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MEMORANDUM

TO: AAA Directors **NOTICE#: 072111-1-I-SWCBS**

FROM: Charles T. Corley, Interim Secretary

DATE: July 21, 2011

SUBJECT: Notice of Instruction: Background Screening Emergency Rule 58ER10-2

The purpose of this Notice is to inform Area Agencies on Aging (AAAs) that the Department's Background Screening Emergency Rule 58ER10-2 has expired and is no longer applicable. AAAs must ensure full compliance with Sections 430.0402 and 435.01(2), F.S.

Previous and on-going guidance provided by the Department is meant to assist with compliance. Most recently, the Department instructed AAAs (and service providers) to submit the names and other pertinent information regarding individuals (anyone Level 2-background screened since August 1, 2010, and no longer employed or serving) who should be removed from the retention list. Submission of this information is to avoid retention of a non-employee or volunteer and the associated retention fee.

Once the Department has completed processing all of the retention lists, the Florida Department of Law Enforcement (FDLE) will assess a total retention fee and provide the Department a report. The Department will provide each employer of direct service providers the amount due for retention fees to be paid to FDLE. The Department cannot be responsible for paying retention fees; nor can the Department retain the screening results of individuals beyond the retention period, for the purpose of sharing information within the service provider network. As we learn more about the retention process, we will keep you abreast.

Your assistance and cooperation in keeping the service provider network informed is very much appreciated. If you have any questions or concerns, please do not hesitate to contact your contract manager. Thank you.

<http://elderaffairs.state.fl.us>