

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 timeframe;
 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; providing
 19 an effective date.

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 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Section 427.0156, Florida Statutes, is created
 24 to read:

25 427.0156 Screening of direct service transit providers.-

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

27 (a) "Agency" means the Agency for Persons with
 28 Disabilities.

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

36 (c) "Paratransit" has the same meaning as in s. 427.011.

37 (d) "Volunteer" means a persons who provides assistance on
38 an intermittent basis for less than 20 hours per month and who
39 is not listed on the Department of Law Enforcement Career
40 Offender Search or the Dru Sjodin National Sex Offender Public
41 Website.

42 (2) Direct transit service providers who are not otherwise
43 expressly exempt from level 2 background screening pursuant to
44 chapter 435 are subject to level 2 background screening. The
45 screening must include employment history checks as provided in
46 s. 435.03(1) and local criminal records checks through local law
47 enforcement agencies.

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

51 (b) An employer that refuses to dismiss a direct service
52 transit provider found to be in noncompliance with this section
53 forfeits its license or certification as a paratransit provider
54 and any rate agreements, purchase orders, or contracts related
55 to its paratransit services and is subject to any other
56 sanctions or remedies authorized by law.

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

63 (5) A direct service transit provider who previously
64 qualified for employment or volunteer work under level 1
65 screening standards, or an individual who is required under this
66 section to be screened according to the level 2 screening
67 standards established in chapter 435, shall be rescreened every
68 5 years following the date of his or her most recent background
69 screening unless his or her fingerprints are continuously
70 retained and monitored by the Department of Law Enforcement in
71 the federal fingerprint retention program according to the
72 procedures specified in s. 943.05.

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

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

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

85 (c) Section 817.034, relating to fraudulent acts through
 86 mail, wire, radio, electromagnetic, photoelectronic, or
 87 photooptical systems.

88 (d) Section 817.234, relating to false and fraudulent
 89 insurance claims.

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

91 (f) Section 817.568, relating to criminal use of personal
 92 identification information.

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

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

97 (i) Section 831.01, relating to forgery.

98 (j) Section 831.02, relating to uttering forged
 99 instruments.

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

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

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