

AFFIDAVIT OF COMPLIANCE WITH Background Screening Requirements

Authority: This form may be used by all employees to comply with:

- the attestation requirements of section 435.05(2), Florida Statutes, which state that every employee
 required to undergo Level 2 background screening must attest, subject to penalty of perjury, to meeting the
 requirements for qualifying for employment pursuant to this chapter and agreeing to inform the employer
 immediately if arrested for any of the disqualifying offenses while employed by the employer; AND
- the proof of screening within the previous 5 years in section 408.809(2), Florida Statutes which requires proof of compliance with level 2 screening standards submitted within the previous 5 years to meet any provider or professional licensure requirements of the Agency, the Department of Health, the Agency for Persons with Disabilities, the Department of Children and Family Services, or the Department of Financial Services for an applicant for a certificate of authority or provisional certificate of authority to operate a continuing care retirement community under chapter 651 if the person has not been unemployed for more than 90 days.

This form must be maintained in the employee's personnel file. If this form is used as proof of screening for an administrator or chief financial officer to satisfy the requirements of an **application for a health care provider license**, please attach a copy of the screening results and submit with the licensure application.

| Employee/Contractor Name: | |
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| Health Care Provider/ Employer Name: | |
| Address of Health Care Provider: | |

I hereby attest to meeting the requirements for employment and that I have not been arrested for or been found guilty of, regardless of adjudication, or entered a plea of nolo contendere, or guilty to any offense, or have an arrest awaiting a final disposition prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:

Criminal offenses found in section 435.04, F.S

- a) Section <u>393.135</u>, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.
- (b) Section <u>394.4593</u>, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct
- (c) Section $\underline{415.111}$, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.
- (d) Section 782.04, relating to murder.
- (e) Section <u>782.07</u>, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child.
- (f) Section 782.071, relating to vehicular homicide.
- (g) Section <u>782.09</u>, relating to killing of an unborn quick child by injury to the mother.
- (h) Chapter 784, relating to assault, battery, and culpable negligence, if the offense was a felony.

- (i) Section <u>784.011</u>, relating to assault, if the victim of the offense was a minor.
- (j) Section <u>784.03</u>, relating to battery, if the victim of the offense was a minor.
- (k) Section 787.01, relating to kidnapping.
- (I) Section 787.02, relating to false imprisonment.
- (m) Section 787.025, relating to luring or enticing a child.
- (n) Section <u>787.04(2)</u>, relating to taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings.
- (o) Section <u>787.04(3)</u>, relating to carrying a child beyond the state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person.
- (p) Section <u>790.115(1)</u>, relating to exhibiting firearms or weapons within 1,000 feet of a school.
- (q) Section <u>790.115(2)(b)</u>, relating to possessing an electric weapon or device, destructive device, or other weapon on school property.
- (r) Section 794.011, relating to sexual battery.

- (s) Former s. <u>794.041</u>, relating to prohibited acts of persons in familial or custodial authority.
- (t) Section <u>794.05</u>, relating to unlawful sexual activity with certain minors.
- (u) Chapter 796, relating to prostitution.
- (v) Section 798.02, relating to lewd and lascivious behavior.
- (w) Chapter 800, relating to lewdness and indecent exposure.
- (x) Section 806.01, relating to arson.
- (y) Section 810.02, relating to burglary.
- (z) Section $\underline{810.14}$, relating to voyeurism, if the offense is a felony.
- (aa) Section <u>810.145</u>, relating to video voyeurism, if the offense is a felony.
- (bb) Chapter 812, relating to theft, robbery, and related crimes, if the offense is a felony.
- (cc) Section <u>817.563</u>, relating to fraudulent sale of controlled substances, only if the offense was a felony.
- (dd) Section <u>825.102</u>, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.
- (ee) Section <u>825.1025</u>, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.
- (ff) Section <u>825.103</u>, relating to exploitation of an elderly person or disabled adult, if the offense was a felony.
- (gg) Section 826.04, relating to incest.
- (hh) Section <u>827.03</u>, relating to child abuse, aggravated child abuse, or neglect of a child.
- (ii) Section <u>827.04</u>, relating to contributing to the delinquency or dependency of a child.
- (jj) Former s. <u>827.05</u>, relating to negligent treatment of children.
- (kk) Section <u>827.071</u>, relating to sexual performance by a child.
- (II) Section 843.01, relating to resisting arrest with violence.
- (mm) Section <u>843.025</u>, relating to depriving a law enforcement, correctional, or correctional probation officer means of protection or communication.
- (nn) Section 843.12, relating to aiding in an escape.
- (oo) Section <u>843.13</u>, relating to aiding in the escape of juvenile inmates in correctional institutions.
- (pp) Chapter 847, relating to obscene literature.
- (qq) Section <u>874.05</u>(1), relating to encouraging or recruiting another to join a criminal gang.
- (rr) 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.
- (ss) Section <u>916.1075</u>, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.

- (tt) Section <u>944.35(3)</u>, relating to inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.
- (uu) Section 944.40, relating to escape.
- (vv) Section <u>944.46</u>, relating to harboring, concealing, or aiding an escaped prisoner.
- (ww) Section <u>944.47</u>, relating to introduction of contraband into a correctional facility.
- (xx) Section <u>985.701</u>, relating to sexual misconduct in juvenile justice programs.
- (yy) Section <u>985.711</u>, relating to contraband introduced into detention facilities.
- (3) The security background investigations under this section must ensure that no person subject to this section has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense that constitutes domestic violence as defined in s. 741.28, whether such act was committed in this state or in another jurisdiction.

Criminal offenses found in section 408.809(4), F.S

- (a) Any authorizing statutes, if the offense was a felony.
- (b) This chapter, if the offense was a felony.
- (c) Section 409.920, relating to Medicaid provider fraud.
- (d) Section 409.9201, relating to Medicaid fraud.
- (e) Section 741.28, relating to domestic violence.
- (f) Section <u>817.034</u>, relating to fraudulent acts through mail, wire, radio, electromagnetic, photoelectronic, or photooptical systems.
- (g) Section <u>817.234</u>, relating to false and fraudulent insurance claims.
- (h) Section <u>817.505</u>, relating to patient brokering.
- (i) Section <u>817.568</u>, relating to criminal use of personal identification information.
- (j) Section <u>817.60</u>, relating to obtaining a credit card through fraudulent means.
- (k) Section <u>817.61</u>, relating to fraudulent use of credit cards, if the offense was a felony.
- (I) Section <u>831.01</u>, relating to forgery.
- (m) Section 831.02, relating to uttering forged instruments.
- (n) Section <u>831.07</u>, relating to forging bank bills, checks, drafts, or promissory notes.
- (o) Section <u>831.09</u>, relating to uttering forged bank bills, checks, drafts, or promissory notes.
- (p) Section <u>831.30</u>, relating to fraud in obtaining medicinal drugs.
- (q) Section <u>831.31</u>, 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.

| If you are also using this form to provide evidence of prior Level 2 screening (fingerprinting) in |
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| the last 5 years and have not been unemployed for more than 90 days, please provide the |
| following information. A copy of the prior screening results must be attached. |

| Purpose of Prior Screening: | |
|-----------------------------|--------------------------|
| Screened conducted by: | Date of Prior Screening: |

Agency for Health Care Administration
Department of Health
Agency for Persons with Disabilities
Department of Children and Family Services
Department of Financial Services

Affidavit

| Under penalty of perjury, I, | ds to the background screening star I agree to immediately inform my en | ndards set forth in nployer if arrested |
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| Employee/Contractor Signature | Title | Date |