

**Hillsborough County
Florida**

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Date: July 13, 2010

To: Owners/Operators of Child Care Facilities and Other Interested Parties

From: Linda Stoller, Manager
Hillsborough County Child Care Licensing Program

Subject: Important Changes to Background Screening

Enclosed are important changes to the background screening law. Please read this letter carefully. Please note this applies to people hired after August 1, 2010. If you have any questions please feel free to contact your licensing inspector at 264-3925.



**State of Florida
Department of Children and Families**

Charlie Crist
Governor

George Sheldon
Secretary

July 9, 2010

Dear Providers,

Florida is about to implement important changes to ensure the safety of Floridians who are so dependent on the quality of the people caring for them. This new law will require background screening of job applicants, employees and volunteers who come in contact with children, the developmentally disabled and vulnerable adults.

Employers as of August 1, 2010 will not be able to employ applicants for these positions of special trust or responsibility until the applicants are cleared by Level 2 background screening, the fingerprint-based search of criminal records in Florida and nationally. The fingerprints must be sent to the Florida Department of Law Enforcement, which shares them with the Federal Bureau of Investigation to thoroughly investigate if applicants have a criminal history.

Although the new law requires all fingerprints to be processed electronically by 2012, we are working to have this option available to you by August 1. This will lower the error and rejection rate and speed up the turnaround time. Making technological advances to the fingerprinting process will greatly improve the service for everyone at a lower cost.

This is the most immediate change under Florida's new background screening law (CS/HB 7069) that was passed by the Legislature and signed by the Governor.

The changes will significantly affect the day-to-day operations of your business as of August 1. I encourage you to promptly begin preparations for implementing the new law in your workplace.

The Florida Department of Children and Families will communicate with you in greater detail in the near future, but I want to emphasize again that the most immediate change is that employers as of August 1 will not be able to hire new workers until they are background screened and cleared to work.

The new background screening requirements are not retroactive. Persons currently working with vulnerable populations are not required to be rescreened due to any change resulting from this law, until they are otherwise required to be rescreened by existing law.

1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

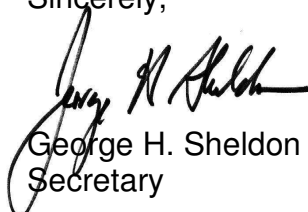
Mission: Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency

In the interim, please be advised of other significant and immediate changes under the new law:

- The following groups are required to have Level 2 background screening:
 - Volunteers working 10 hours or more a month.
 - Staff and volunteers (mental health personnel as defined in Chapter 394) with direct contact with individuals held for examination or admitted for treatment. Such individuals are subject to the requirements of both Chapter 435 and Chapter 408 screening.
 - Employees and volunteers in summer day camps and summer 24-hour summer camps pursuant to Chapter 409.
- School districts will compile a list of eligible substitute teachers available to early learning coalitions in child care facilities as needed.
- Additional crimes were added to the list of disqualifying offenses for Level 2 screening.
- An arrest for a disqualifying offense awaiting final disposition is now grounds for disqualification.
- Applicants must attest, subject to penalty of perjury, that they meet the screening requirements. Further, the applicants must agree, if hired, to notify the employer immediately if the employee is arrested for any disqualifying offense.
- Employers are required, if the employer becomes aware of an arrest of an employee for a disqualifying offense, to remove the employee from any position that requires background screening until the employee's eligibility for such employment is determined. If it is determined that the employee does not meet the requirements for employment, the employee must be terminated.
- An exemption request may be made to the Florida Department of Children and Families, but may not be considered or be granted for offenses that are felonies until at least three years after the end of sanctions, and for misdemeanors until after completion of all sanctions.
- An exemption may never be granted to any individual who has been designated as a sexual predator pursuant to Chapter 775.21, Florida Statutes; a career offender pursuant to Chapter 775.261, Florida Statutes; or, a sexual offender pursuant to Chapter 943.0435, Florida Statutes, unless the requirement to register as a sexual offender has been removed pursuant to Chapter 943.04354, Florida Statutes.

Our Department will work diligently with you over the coming months to smoothly implement the new law. Thank you for taking the time to educate yourself and begin implementation of the new background screening and hiring requirements that will soon go into effect. I look forward to working with you on this critical issue to protect the safety of Floridians who depend on the unblemished background and character of the people taking care of them.

Sincerely,



George H. Sheldon
Secretary