



182152

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/14/2024	.	
	.	
	.	
	.	

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



182152

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

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

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

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

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

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

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

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

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

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

32 (j) Section 787.06, relating to human trafficking.

33 (k) Section 787.07, relating to human smuggling.

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

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

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



182152

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

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

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

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

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

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

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

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

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

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

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

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

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

68 (aa) Section 836.10, relating to written or electronic



182152

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

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

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

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

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

78

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

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

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

97 (2) Persons for whom the last screening was conducted



182152

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

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

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

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

108 And the title is amended as follows:

109 Delete line 3

110 and insert:

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