

PROVIDER ADVISORY #2024-019
ATTESTATION OF GOOD MORAL CHARACTER REQUIREMENTS UPDATE

EFFECTIVE DATE: JULY 1, 2024

This advisory is meant to alert **all** APD waiver and Consumer Directed Care Plus (CDC+) providers of the updated Background Screening Attestation of Good Moral Character.

The language of Ch. 435.04(1)(a), (b), F.S. will change, adding four new disqualifying offenses, **effective July 1, 2024.**

Existing employees who have been screened in the Clearinghouse and deemed eligible for APD programs prior to the July 1, 2024, effective date will not be required to be re-screened until their 5-year renewal (fingerprint retention) date is met, requiring renewal. At the time of renewal, any existing employees whose criminal history background results include any of the added disqualifying offenses will be deemed as not eligible in the Clearinghouse for APD programs.

All employees, existing or new, who are deemed not eligible, must be removed from client contact and must be barred from access to client funds, personal property, and living areas, immediately. These employees may be eligible to apply for an exemption; however, client contact and/or access to client funds, personal property, or living areas may not be reinstated until they are **granted** an exemption and no longer disqualified. If an existing employee is deemed not eligible at the time of their renewal, they must also be end-dated on the employee/contractor roster in the Clearinghouse within five (5) days of the change to their employment status.

Below is a list of the updates to Ch. 435.04, F.S. that will take effect July 1, 2024:

- A security background investigation under this section also includes a search of the sexual predator and sexual offender registries of any state in which the current or prospective employee resided during the immediate preceding 5 years.
- (a) Section 39.205, relating to the failure to report child abuse, abandonment, or neglect.
- (d) Section 414.39, relating to fraud, if the offense was a felony.
- (m)Section 784.021, relating to aggravated assault.
- (o) Section 784.045, relating to aggravated battery.
- (p) Section 784.075, relating to battery on staff of a detention or commitment facility or on a juvenile probation officer.
- (v) Section 787.06, relating to human trafficking.
- (w) Section 787.07, relating to human smuggling.
- (uu) Section 831.311, relating to the unlawful sale, manufacture, alteration, delivery, uttering, or possession of counterfeit-resistant prescription blanks for controlled substances.
- (vv) Section 836.10, relating to written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
- (cc) Section 794.08, relating to female genital mutilation.

- (bbb) Section 859.01, relating to poisoning food or water.
- (ccc) Section 873.01, relating to the prohibition on the purchase or sale of human organs and tissue.

The updated APD Attestation of Good Moral Character (AGMC) must be reviewed and signed by all APD waiver and CDC+ providers and their employees as soon as possible and should be kept within the employee's personnel file. The AGMC for waiver providers can be found [here](#), while the AGMC for CDC+ provider is located [here](#).

State law mandates adherence to background screening requirements per Section 393.0655, and Chapter 435, F.S. APD will take immediate action on any cases where providers are found to be out of compliance with statutory mandate.

For additional information related to background screening, please visit the APD Background Screening website at <https://apd.myflorida.com/background-screening/>.