



Department of Children and Families

Level 2 Background Screening

What You Need To Know!

Who Must Be Screened?

- The Department of Children and Families completes screening for persons employed, seeking employment or licensure in:
 - Child Care Facilities
 - Foster Homes or Adoptive Homes
 - Mental Health Facilities
 - Substance Abuse Facilities
 - Facilities for the Developmentally Disabled
 - Summer Camps and Afterschool Programs

Statutory Requirements

- Florida Statutes provides the authority and requirements for Background Screening.
- The Department must have the statutory authority to receive and complete Background Screening.
- Each Statute has separate requirements.

Statutory References

- Chapter 39 - Placement of Dependent Children
- Chapter 402 – Child Care
- Chapter 409 – Foster Homes, Child Caring Agencies, Child Placing Agencies, Summer Camps
- Chapter 394 and 408 – Mental Health Facilities
- Chapter 397 – Substance Abuse Providers
- Chapter 393 – Developmental Disabilities

Substance Abuse Screening Requirements

- Background Screening requirements for substance abuse service providers are outlined in Florida Statute.
- Specific requirements are found in ss. 397.403 and ss. 397.451.

Substance Abuse Screening Requirements

- Screening requirements for a license application are found in s. 397.403.
- Screening requirements for Service Provider Personnel are found in s. 397.451.

Who is required to be screened?

- If the Substance Abuse Program serves adults only:
 - ✓ Owners
 - ✓ Directors
 - ✓ Chief Financial Officers

Who is required to be screened?

- If the Substance Abuse Program serves children or adults that are developmentally disabled:
 - ✓ All service provider personnel
 - ✓ Volunteers that assist more than 40 hours per month
 - ✓ Church or nonprofit religious organizations must be screened, but do not require licensure.

Providers Exempt from Screening requirements

- Inmate service providers that do not treat inmates under the age of 18 or disabled.
- Service providers that are exempt from licensing provisions of Chapter 397, F.S. are not required to be screened.

Recovery Residences

- In 2015, legislation was enacted to provide for voluntary certification of recovery residences and recovery residence administrators.
- All owners, directors and chief financial officers of a recovery residence and all administrators must complete Level 2 screening for certification.

Employment Screening

- Chapter 435 Florida Statutes outlines the requirements for Level 1 and Level 2 Background Screening .
- Outlines disqualifying offenses.
- Provides requirements for exemption from disqualification.
- Level 2 is required most often.

Level 2 Background Screening

- Required for employment and continued employment and includes:
 - ✓ Fingerprint submission
 - ✓ Criminal History check for state and national results
 - ✓ May include a local law enforcement check

Background Screening Changes Since 2010

- In 2010, the Florida Legislature significantly revised the background screening requirements for persons working or volunteering with vulnerable populations.
- There were more stringent screening requirements and criminal offenses were added to the disqualifying offenses.

Highlights of 2012 Changes

- Applicant may begin employment for orientation or training without contact with clients prior to completion of background screening.
- Mental Health Personnel working with adults in certain facilities for less than 15 hours per week on an intermittent basis are exempt from screening.
- Allowed for the creation of the Care Provider Background Screening Clearinghouse.

Changes in 2014

- Additional disqualifying offenses were added to s. 408.809 and s. 435.04, F.S.
- Applicants will be required to provide a social security number or taxpayer identification number at the time of fingerprint submission.
- Permits otherwise eligible disqualified individuals to apply for an exemption as soon as all fines, fees, costs, restitution, etc., imposed as part of the sanction for a disqualifying offense have been paid in full.

2014 Changes, Continued

- Requires employers to submit a signed attestation, under penalty of perjury, attesting to compliance with the provisions of Chapter 435.
- Requires retention of fingerprints with the FBI when FDLE begins participating in the federal program.
- Requires employers to register with and initiate all criminal history checks through the Clearinghouse before screening an employee or potential employee.

Care Provider Background Screening Clearinghouse

- Includes the following agencies:
 - Agency for Health Care Administration
 - Agency for Persons with Disabilities
 - Department of Children and Families
 - Department of Elder Affairs
 - Department of Health
 - Department of Juvenile Justice
 - Division of Vocational Rehabilitation

Clearinghouse Requirements

- It allows for sharing of criminal history results between the agencies.
- Each agency will make a determination of eligibility based on statutory requirements.
- Eliminates the need for duplicate Level 2 Background Screening.
- The Florida Department of Law Enforcement and the Federal Bureau of Investigation will retain fingerprints of persons in the Clearinghouse.

Clearinghouse Requirements Continued

- Providers will have a photograph included with the applicants eligibility.
- The Agency for Health Care Administration developed the Clearinghouse in conjunction with the Florida Department of Law Enforcement.
- The Agency for Health Care Administration implemented the Clearinghouse in January, 2013.
- The Department began screening through the Clearinghouse in 2015.

Questions?



Department of Children and Families

Employment Screening

- Chapter 435 Florida Statutes outlines the requirements for Level I and Level II Background Screening . This chapter is required in concert with all other statutory references.
- Outlines disqualifying offenses.
- Provides requirements for exemption from disqualification.
- Level II is required most often.



Disqualifying Offenses

- Section 435.04 outlines the list of disqualifying offenses.
- A person is disqualified if they have been:
 - Arrested for an offense listed and are awaiting disposition.
 - Found Guilty of, regardless of adjudication.
 - Entered a plea of Nolo Contendere or Guilty.
 - Adjudicated Delinquent, and the record is not sealed or expunged.



Exemptions from Disqualification

- Section 435.07 provides the eligibility requirements to apply for an exemption from disqualification.
 - Must demonstrate by clear and convincing evidence the employee should not be disqualified.
 - Must wait 3 years from the completion of all sanctions for felony disqualifying offenses.
 - Must have completed all sanctions for misdemeanor disqualifying offenses.
 - Must have paid all monetary sanctions, including but not limited to, court fees, restitution, fines, civil liens.



New Disqualifying Offenses

- Additional disqualifying offenses were added during the 2010 and 2014
- An offense that was not previously disqualifying, may now be disqualifying
- An exemption is required even if one was granted previously for the new offense



Employment During the Exemption Process

- Chapter 435 does not permit employment during the exemption process
- Screening of Mental Health Personnel only under section 408.809, Florida Statutes allows the employee to work under certain circumstances:
 - Was employed with the provider prior to June 30, 2014
 - Was screened and qualified at the time
 - The offense was prior to the date of screening
 - The offense was not disqualifying at the time
 - The employer agrees and the exemption is submitted in 30 days



How Do I Apply for an Exemption?

- Complete the Request for Exemption.
- Complete the Exemption Packet
- The packet can be located on the Background Screening website:

www.dcfbackgroundscreening.com



FLORIDA DEPARTMENT
OF CHILDREN AND FAMILIES
MYFLFAMILIES.COM

What Documents Do I Need?

- Final Court Dispositions for Each Criminal Offense
- Arrest Report for Each Criminal Offense
- Documentation of Completion of Sanctions for Each Disqualifying Offense, including all monetary sanctions
- Proof of Rehabilitation



Documents Required

- Employment History
- Educational History
- Counseling or other Treatment Completed
- Notarized Letters of Reference
- Other Community Involvement
- Explanation about your personal history
- Updated local law enforcement results



Questions?



FLORIDA DEPARTMENT
OF CHILDREN AND FAMILIES
MYFLFAMILIES.COM