

By Senator Sobel

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1 A bill to be entitled
2 An act relating to the screening of direct service
3 transit providers and volunteers; creating s.
4 427.0156, F.S.; defining terms; requiring direct
5 service transit providers to submit to level 2
6 background screening; requiring that the background
7 screening include employment history checks and local
8 criminal records checks through local law enforcement
9 agencies; specifying penalties for refusal to comply
10 with the screening process; requiring the Agency for
11 Persons with Disabilities, in consultation with the
12 Department of Elderly Affairs, to adopt rules to
13 establish a schedule to stagger the implementation of
14 the screening program over a specified time frame;
15 requiring direct service transit providers to be
16 rescreened every 5 years; providing an exemption;
17 identifying additional criminal offenses that may
18 disqualify direct service transit providers; requiring
19 direct service transit providers to pay the costs of
20 screening activities; requiring the transit providers
21 to complete screening by a specified date; providing
22 an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. Section 427.0156, Florida Statutes, is created
27 to read:

28 427.0156 Screening of direct service transit providers.-

29 (1) As used in this section, the term:

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30 (a) "Agency" means the Agency for Persons with
31 Disabilities.

32 (b) "Direct service transit provider" means a person 18
33 years of age or older who provides public or private paratransit
34 services to the elderly and persons who have disabilities and
35 who has direct, face-to-face contact with a passenger while
36 providing these services. The term includes coordinators,
37 managers, and supervisors of paratransit employees and
38 volunteers.

39 (c) "Paratransit" has the same meaning as in s. 427.011.
40 For this section, the term does not include bus drivers, drivers
41 of taxicabs and towncars and does not apply to persons who
42 transport family members and friends.

43 (d) "Volunteer" means a person who provides assistance on
44 an intermittent basis for less than 20 hours per month and who
45 is not listed on the Department of Law Enforcement Career
46 Offender Search or the Dru Sjodin National Sex Offender Public
47 Website.

48 (2) Direct service paratransit providers who are not
49 otherwise expressly exempt from level 2 background screening
50 pursuant to chapter 435 are subject to level 2 background
51 screening. The screening must include employment history checks
52 as provided in s. 435.03(1) and local criminal records checks
53 through local law enforcement agencies.

54 (3) (a) A direct transit service provider or volunteer who
55 refuses to submit to the required background screening shall be
56 immediately dismissed from employment.

57 (b) An employer who refuses to dismiss a direct service
58 transit provider found to be in noncompliance with this section

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59 forfeits its license or certification as a paratransit provider
60 and any rate agreements, purchase orders, or contracts related
61 to its paratransit services and is subject to any other
62 sanctions or remedies authorized by law.

63 (4) An individual serving as a direct service transit
64 provider on July 31, 2013, must be screened by July 1, 2014. The
65 agency, in consultation with the Department of Elderly Affairs,
66 may adopt rules to establish a schedule to phase in
67 implementation of the required screening during the 1-year
68 period.

69 (5) A direct service transit provider who previously
70 qualified for employment or volunteer work under level 1
71 screening standards, or an individual who is required under this
72 section to be screened according to the level 2 screening
73 standards established in chapter 435, shall be rescreened every
74 5 years following the date of his or her most recent background
75 screening unless his or her fingerprints are continuously
76 retained and monitored by the Department of Law Enforcement in
77 the federal fingerprint retention program according to the
78 procedures specified in s. 943.05.

79 (6) The background screening conducted pursuant to this
80 section must ensure that, in addition to the disqualifying
81 offenses listed in s. 435.04, the direct service transit
82 provider or volunteer does not have an arrest awaiting final
83 disposition for; has not been found guilty, regardless of
84 adjudication, of; has not entered a plea of nolo contendere or
85 guilty to; and does not have a record that has been sealed or
86 expunged that includes adjudication as delinquent of an offense
87 prohibited under the following provisions of state law or

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88 similar law of another jurisdiction:

89 (a) Section 409.920, relating to Medicaid provider fraud.

90 (b) Section 409.9201, relating to Medicaid fraud.

91 (c) Section 817.034, relating to fraudulent acts through
92 mail, wire, radio, electromagnetic, photoelectronic, or
93 photooptical systems.

94 (d) Section 817.234, relating to false and fraudulent
95 insurance claims.

96 (e) Section 817.505, relating to patient brokering.

97 (f) Section 817.568, relating to criminal use of personal
98 identification information.

99 (g) Section 817.60, relating to obtaining a credit card
100 through fraudulent means.

101 (h) Section 817.61, relating to fraudulent use of credit
102 cards, if the offense was a felony.

103 (i) Section 831.01, relating to forgery.

104 (j) Section 831.02, relating to uttering forged
105 instruments.

106 (k) Section 831.07, relating to forging bank bills, checks,
107 drafts, or promissory notes.

108 (l) Section 831.09, relating to uttering forged bank bills,
109 checks, drafts, or promissory notes.

110 (7) The costs of processing fingerprints and the state
111 criminal records checks shall be borne by the direct service
112 paratransit provider.

113 (8) The criminal history background screening and the
114 processing of fingerprints shall be completed no later than
115 October 1, 2013.

116 Section 2. This act shall take effect July 1, 2013.