

AFFIDAVIT OF GOOD MORAL CHARACTER

Florida Department of Elder Affairs Employees and Volunteers

I understand that to work as an employee or participate in a program as a volunteer of the Department of Elder Affairs, I must undergo a Level 2 background screening, including an employment history check and electronic submission of my fingerprints to the Florida Department of Law Enforcement and the Federal Bureau of Investigation to conduct state and federal criminal history records checks as required by ss. 430.0402, 435.04 and 435.06, Florida Statutes. I also understand that I must complete and sign this affidavit form as a condition of my employment or selection as a volunteer. By signing this form below, I am affirming that I have listed all criminal history related to disqualifying offenses as listed in Sections 430.0402 and 435.04, F.S., or that I do not have any criminal history of disqualifying offenses. I also affirm that I meet all the requirements of Chapters 430 and 435, F.S. I also affirm that I understand each of the conditions below as indicated by my initials.

I understand that if I am notified by the Department of Elder Affairs that my criminal history background check contained a disqualifying offense, I can request a copy of my own criminal record. However, I understand that the record may not be used for any purpose other than to request that the Department of Elder Affairs consider granting me an exemption that would permit me to work or volunteer despite disqualifying offenses in my criminal record. I understand that the Department of Elder Affairs is required by law to keep the results of my criminal history background check confidential. I understand that I may share information from my criminal record with my supervisor or the Department of Elder Affairs; however, this record may not be used in lieu of a background screening by any organization or entity other than the Florida Department of Elder Affairs.
_____ (initial)

I understand that my fingerprints will be retained in the Florida Department of Law Enforcement's Automated Fingerprint Identification System (AFIS) which sends out an arrest notification to the Department of Elder Affairs if I am charged with any crime. I affirm that I will notify the Department of Elder Affairs and my supervisor if I am charged with a new disqualifying crime while I am employed or participating in a program as a volunteer. I am aware that the Department of Elder Affairs will pay a retention fee each year to retain my fingerprints.
_____ (initial)

I understand that under some conditions, if I have any disqualifying offenses as defined by sections 435.04(2) and/or 430.0204(4), F.S., I may request an exemption. If the Florida Department of Elder Affairs approves a request for exemption, the employee may be approved to work despite his or her criminal record. I understand that if my record reveals disqualifying offenses that meet certain conditions, and I choose to request an exemption, I must complete the Application for Exemption from Disqualification form and provide all required information. I must provide clear and convincing evidence that an exemption should be granted and that I am not a threat to the safety and well being of an elder or their property. I understand that denial of an exemption request by the Secretary of the Department of Elder Affairs (DOEA) may be contested through a hearing requested under the provisions of Chapter 120, Florida Statutes. I understand that the Florida Department of Elder Affairs may consider, as part of its disqualifying offense exemption deliberations, any arrests or convictions for another crime, even if that crime is not a disqualifying offense.
_____ (initial)

I understand that I must acknowledge the existence of any criminal records relating to the following list. I understand that if I have a juvenile delinquency record that is similar to any of the offenses listed below, I must disclose this record. I also understand that I must not have an arrest awaiting final disposition for, must not have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere (no contest) or guilty to, or must not have been adjudicated delinquent and the record has not been sealed or expunged for any of the offenses in the following list or any similar offense in another jurisdiction or else I must disclose this on the signature page. _____ (initial)

STATE OF FLORIDA, LEVEL 2 BACKGROUND SCREENING

DISQUALIFYING OFFENSES
(Chapter 435 and Section 430.0402, F.S.)

*FLORIDA STATUTE	CHARGE/OFFENSE <small>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:</small>
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.
415.111	Relating to abuse, neglect, or exploitation of a vulnerable adult.
741.28	Relating to domestic violence.
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 killing of an unborn quick 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 offense was a minor.
784.03	Relating to battery, if the victim of the offense was a minor.
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784.03	Relating to battery, if the victim of the offense was a minor.
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.
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.
794.05	Relating to unlawful sexual activity with certain minors.
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.
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 photooptical 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.

STATE OF FLORIDA, LEVEL 2 BACKGROUND SCREENING
DISQUALIFYING OFFENSES (Continued)
(Chapter 435 and Section 430.0402, F.S.)

*FLORIDA STATUTE	CHARGE/OFFENSE
	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:
393.135	Relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.
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.
831.01	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.
843.01	Relating to resisting arrest with violence.
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.
874.05(1)	Relating to encouraging or recruiting another to join a criminal gang.
893 – All	All Chapter 893 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.

***Or any similar statute of another jurisdiction.**

*** NO EXEMPTIONS CAN BE GRANTED FOR THE FOLLOWING OFFENSES 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

***Or any similar statute of another jurisdiction.**

Employees or Volunteers must attest to one of the following:

I attest that I have read the foregoing, and I do not have any disqualifying offenses in my criminal history record. I understand that, should my criminal history background check reveal disqualifying offenses that I have not listed, I will not be eligible for an exemption and I will not be able to begin employment or if currently employed, I will be terminated from employment immediately. If I am a volunteer, I will no longer be able to volunteer or participate in department programs.

Signature of Employee or Volunteer _____ Date: _____

OR

To the best of my knowledge and belief, my criminal history record may contain one or more of the disqualifying offenses listed above. I understand that having disqualifying offenses on my criminal history background check may make me ineligible to work as an employee or to volunteer and participate in department programs. If I have listed all disqualifying offenses, I may be eligible to file for an exemption from disqualification pursuant to s. 435.07, F.S. If I have not listed all disqualifying offenses that the criminal history background check reveals, I will not be able to begin employment or if currently employed, I will be terminated from employment immediately. If I am a volunteer, I will no longer be able to volunteer or participate in department programs.

Disqualifying Offense(s): _____

(use back of page for additional offenses)

Signature of Employee or Volunteer: _____ Date: _____

As the supervisor of this employee or volunteer, I will inform the Department of Elder Affairs of any disqualifying offenses the employee or volunteer commits during the course of their employment or while serving as a volunteer. I affirm that I have performed this employee's employment history check by calling all former employers listed on the State of Florida Employment Application and ensuring there are no gaps in employment that have not been disclosed. Further, if the Department of Elder Affairs informs me that this employee or volunteer has not successfully completed a Level 2 Criminal History Background Check, their employment and/or participation as a volunteer in department programs will be terminated immediately.

Signature of Supervisor or Designee _____ Date _____

The section below should also be completed if the employee or volunteer disclosed any disqualifying offenses and is requesting an exemption from disqualification:

I understand that this employee or volunteer has a record of offenses that may be disqualifying. I affirm that I have discussed the nature of those offenses with the employee or volunteer and I support their application for an exemption from disqualification.

Signature of Supervisor or Designee _____ Date _____

SUPERVISORS SHOULD SIGN THIS FORM AFTER THE EMPLOYEE OR VOLUNTEER HAS SIGNED

Requests for Exemption from Disqualification

Section 435.07, Florida Statutes, states that a potential employee or volunteer may apply for consideration for an exemption from disqualification that would permit him or her to be employed or participate in a program as a volunteer despite having a record of one or more disqualifying offenses. In order to apply for an exemption from disqualification, one of the following conditions must be met prior to applying for the exemption:

- For disqualifying felonies, at least 3 years must have elapsed since the applicant for the exemption has completed or been lawfully released from confinement, supervision or sanction for the disqualifying felony.
- For juvenile delinquency offenses that would be felonies if committed by an adult, for which the record has not been sealed or expunged, the exemption may not be granted until at least 3 years have elapsed since the applicant for the exemption has completed or been lawfully released from confinement, supervision or sanction for the disqualifying offense.
- For disqualifying offenses that were felonies when committed, but are now misdemeanors, the applicant for the exemption must have completed or been lawfully released from confinement, supervision or sanction for the disqualifying offense.
- For disqualifying misdemeanors, the applicant for the exemption must have completed or been lawfully released from confinement, supervision or sanction for the disqualifying offense.