telecommunications devices and an accounting of any money received and disbursed. Beginning in 1992, the administrator shall prepare a report for presentation to the commission by November 1 of each year through the year 1997. Each report shall describe any services provided and account for any money received and disbursed and shall include predicted future operation until the final report. The final report shall describe telecommunications access system operation and make recommendations for the funding and service level for necessary ongoing services. The commission shall take into consideration the recommendations made by the administrator in preparation of the commission's annual report to the Legislature, and may include in its report recommended changes in the operation or funding of the telecommunications access system to provide for future operation and maintenance of services.

History.—s. 1, ch. 91-111; s. 1, ch. 92-2; s. 278, ch. 96-406.

CHAPTER 430

ELDERLY AFFAIRS

- 430.015 Legislative findings.
- 430.207 Confidentiality of information.
- 430.41 Grants and Donations Trust Fund.
- 430.501 Alzheimer's Disease Advisory Committee; research grants.
- 430.504 Confidentiality of information.
- 430.608 Confidentiality of information.

430.015 Legislative findings.—The Legislature finds that it is a public necessity that identifying information contained in the records of elderly persons collected and held by the Department of Elderly Affairs, by volunteers, or by persons under contract with area agencies on aging be held confidential and exempt from public disclosure. Similar information held by the Department of Health and Rehabilitative Services is confidential. If such information were not held confidential and exempt, elderly persons could fall prey to those seeking to capitalize on their weaknesses. Also, if their addresses were available, and their disabilities known, criminals could more readily attack these elderly citizens. Accordingly, it is necessary to protect the health, safety, and welfare of our elderly citizens, that identifying information regarding them be kept confidential.

History.—s. 2, ch. 95-273.

Note.—The Department of Health and Rehabilitative Services was redesignated as the Department of Children and Family Services by s. 5, ch. 96-403, and the Department of Health was created by s. 8, ch. 96-403.

430.207 Confidentiality of information.—Information about functionally impaired elderly persons who receive services under ss. 430.201-430.206 which is received through files, reports, inspections, or other-

wise, by the department or by authorized departmental employees, by persons who volunteer services, or by persons who provide services to functionally impaired elderly persons under ss. 430.201–430.206 through contracts with the department is confidential and exempt from the provisions of s. 119.07(1). Such information may not be disclosed publicly in such a manner as to identify a functionally impaired elderly person, unless that person or his legal guardian provides written consent.

History.—s. 9, ch. 91-71; s. 35, ch. 95-418; s. 279, ch. 96-406.

Note.—Former s. 410.0295.

1430.41 Grants and Donations Trust Fund.—

(1) The Grants and Donations Trust Fund is hereby created, to be administered by the Department of Elderly Affairs. Funds to be credited to the trust fund shall include all public and private grants and donations to the department, except for grants provided by the Federal Government and other earnings that are deposited into the Operations and Maintenance Trust Fund of the department. Funds from the Grants and Donations Trust Fund shall be used to fulfill agreements made with grantors and contributors and such other purposes as may be appropriate and shall only be expended pursuant to legislative appropriation or an approved amendment to the department's operating budget pursuant to the provisions of chapter 216.

(2) Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund and shall be available for carrying out the purposes of the trust fund.

History.—s. 1, ch. 96-150.

Note.—Section 2, ch. 96-150, provides that:

(1) Pursuant to the provisions of Section 19(f)(2), Article III of the State Constitution, the Grants and Donations Trust Fund shall, unless terminated sooner, be terminated on July 1, 2000.

(2) Prior to the regular legislative session immediately preceding the date on which the trust fund is scheduled to be terminated, the Department of Elderly Affairs and the Governor shall recommend to the President of the Senate and the Speaker of the House of Representatives whether the trust fund should be allowed to terminate or should be re-created. These recommendations shall be based on a review of the purpose and use of the trust fund and a determination of whether the trust fund will continue to be necessary. A recommendation to re-create the trust fund may include suggested modifications to the purposes, sources of receipts, and allowable expenditures for the trust fund. The department's recommendation shall be made as a part of its legislative budget request to the Legislature pursuant to section 216.023, Florida Statutes. The Governor's recommendation shall be made as a part of the recommended budget presented to the Legislature pursuant to section 216.162, Florida Statutes.

(3) If the trust fund is terminated, the Department of Elderly Affairs shall pay any outstanding debts or obligations of the trust fund as soon as practicable and the Comptroller shall close out and remove the trust fund from the various state accounting systems, using generally accepted accounting practices concerning warrants outstanding, assets, and liabilities.

430.501 Alzheimer's Disease Advisory Committee; research grants.—

(1) It is the finding of the Legislature that Alzheimer's disease and similar major memory disorders affect an alarmingly high percentage of citizens, primarily those over 65 years of age, and yet little is known of the cause, prevention, or treatment of this disease.

(2) There is created an Alzheimer's Disease Advisory Committee, composed of 10 members to be selected by the Governor, which shall advise the Department of Elderly Affairs in the performance of its duties under this act. All members must be residents of the state. The committee shall advise the department regarding legislative, programmatic, and administrative matters that relate to Alzheimer's disease victims and their caretakers.

(3)(a) The committee membership shall be representative as follows:

1. At least 4 of the 10 members must be licensed pursuant to chapter 458 or chapter 459 or hold a Ph.D. degree and be currently involved in the research of Alzheimer's disease.

2. The 10 members must include at least 4 persons who have been caregivers of victims of Alzheimer's disease.

3. Whenever possible, the 10 members shall include 1 each of the following professionals: a gerontologist, a geriatric psychiatrist, a geriatrician, a neurologist, a social worker, and a registered nurse.

(b)1. The Governor shall appoint members from a broad cross section of public, private, and volunteer sectors. All nominations shall be forwarded to the Governor by the Secretary of Elderly Affairs in accordance with this subsection.

2. Members shall be appointed to 4-year staggered terms in accordance with s. 20.052.

3. The Secretary of Elderly Affairs shall serve as an ex officio member of the committee.

4. The committee shall elect one of its members to serve as chairman for a term of 1 year.

5. The committee may establish subcommittees as necessary to carry out the functions of the committee.

6. The committee shall meet quarterly, or as frequently as needed.

7. The Department of Elderly Affairs shall provide staff support to assist the committee in the performance of its duties.

8. Members of the committee and subcommittees shall receive no salary, but are entitled to reimbursement for travel and per diem expenses, as provided in s. 112.061, while performing their duties under this section.

(4) If funds are made available through gifts, grants, or other sources, the Department of Elderly Affairs shall deposit such funds into its Grants and Donations Trust Fund and shall award research grants to qualified profit or nonprofit associations and institutions or governmental agencies in order to plan, establish, or conduct programs in Alzheimer's disease control or prevention, education and training, and research. The department may adopt rules necessary to carry out these duties.

History.—ss. 1, 3, ch. 85-145; s. 5, ch. 91-429; s. 15, ch. 93-120; s. 36, ch. 95-418; s. 3, ch. 96-150.

Note.—Former s. 410.401.

430.504 Confidentiality of information.—Information about clients of programs created or funded under s. 430.501 or s. 430.503 which is received through files, reports, inspections, or otherwise, by the department or by authorized departmental employees, by persons who volunteer services, or by persons who provide services to clients of programs created or funded under s. 430.501 or s. 430.503 through contracts with the department is confidential and exempt from the provisions of s. 119.07(1). Such information may not be disclosed publicly in such a manner as to identify a person who receives services under s. 430.501 or s. 430.503, unless that person or that person's legal guardian provides written consent.

History.—s. 12, ch. 91-71; s. 39, ch. 95-418; s. 280, ch. 96-406.

Note.—Former s. 410.403.

430.608 Confidentiality of information.—Identifying information about elderly persons who receive services under ss. 430.601–430.606, which is received through files, reports, inspection, or otherwise by the department or by authorized departmental employees, by persons who volunteer services, or by persons who provide services to elderly persons under ss. 430.601–430.606 through contracts with the department, is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such information may not be disclosed publicly in such a manner as to identify an elderly person, unless that person or the person's legal guardian provides written consent.

History.—s. 1, ch. 95-273; s. 281, ch. 96-406.

CHAPTER 435

EMPLOYMENT SCREENING

- 435.03 Level 1 screening standards.
 435.04 Level 2 screening standards.
 435.09 Confidentiality of personnel background check information.
 435.11 Penalties.

1435.03 Level 1 screening standards.—

(1) All employees required by law to be screened shall be required to undergo background screening as a condition of employment and continued employment. For the purposes of this subsection, level 1 screenings shall include, but not be limited to, employment history checks and statewide criminal correspondence checks through the Florida Department of Law Enforcement, and may include local criminal records checks through local law enforcement agencies.

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

- (a) Section 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.
- (b) Section 782.04, relating to murder.
- (c) Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child.
- (d) Section 782.071, relating to vehicular homicide.
- (e) Section 782.09, relating to killing of an unborn child by injury to the mother.
- (f) Section 784.011, relating to assault, if the victim of the offense was a minor.
- (g) Section 784.021, relating to aggravated assault.
- (h) Section 784.03, relating to battery, if the victim of the offense was a minor.
- (i) Section 784.045, relating to aggravated battery.
- (j) Section 787.01, relating to kidnapping.
- (k) Section 787.02, relating to false imprisonment.
- (l) Section 794.011, relating to sexual battery.
- (m) Former s. 794.041, relating to prohibited acts of persons in familial or custodial authority.
- (n) Chapter 796, relating to prostitution.

(o) Section 798.02, relating to lewd and lascivious behavior.

(p) Chapter 800, relating to lewdness and indecent exposure.

(q) Section 806.01, relating to arson.

(r) Chapter 812, relating to theft, robbery, and related crimes, if the offense was a felony.

(s) Section 817.563, relating to fraudulent sale of controlled substances, only if the offense was a felony.

(t) Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.

(u) Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.

²(v) Section 825.103, relating to exploitation of an elderly person or disabled adult, if the offense was a felony.

(w) Section 826.04, relating to incest.

(x) Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

(y) Section 827.04, relating to contributing to the delinquency or dependency of a child.

(z) ³Section 827.05, relating to negligent treatment of children.

(aa) Section 827.071, relating to sexual performance by a child.

(bb) Chapter 847, relating to obscene literature.

(cc) Chapter 893, relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.

(3) Standards must also ensure that the person:

(a) For employees and employers licensed or registered pursuant to chapter 400, does not have a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(5), which has been uncontested or upheld under s. 415.103.

(b) Has not committed an act that constitutes domestic violence as defined in s. 741.30.

History.—s. 47, ch. 95-228; s. 15, ch. 96-268; s. 21, ch. 96-322.

Note.—Section 64, ch. 95-228, provides that "[e]xcept as otherwise provided herein, this act shall take effect October 1, 1995, and shall apply to offenses committed on or after that date."

Note.—As enacted by s. 21, ch. 96-322. This version is published as the last expression of legislative will (see *Journal of the Senate 1996*, pp. 519 and 1513). Substantially similar language was enacted as paragraph (u) by s. 15, ch. 96-268, and that version, redesignated as paragraph (v), reads:

(v) Section 825.103, relating to exploitation of an elderly person or disabled adult.

Note.—Repealed by s. 11, ch. 96-322, and s. 31, ch. 96-388.

1435.04 Level 2 screening standards.—

(1) All employees in positions designated by law as positions of trust or responsibility shall be required to undergo security background investigations as a condition of employment and continued employment. For the purposes of this subsection, security background investigations shall include, but not be limited to, employment history checks, fingerprinting for all purposes and checks in this subsection, statewide criminal and juvenile records checks through the Florida Department of Law Enforcement, and federal criminal records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies.

(2) The security background investigations under this section must ensure that no persons subject to the provisions of this section have been found guilty of,