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LEGISLATIVE ACTION

Senate

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House

The Appropriations Committee on Health and Human Services
(Grall) recommended the following:

Senate Amendment (with title amendment)

Before line 55

insert:

Section 1. Subsection (4) of section 408.809, Florida
Statutes, is amended to read:

408.809 Background screening; prohibited offenses.—

(4) In addition to the offenses listed in s. 435.04, all
persons required to undergo background screening pursuant to
this part or authorizing statutes must not have an arrest



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awaiting final disposition for, must not have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, and must not have been adjudicated delinquent and the record not have been sealed or expunged for any of the following offenses or any similar offense of another jurisdiction:

(a) Any authorizing statutes, if the offense was a felony.

(b) This chapter, if the offense was a felony.

(c) Section 39.205, relating to the failure to report child abuse, abandonment, or neglect.

(d) Section 409.920, relating to Medicaid provider fraud.

(e) ~~(d)~~ Section 409.9201, relating to Medicaid fraud.

(f) Section 414.39, relating to fraud, if the offense was a felony.

(g) ~~(e)~~ Section 741.28, relating to domestic violence.

(h) ~~(f)~~ Section 777.04, relating to attempts, solicitation, and conspiracy to commit an offense listed in this subsection.

(i) ~~(g)~~ Section 784.03, relating to battery, if the victim is a vulnerable adult as defined in s. 415.102 or a patient or resident of a facility licensed under chapter 395, chapter 400, or chapter 429.

(j) Section 787.06, relating to human trafficking.

(k) Section 787.07, relating to human smuggling.

(l) ~~(h)~~ Section 817.034, relating to fraudulent acts through mail, wire, radio, electromagnetic, photoelectronic, or photooptical systems.

(m) ~~(i)~~ Section 817.234, relating to false and fraudulent insurance claims.

(n) ~~(j)~~ Section 817.481, relating to obtaining goods by



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using a false or expired credit card or other credit device, if the offense was a felony.

(o)~~(k)~~ Section 817.50, relating to fraudulently obtaining goods or services from a health care provider.

(p)~~(l)~~ Section 817.505, relating to patient brokering.

(q)~~(m)~~ Section 817.568, relating to criminal use of personal identification information.

(r)~~(n)~~ Section 817.60, relating to obtaining a credit card through fraudulent means.

(s)~~(o)~~ Section 817.61, relating to fraudulent use of credit cards, if the offense was a felony.

(t)~~(p)~~ Section 831.01, relating to forgery.

(u)~~(q)~~ Section 831.02, relating to uttering forged instruments.

(v)~~(r)~~ Section 831.07, relating to forging bank bills, checks, drafts, or promissory notes.

(w)~~(s)~~ Section 831.09, relating to uttering forged bank bills, checks, drafts, or promissory notes.

(x)~~(t)~~ Section 831.30, relating to fraud in obtaining medicinal drugs.

(y)~~(u)~~ Section 831.31, relating to the sale, manufacture, delivery, or possession with the intent to sell, manufacture, or deliver any counterfeit controlled substance, if the offense was a felony.

(z) Section 831.311, relating to the unlawful sale, manufacture, alteration, delivery, uttering, or possession of counterfeit-resistant prescription blanks for controlled substances.

(aa) Section 836.10, relating to written or electronic



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threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.

(bb) Section 859.01, relating to poisoning food or water.

(cc) Section 873.01, relating to the prohibition on the purchase or sale of human organs and tissue.

(dd) ~~(v)~~ Section 895.03, relating to racketeering and collection of unlawful debts.

(ee) ~~(w)~~ Section 896.101, relating to the Florida Money Laundering Act.

If, upon rescreening, a person who is currently employed or contracted with a licensee and was screened and qualified under s. 435.04 has a disqualifying offense that was not a disqualifying offense at the time of the last screening, but is a current disqualifying offense and was committed before the last screening, he or she may apply for an exemption from the appropriate licensing agency and, if agreed to by the employer, may continue to perform his or her duties until the licensing agency renders a decision on the application for exemption if the person is eligible to apply for an exemption and the exemption request is received by the agency no later than 30 days after receipt of the rescreening results by the person.

Section 2. Persons subject to the background screening requirements of s. 408.809, Florida Statutes, who were screened before July 1, 2024, must submit to rescreening in compliance with the following schedule:

(1) Persons for whom the last screening was conducted on or before June 30, 2021, must be rescreened by July 1, 2025.

(2) Persons for whom the last screening was conducted



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between July 1, 2021, and June 30, 2022, must be rescreened by
July 1, 2026.

(3) Persons for whom the last screening was conducted
between July 1, 2022, and June 30, 2023, must be rescreened by
July 1, 2027.

(4) Persons for whom the last screening was conducted
between July 1, 2023, and June 30, 2024, must be rescreened by
July 1, 2028.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 3

and insert:

; amending s. 408.809, F.S.; specifying additional
disqualifying offenses under the background screening
requirements for certain persons in health care
practice settings; requiring certain persons to submit
to rescreening in compliance with a specified
schedule; amending s. 456.0135,