

**DEPARTMENT OF ELDER AFFAIRS
BACKGROUND SCREENING**

ATTESTATION OF COMPLIANCE – APPLICANT

ALL APPLICANTS are required to submit an attestation of compliance with the provisions of Section 435.05(2), Florida Statutes.

Section 435.05(2), Florida Statutes, requires each employee applicant to attest under the penalty of perjury to (1) meeting the requirements for qualifying for employment pursuant to chapters 430 and 435, Florida Statutes, and (2) agreeing to inform the employer immediately if arrested for any of the disqualifying offenses while employed by the employer.

TYPE OF PERSONAL IDENTIFICATION PROVIDED: _____

APPLICANT (First name, Middle name, Last name):

POSITION APPLIED FOR:

EMPLOYER:

IT IS THE EMPLOYER’S RESPONSIBILITY TO VERIFY THE AUTHENTICITY AND ACCURACY OF ANY DOCUMENT(S) PROVIDED FOR IDENTIFICATION PURPOSES.

IF THE APPLICANT IS CLAIMING AN EXCEPTION FROM THE BACKGROUND SCREENING REQUIREMENT IN ACCORDANCE WITH SECTION 430.0402(2), FLORIDA STATUTES, THE APPLICANT’S SUPPORTING DOCUMENTATION MUST BE MAINTAINED IN APPLICANT’S FILE. (check one)

Licensed Professional: _____

Relative: _____

Volunteer (<20 hrs/month): _____

IF THE APPLICANT HAS RECEIVED AN EXEMPTION FOR A DISQUALIFYING OFFENSE, PLEASE PROVIDE THE GRANTING AGENCY AND A COPY OF THE LETTER(S) GRANTING THAT EXEMPTION.

Agency/Date _____

If more than one Agency, please list: _____

ALL APPLICANTS FOR DIRECT SERVICE PROVIDER POSITIONS SHOULD REVIEW THE FOLLOWING LIST OF DISQUALIFYING OFFENSES BEFORE SIGNING THIS ATTESTATION.

This list represents the disqualifying offenses currently in effect. It is the Applicant's responsibility to check whether any additional disqualifying offenses have been enacted by the Legislature.

ATTESTATION

UNDER PENALTY OF PERJURY, I _____,

declare that I have read the following and that the facts stated in it are true and I hereby swear or affirm that I meet the qualifying requirements for employment as a direct service provider pursuant to the background screening standards set forth in Chapters 430 and 435, Florida Statutes. In addition, I have no current charges pending and understand that I must immediately inform my employer or designee if arrested for any of the disqualifying offenses listed below throughout the period of time I am employed or otherwise providing services with this employer.

APPLICANT SIGNATURE

DATE

***NOTE TO EMPLOYER: ONCE THE ATTESTATION IS SIGNED, MAINTAIN IT WITHIN THE APPLICANT'S FILE.**

FLORIDA STATUTE	DISQUALIFYING CHARGE/OFFENSE
(or any similar statute of another jurisdiction)	No person subject to the provisions of this section has an arrest awaiting final disposition for, has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere (no contest) or guilty to, or has been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the following provisions of state law or similar law of another jurisdiction.
39.205	Relating to the failure to report child abuse, abandonment, or neglect.
393.135	Relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.
394.4593	Relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct
409.920*	Relating to Medicaid provider fraud.
409.9201*	Relating to Medicaid fraud.
414.39	Relating to Fraud, if the offense was a felony.
415.111	Relating to abuse, neglect, or exploitation of a vulnerable adult.
741.28**	Relating to domestic.
777.04	Relating to attempts, solicitation, and conspiracy to commit an offense listed in this subsection.
782.04	Relating to murder.
782.07	Relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child.
782.071	Relating to vehicular homicide.
782.09	Relating to the killing of an unborn child by injury to the mother.
784 – All	All of Chapter 784 offenses relating to assault, battery, and culpable negligence, if offense was a felony.
784.011	Relating to assault, if the victim of the offence was a minor.
784.021	Relating to aggravated assault.
784.03	Relating to battery, if the victim of the offence was a minor.
784.045	Relating to aggravated battery.
784.075	Relating to battery on staff of a detention or commitment facility or on a juvenile probation officer.
787.01	Relating to kidnapping.
787.02	Relating to false imprisonment.
787.025	Relating to luring or enticing a child.
787.04(2)	Relating to taking, enticing, or removing a child beyond state limits with criminal intent pending custody proceedings.
787.04(3)	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.
787.06	Relating to human trafficking.
787.07	Relating to human smuggling.
790.115(1)	Relating to exhibiting firearms or weapons within 1,000 feet of a school.
790.115(2)(b)	Relating to possessing an electric weapon or device, destructive device, or other weapon on school property.
794.011	Relating to sexual battery.
794.041	Relating to prohibited acts of persons in familial or custodial authority.

FLORIDA STATUTE	DISQUALFYING CHARGE/OFFENSE
794.05	Relating to unlawful sexual activity with certain minors.
794.08	Relating to female genital mutilation.
796 – All	All Chapter 796 offenses relating to prostitution.
798.02	Relating to lewd and lascivious behavior.
800 – All	All Chapter 800 relating to lewdness and indecent exposure and offenses against students by authority figures.
806.01	Relating to arson.
810.02	Relating to burglary.
810.14	Relating to voyeurism, if the offense is a felony.
810.145	Relating to video voyeurism, if the offense is a felony.
812 – All	All Chapter 812 offenses relating to theft, robbery, and related crimes, if the offense was a felony.
817.034*	Relating to fraudulent acts through mail, wire, radio, electromagnetic, photoelectronic, or photo-optical systems.
817.234*	Relating to false and fraudulent insurance claims.
817.505*	Relating to patient brokering.
817.563	Relating to fraudulent sale of controlled substances, only if the offense was a felony.
817.568*	Relating to criminal use of personal identification information.
817.60*	Relating to obtaining a credit card through fraudulent means.
817.61*	Relating to fraudulent use of credit cards, if the offense was a felony.
825.102	Relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.
825.1025	Relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.
825.103	Relating to the exploitation of an elderly person or disabled adult, if the offense was a felony.
826.04	Relating to incest.
827.03	Relating to child abuse, aggravated child abuse, or neglect of a child.
827.04	Relating to contributing to the delinquency or dependency of a child.
827.05	Relating to negligent treatment of children.
827.071	Relating to sexual performance by a child.
831.311	Relating to the unlawful sale, manufacture, alteration, delivery, uttering, or possession of counterfeit-resistant prescription blanks for controlled substances.
827.04	Relating to contributing to the delinquency or dependency of a child.
831.01*	Relating to forgery.
831.02*	Relating to uttering forged instruments.
831.07*	Relating to forging bank bills, checks, drafts, or promissory notes.
831.09*	Relating to uttering forged bank bills, checks.
836.10	Relating to written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism
843.01	Relating to resisting arrest with violence.

FLORIDA STATUTE	DISQUALIFYING CHARGE/OFFENSE
843.025	Relating to depriving a law enforcement, correctional, or correctional probation officer means of protection or communication.
843.12	Relating to aiding in an escape.
843.13	Relating to aiding in the escape of juvenile inmates in correctional institutions.
847 – All	All Chapter 847 offenses relating to obscene literature.
859.01	Relating to relating to poisoning food or water.
873.01	Relating to the prohibition on the purchase or sale of human organs and tissue.
874.05	Relating to encouraging or recruiting another to join a criminal gang.
893 – All	All Chapter 893 offenses (all drug related offenses) 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.
916.1075	Relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.
944.35(3)	Relating to inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.
944.40	Relating to escape.
944.46	Relating to harboring, concealing, or aiding an escaped prisoner.
944.47	Relating to introduction of contraband into a correctional facility.
985.701	Relating to sexual misconduct in juvenile justice programs.
985.711	Relating to contraband introduced into detention facilities.

Note: This list represents the disqualifying offenses currently in effect. It is the Applicant's responsibility to check whether any additional disqualifying offenses have been enacted by the Legislature.

***Found in section 430.0402, Florida Statutes.**

****Found in section, 435.03(3) and 435.04(4), Florida Statutes.**

NO EXEMPTIONS	
NO EXEMPTIONS can be granted for the following offenses under Florida Statutes (or any similar statute of another jurisdiction) REGARDLESS of the time elapsed since any confinement, supervision, or sanction:	
775.21	Sexual Predator
775.261	Career Offender
943.0435	Sexual Offender – unless the requirement to register as a sexual offender has been removed pursuant to 943.04354