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 Statues outlines the requirements for Level I 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
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?