

FILED

APR 14 2020

DCF Department Clerk

**STATE OF FLORIDA
DEPARTMENT OF CHILDREN AND FAMILIES**

**IN RE: EMERGENCY SUSPENSION OF
STATUTES REGARDING BACKGROUND
SCREENING IN SUBSTANCE ABUSE AND
MENTAL HEALTH FACILITIES, IN
RESPONSE TO COVID-10, A PUBLIC
HEALTH EMERGENCY.**

RENDITION NO.: DCF-20-074EO

EMERGENCY ORDER

WHEREAS, on March 1, 2020, Governor of Florida Ron DeSantis issued Executive Order number 20-51 directing the Florida State Health Officer and Surgeon General to declare a Public Health Emergency for COVID-19; and

WHEREAS, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, on March 9, 2020, Governor DeSantis issued Executive Order 20-52 declaring a state of emergency in the State of Florida due to the immediate danger to the public health, safety and welfare created by COVID-19; and

WHEREAS, due to the effects of COVID-19, the state is experiencing a shortage of workers at the substance abuse and mental health facilities; and

WHEREAS, due to the outbreak of COVID-19, Livescan fingerprinting locations are closing and workers are unable to get the necessary Level 2 Background Screenings, pursuant to section 435.04 Florida Statutes; and

WHEREAS, as Secretary of the Department of Children and Families (Department), I am responsible for meeting the dangers presented to this agency and the people we serve by this emergency.

NOW, THEREFORE, I, CHAD POPPELL, as Secretary of the Department, by virtue of the authority vested in me by section 20.19, Florida Statutes, and Executive Orders 20-51 and 20-52 issued by Governor DeSantis, and all other applicable laws, promulgate the following Emergency Order to take immediate effect:

Section 1. In exercising my authority as Secretary of the Department, and only to the extent necessary to respond to this emergency, I hereby promulgate the following:

A. For purposes of preparing for, responding to, and mitigating any effect of COVID-19, for a period coterminous with the Governor's Executive Order 20-52, sections 110.1127(2)(a) & (c), 394.4572(1)(a), 397.4073(1)(a), 397.487(6), and 397.4871(5), Florida Statutes, are hereby temporarily suspended for anyone who is unable to obtain a Level 2 Background Screening due to closures of Livescan fingerprinting vendors.

- i. Every effort shall be made to comply with the requirements of the above listed statutes. However, for candidates who require background screenings but are unable to obtain a Level 2 Background Screening due to the State of Emergency, each provider must instead use a Level 1 employee screening, as defined in section 435.03, Florida Statutes, if the candidate is not already retained in the Care Provider Background Screening Clearinghouse.
- ii. In any case where a Level 2 Background Screening cannot be obtained, documentation for the Level 1 employee screening must be sent to the Department's Background Screening Program, before the candidate can begin employment, for an eligibility determination, and a copy must be placed in the candidate's human resources file.

- iii. Once this Emergency Order expires, employers, within thirty (30) days, must immediately obtain a Level 2 Background Screening for all employees hired under the provisions of this order which were screened only under a Level 1 employee screening.

Section 2. All other provisions of the above listed statutes shall remain in effect.

Section 3. This Emergency Order shall expire 30 days from the date of this Order, unless extended.

DONE AND ORDERED in Tallahassee, Leon County, Florida this 14th day of April, 2020.


Chad Poppell, Secretary