



State of Florida
Department of Children and Families

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MANAGEMENT MEMORANDUM

Date: January 31, 2023

To: Regional Licensing Managers, Regional Safety Program Managers, Program Analysts, Child Care Licensing Supervisors and Licensing Counselors

Through: Molly McKinstry
Chief of Staff

From: Hue Reynolds, Director
Office of Licensing

Type: Management Memorandum

Sub Type: Background Screening Process for Child Care Licensing

Subject: New Streamlined Background Screening Process - Out-of-State Criminal Records

Purpose: The purpose of this policy is to provide direction regarding the new background screening process for out-of-state criminal records. The implementation of this policy begins February 1, 2023.

Background: Out-of-state criminal records became a new background screening component for child care personnel established in s. 402.302(15), F.S. and s. 402.305(2), F.S. in 2016 to comply with the federal Child Care and Development Block Grant (CCDBG) Act of 2014.

The National Fingerprint File (NFF) is a program that requires participating states to report state criminal history to the FBI. There are 24 participating states (see Appendix A). However, for non-participating states, criminal results are independently requested from each state. The current background screening process requires providers to request criminal histories from each prior, non-participating, state of residency within the past five years. If the record is not received within 45 days, the employee is no longer permitted to continue with employment. This process is a challenge for providers/applicants causing extensive delays, in some cases, that interferes with hiring child care personnel as needed.

In an effort to expedite the screening process for child care personnel applicants, the Department is implementing a new process for out-of-state criminal records.

Beginning February 1, 2023, the DCF Background Screening Program will complete requests for all out-of-state criminal records for non-participating National Fingerprint File (NFF) states identified for applicants in the Background Screening Clearinghouse. Child care providers will no longer need to request out of state criminal records for non-participating NFF states.

If the individual meets the preliminary review, the profile in the Clearinghouse will be changed to "Screening in Process" and notification will be emailed to the provider advising that the individual can be provisionally hired for 45 days while awaiting out-of-state criminal history results. During this time, the individual must work under the supervision of a fully screened child care personnel, and must never be left alone with the children.

1. Out-of-state criminal records received within the 45 days: The Background Screening Program will review the records and the eligibility determination will be completed in the Clearinghouse as either "Eligible" or "Not Eligible" based on information received. The provider will be issued an

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email notification regarding the eligibility status change. If “Eligible” the provider will update the Clearinghouse roster to reflect the employee is no longer in provisional status and is in permanent hire status. If “Not Eligible” the provider will update the Clearinghouse roster to reflect the employee’s end date, and the employee must be terminated immediately.

2. Out-of-state criminal records still pending for 46 days or more: If results are still pending at day 45, the Background Screening Program will determine the individual “Eligible” in the Clearinghouse. The provider will be issued an automated email notification regarding the eligibility status change if the individual is on the provider roster. At that point, the individual may be fully employed and can work unsupervised with the children. The provider will update the Clearinghouse roster to reflect the employee is no longer in provisional status and is in permanent hire status.

Subsequently, if out-of-state criminal records are received later, and include any disqualifying offenses, the individual’s screening status will change to “Not Eligible,” the provider and the employee will be notified, and the employee must be terminated immediately.

Criminal History Requests initiated prior to February 1, 2023: If the 45-day window has expired, the provider must submit documentation of their attempt to obtain the information to hqw.bgs.outofstate.admin@myflfamilies.com. The Background Screening Program will review and update the eligibility in the Clearinghouse. In addition, the Background Screening Program will submit an updated request to non-participating NFF states. The provider will be issued an automated email notification regarding the eligibility status change if the individual is on the provider roster. At that point, the individual may be fully employed. The provider will update the Clearinghouse roster to reflect the employee is no longer in provisional status and is in permanent hire status.

Provider responsibility: Providers are still responsible for all other background screening components (see Appendix B below), including child abuse and neglect records, and sexual offender/predator searches for each prior state of residency within the previous 5 years.

Please do not hesitate to reach out to program office/background screening for assistance or if you have questions.

Appendix A:

NFF Participating States	Non-participating NFF States
<p>Colorado Connecticut Florida Georgia Hawaii Idaho Iowa Kansas Maryland Michigan Minnesota Missouri Montana North Carolina New Jersey New York Ohio Oklahoma Oregon Tennessee Utah Vermont West Virginia Wyoming</p>	<p>Alabama Alaska Arizona Arkansas California Delaware District of Columbia Illinois Indiana Kentucky Louisiana Maine Massachusetts Mississippi Nebraska Nevada New Hampshire New Mexico North Dakota Pennsylvania Rhode Island South Carolina South Dakota Texas Virginia Washington Wisconsin Guam Puerto Rico U.S. Virgin Islands American Samoa Northern Mariana Islands</p>

Appendix B:

Type of Screening	Who is Responsible for Obtaining & Retaining	
<u>Criminal History</u>	<u>DCF</u>	<u>Provider</u>
Florida & FBI	✓	Maintain copy of “Eligible” results generated from the Clearinghouse
Any other state of residency in previous 5 years	✓	
<u>Abuse History</u>	<u>DCF</u>	<u>Provider</u>
Florida Central Abuse History Registry	✓	
Any other state of residency in previous 5 years		✓
<u>Sexual Offender & Predator Search</u>	<u>DCF</u>	<u>Provider</u>
Florida	✓	
Any other state of residency in previous 5 years		✓
<u>Background Screening and Personnel File Requirements</u>	<u>DCF</u>	<u>Provider</u>
CF-FSP Form 5131		✓
All employment references for 5 years		✓
CF 1649A Attestation of Good Moral Character		✓