

## BACKGROUND SCREENING REQUIREMENTS FOR EXEMPT CHILD CARE PROVIDERS

Your program has been determined to be excluded or exempt from all child care licensure requirements except background screening. A screening must be conducted as a condition of employment. The employer/owner/operator must review each employment application to assess the relevancy of any issue uncovered by the complete background screening, including any arrest, pending criminal charge, or conviction, and must use this information in employment decisions in accordance with state laws.

A. Level 2 screening as outlined in s. 435.04, F.S., is required for all child care personnel and includes a criminal records check (both national and statewide), a sexual predator and sexual offender registry search, and child abuse and neglect history of any state in which an individual resided during the preceding 5 years. All fingerprints must be submitted and processed through the DCF Background Screening Clearinghouse and therefore a LiveScan vendor that is Clearinghouse compatible must be used for submission of fingerprints.

B. The fingerprint results from the Federal Bureau of Investigation will be returned to DCF via the Florida Department of Law Enforcement. DCF will review both the federal and state criminal history results, along with state criminal records, national sex offender registry, Florida sex offender registry, and the Florida child abuse and neglect registry.

C. DCF will issue an eligible or non-eligible result through the Clearinghouse upon completion of searches and results from other states, if applicable.

D. The employer/owner/operator must conduct employment history checks, including documented attempts to contact each employer that employed the individual within the preceding five years, and documentation of the findings. Documentation must include the applicant's job title and description of his/her regular duties, confirmation of employment dates, and level of job performance. The employer/owner/operator must make at least three attempts to obtain employment history information. Failed attempts to obtain employment history must be documented in the personnel file and include date, time, and the reason the information was not obtained.

E. The employer/owner/operator must send a request for a search of each state's criminal records if the individual has lived outside the state of Florida in the preceding five years. Visit <https://www.myflfamilies.com/programs/backgroundscreening/docs/BackgroundScreening-CHR-AHContact-List.pdf> to obtain instructions and forms to complete to submit a request for the search. Documentation of the date the search was requested, and the date the results were received, must be maintained in the employee's file for review by the licensing authority. Once results are received, they must be forwarded to DCF Background Screening unit for review. The results may be faxed to: (850) 922-2895, emailed to: [BGS.OutOfState@myflfamilies.com](mailto:BGS.OutOfState@myflfamilies.com) or mailed to: Department of Children and Families Background Screening Unit 1317 Winewood Boulevard, Building 6 Floor 3, Tallahassee, Florida 32399-0700. If the previous state of residence participates in the National Fingerprint File (NFF) Program, then a request for criminal history records will not be required. A list of states participating in the NFF:

Colorado	Kansas	North Carolina	Tennessee
Florida	Maryland	New Jersey	West Virginia
Georgia	Minnesota	New York	Wyoming
Hawaii	Missouri	Ohio	
Idaho	Montana	Oklahoma	
Iowa	Montana	Oregon	

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F. The employer/owner/operator must send a request for a search of each state's child abuse and neglect registry if the individual has lived outside the state of Florida in the preceding five years. Visit <https://www.myflfamilies.com/programs/backgroundscreening/docs/BackgroundScreening-CHR-AHContact-List.pdf> to obtain the instructions and forms to complete to submit a request for a search. Documentation of the date the search was requested, and the date the results were received, must be maintained in the employee's file for review by the licensing authority.

G. The employer/owner/operator must conduct a search of the sexual offender/predator registry of any state the individual has lived in outside the state of Florida in the preceding five years. Visit <https://www.nsopw.gov/> to obtain the instructions and forms to complete to submit the request for a search. Documentation of the search date, and findings from each state, must be documented in the employee's file for review by the licensing authority.

H. The employer/owner/operator must maintain on-site at the program copies/documentation of completion of all applicable elements in the screening process for an individual in the personnel file for review by the licensing authority.

I. An individual may be hired under one of these circumstances:

1. If all components are complete with an eligible screening and documented in the employee's file.
2. 'Provisional hire' status upon notification email from the Department allowing the individual to be hired for a 45-day period while out of state records are being requested and awaiting clearance. During those 45 days the individual must be under the supervision of screened and trained child care personnel when in contact with the children.
3. Screening requests have been initiated, but before results have been received, the individual may be hired for training and orientation purposes only in accordance with s. 435.06(2)(d), Florida Statutes. Until screening is complete showing good moral character, the employee may not be in contact with the children as specified in this statute.

J. The employer/owner/operator must initiate the screening through the Clearinghouse prior to fingerprinting. Failure to initiate the screening may result in an invalid screening and the individual will have to be re-fingerprinted and pay the fees again.

K. The employer/owner/operator must add child care personnel to their Employee/Contractor Roster in the Clearinghouse within 10 days of when the individual has received a child care eligible result and has been hired at the facility. Employer/owner/operator must add an end date for individuals on the Employee/Contractor Roster in the Clearinghouse within 10 days of the employment termination.

L. The employer/owner/operator will receive an email notification if any employee on the Employee/Contractor Roster is arrested for a disqualifying offense. The employer/owner/operator is required to take appropriate action if an employee becomes disqualified from employment pursuant to s. 435.06, Florida Statutes