

2010 Background Screening Changes

related to HB7069 and Agency
directives

Background Screening Office

Significant Changes

- Live Scan can be utilized by any provider that is authorized to screen through the BGS office under FS 435.
- “No Clearance, No work” No employee/applicant can begin working until they are determined to be cleared for all Background Screening requirements to include local law enforcement checks.
- Additional disqualifying offenses were added to F.S. 435.
- Anyone screened under 435 (Employee/Foster Parent) is automatically disqualified from their position if arrested for a disqualifying offense pending the disposition of case.
- New 5 year rescreen requirement is a fingerprint screen (FBI/FDLE) instead of FDLE only.
- Domestic Violence Injunctions/Civil matters are no longer disqualifying.

New Advantages to Live Scan

- Facility/Provider receives a determination from the DCF Background Screening office for FBI and FDLE.
- The clearance is sent to the provider electronically via email.
- When Live scan results are received with no criminal history, the clearance letter will be issued electronically within 5 days of live scan transmission of prints to FDLE by the live scan vendor.

Once the Live Scan Vendor transmits the prints to FDLE (which is usually within 24 hours of actually rolling the prints), FDLE takes 48 hours to get the results to DCF electronically. BGS will issue a clearance letter via email within 48 hours of receiving the results from FDLE.

- Should a result contain potentially disqualifying criminal history or returned as illegible, the determination process depends on the length of time taken by the applicant to provide BGS with the reprint or court certified/required information.

Monitoring for Screening Compliance

Hard Card Screenings

Background Screening Clearance letter is for FBI only and instructs the Facility to determine FDLE & Local Law Enforcement Screenings.

Live Scan Screenings

Background Screening Clearance letter is for FBI & FDLE and instructs the Facility to determine Local Law Enforcement Screenings.

New Affidavit of Good Moral Character

Due to additional offenses added Aug. 1, 2010, the new affidavit should be signed by new hires and at the next 5-year rescreen for employees hired prior to Aug 1, 2010.

Previous Disqualifying Charges

Any previous charges that are now disqualifying are required to be addressed at the 5-year rescreen.

Exemption Eligibility

FELONY

- An applicant must wait 3 years once the applicant has completed or been lawfully released from confinement, supervision or sanction for the disqualifying felony whether committed as an adult or a juvenile.

MISDEMEANOR

- An applicant is eligible for consideration once the applicant has completed or been lawfully released from confinement supervision or sanction for the disqualifying misdemeanor.

RECLASSIFIED

- An applicant that committed a felony that has since been reclassified and is now considered to be a misdemeanor , is eligible to apply for an exemption after the applicant has completed or been lawfully released from confinement, supervision or sanction for the disqualifying offense.

NOT ELIGIBLE

- An individual designated as a sexual predator, sexual offender or career offender is not eligible for an Exemption from Disqualification.

Other useful information

NEW TO LIVE SCAN

1. The facility director needs to contact the Regional Background Screening office with their facility OCA and a valid email account where they would like to receive the clearances.
2. They will receive their ORI/OCA information and instructions on how to begin live scanning immediately.
3. There is a form they must send with the employee and the live scan vendor must include the applicant's social security number.

Background Screening Website
www.dcfbackgroundscreening.com