



agency for persons with disabilities
State of Florida

July 30, 2010

Charlie Crist,
Governor

Dear Provider,

Jim DeBeaugrine,
Director

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On May 17, 2010, Governor Crist signed House Bill 7069 into law. This law substantially rewrites requirements and procedures for background screening of the persons and businesses that deal primarily with vulnerable populations, including all direct service providers screened pursuant to section 393.0655, Florida Statutes.

Key changes made by the bill:

- Prohibits any person required to be screened from beginning work until the screening process has been completed.
- Increases all Level 1 screening to Level 2 screening.
- Requires all fingerprints to be submitted through Livescan by July 1, 2012.
- Requires all direct service providers for Agency clients to complete Level 2 background screening.
- Adds additional crimes to the list of disqualifying offenses.
- Provides that any person who has been arrested for a disqualifying offense may not provide direct services to an agency client until final disposition of the alleged offense.
- Authorize agencies to request the retention of fingerprints by the Florida Department of Law Enforcement.
- Provides that an exemption for a disqualifying felony may not be granted until at least three years after the completion of all sentencing sanctions for that felony.
- Requires that all exemptions from disqualification be granted only by the agency head.

The following offenses were added to the list of disqualifying offenses for all persons screened pursuant to section 435.04, Florida Statute (F.S).

- (m) section 787.025; luring or enticing a child for an unlawful purpose
- (t) section 794.05; unlawful sexual activity with certain minors
- (y) section 810.02; burglary
- (z) section 810.14; voyeurism, if a felony
- (aa) section 810.145; video voyeurism, if a felony, and
- (uu) section 944.40; escape

In addition to the offenses added to 435.04, F.S., the following offenses have been added to the screening requirements of section 393.0655, F.S.:

- (c) section 409.920; relating to Medicaid provider fraud
- (d) section 409.921; relating to Medicaid fraud
- (e) section 817.034; relating to fraudulent acts through mail, wire, radio, electromagnetic, photoelectronic, or photooptical systems
- (f) section 817.234; relating to false and fraudulent insurance claims
- (g) section 817.505; relating to patient brokering
- (h) Section 817.568; relating to criminal use of personal identification information
- (i) section 817.60; relating to obtaining a credit card through fraudulent means
- (j) section 817.61; relating to fraudulent use of credit cards, if the offense was a felony
- (k) section 831.01; relating to forgery
- (l) section 831.02; relating to uttering forged instruments
- (m) section 831.07; relating to forging bank bills, checks, drafts, or promissory notes, and
- (n) section 831.09; relating to uttering forged bank bills, checks, drafts or promissory notes

Providers who are currently enrolled are not required to be rescreened until their 5-year rescreening or rescreening is required pursuant to section 393.0655, F.S., section 393.0657, F.S., or chapter 435, F.S. There is a strong possibility that employees and providers that have cleared background screening may present with prior offenses that are now disqualifying. The Agency for Persons with Disabilities will coordinate with the Department of Children and Families to effectively deal with these issues.

This change in law takes effect August 1, 2010. If you have any questions or if I can be of any assistance, I can be reached at (850) 921-3061 or by email at Vicki_McCrary@apd.state.fl.us.

Sincerely,

Signature on File

Vicki McCrary
Operations and Management Consultant Manager