



State of Florida
Department of Children and Families

Rick Scott
Governor

Mike Carroll
Secretary

June 28, 2016

**NEW LAW CHANGES REGARDING BACKGROUND SCREENING
EFFECTIVE JULY 1, 2016**

Dear Child Care Provider:

On November 19, 2014, the federal Child Care and Development Block Grant (CCDBG) Act of 2014 was signed into law. The new law prescribes health and safety requirements that include changes to background screening requirements that apply to all child care providers and requires more information be available to parents and the general public about child care choices. The new federal requirements required changes to Florida law governing screening for child care employment. Beginning July 1, 2016, new elements will be included in a background screening for all child care personnel, which include searches of the National Sex Offender Registry, state criminal records, state sex offender registries, and child abuse and neglect registries of all states in which the child care personnel resided during the preceding five years.

Action steps required by provider for new and five year re-screening of personnel starting July 1, 2016:

1. **Complete a search** in the Clearinghouse prior to sending staff to a live scan provider for screening to determine:
 - a. If the individual is not found after a search, there is no prior screening in the Clearinghouse, select **"Initiate Screening."**
 - b. If the individual is already in the Clearinghouse, with a Clearinghouse screening available and a status of DCF Child Care Eligible, the individual does not have to go to a live scan vendor for fingerprinting again. Eligibility will be based on the fingerprints retained in the Clearinghouse. You may add the individual to your roster.
 - c. If the eligibility indicates an Agency Review is required, you must select "Initiate Agency Review." This is no cost to you as a provider. This will provide you with an updated Florida Criminal History Public Record.
 - d. If there has been a break in service of 90 days, you must select "Initiate Resubmission." You will receive an updated Florida Criminal History Public Record.
 - e. Upon hire, becoming a household member, substitute, or volunteer, immediately add the individual to your program roster.

Important Note: All fingerprinting must occur through a Live Scan compatible vendor. Check the listing in the Clearinghouse prior to initiating and scheduling an appointment with a vendor. Fingerprinting from a vendor that is not Clearinghouse compatible cannot be processed by DCF for the purposes of a clearance for child care employment.

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2. 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, and the child abuse and neglect registry.
3. DCF will issue an eligible or non eligible result for employment through the Clearinghouse upon completion of searches and results from other states, if applicable.
4. DCF will send a letter/email to the employer advising of the search of the Florida's child abuse and neglect registry.
5. 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.
6. 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 www.myflfamilies.com/backgroundscreening, click on the Out of State Abuse Registry Check link 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.
7. The employer/owner/operator must conduct a search of the sexual offender/predator website in Florida via <https://offender.fdle.state.fl.us/offender/homepage.do>, and any state the individual has lived in outside the state of Florida in the preceding five years. Visit www.myflfamilies.com/backgroundscreening, click on the Out of State Sexual Predator/Offender Registry Check link 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.
8. 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.
9. Failure to **initiate the screening** through the Clearinghouse prior to fingerprinting will result in invalid screening and the individual will have to be re-fingerprinted and pay the fees again.
10. Immediately remove individuals from the program roster when employment terminates.

Rescreening of all Owners, Operators, Child Care Personnel, Substitutes and Volunteers hired/working prior to July 1, 2016.

The Child Care Development Block Grant Reauthorization of 2014 requires each state, including Florida, to certify that all individuals working in child care have been screened and are eligible to work in child care based on the new elements of background screening. To facilitate this certification, child care facilities, before and after-school programs, religious exempt child care providers, large family child care homes, family day care homes, nonpublic schools and public schools providing child care, must rescreen personnel to include all owners, operators, child care personnel, household members, substitutes, and volunteers by May 31, 2017.

DCF requests that providers begin scheduling rescreening as early as September 2016 for anyone who was screened prior to July 1, 2016. Providers will have nine months to rescreen all required owners, operators, child care personnel, household members, volunteers, and substitutes.

Failure by the state to certify compliance with the Criminal Background Screening Checks in Child Care and Development Block Grant (CCDBG) Act of 2014 could result in the loss of funding to the state to support school readiness families and the child care programs that serve those families.

DCF staff are available to answer questions or assist with Clearinghouse access and account set up. We look forward to working together to ensure Florida is in compliance with the New Child Care Development Block Grant Reauthorization Requirements. For direct assistance, please contact Background Screening Help Desk at 1-888-352-2842 or send an email to background screening unit at <http://www.myflfamilies.com/contact?program=Background%20Screening> .

Thank you,

A handwritten signature in black ink, appearing to read 'Samantha Wass de Czege', written over a horizontal line.

Samantha Wass de Czege
Director, Office of Child Care Regulation