



Rick Scott, Governor
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Department of Children and Families

**Mission: Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families,
and Advance Personal and Family Recovery and Resiliency.**

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
- Service providers that are exempt from licensing provisions of Chapter 397, F.S. are not required to be screened.

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.

2012 Background Screening Changes

- The Legislature, again, in 2012 instituted further changes and guidelines for all background screening.

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.
- Implementation will have a phased in approach.
- The Agency for Health Care Administration implemented the Clearinghouse in January, 2013.
- It is anticipated the Department will begin participation in the Spring of 2015.

Questions?