



Charlie Crist
Governor

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

PINELLAS COUNTY HEALTH DEPARTMENT
Child Care Licensing Program

July 12, 2010

To: Directors/Owners of Children's Centers and Family Child Care Home Providers in Pinellas County

From: Jorie Massarsky, Environmental Supervisor I *Jm*
Kathy Krause, Environmental Supervisor I *kk*

Re: IMPORTANT INFORMATION REGARDING BACKGROUND SCREENING

On July 9, 2010, the Child Care Licensing Program (CCLP) received a letter from George Sheldon, Secretary of the Department of Children and Families (DCF) regarding the new background screening requirements. DCF also stated that copies were sent to all providers with viable e-mail addresses.

To ensure efficient and effective communication with the providers of Pinellas County, we are including a copy of that letter in this mailing. The information in the DCF letter applies to all Pinellas County providers. The information that was received indicates that the changes to Background Screening requirements in Children's Centers and Family Child Care Homes is effective August 1, 2010. This means:

- As of August 1, 2010, centers and homes will not be able to employ applicants until the applicant is cleared by Level 2 background screening. The clearances must be in their personnel file on-site for centers and the CCLP office for homes. Centers and homes will be monitored for this beginning August 1, 2010.
- Level 2 background screening includes the local background check, the FDLE clearance, the FBI clearance, a correctly signed Attestation of Good Moral Character, and a 2-year employment history check. In family child care homes it also includes an abuse check.
- Employees hired prior to August 1st are not subject to the new background screening requirements.
- There will be a new Attestation of Good Moral Character from DCF that will include additional crimes of disqualifying offenses. The new Attestation is not available as of today's date. However, as soon as we receive notice from DCF it will be posted on our website, www.pclb.org. We urge you to check this website, beginning July 26, and everyday thereafter, for the new form.
- There is a major change regarding the requirements for volunteers. Rather than 40 hours per month, the new law states that **volunteers working 10 hours a month** or more must have Level 2 background screening clearances in their file before they may volunteer. This will change the Volunteer Affidavit, recently created by DCF. Again, once a revised Volunteer Affidavit is available from DCF it will be posted on our website.
- Applicants must agree, if hired, to notify their employer immediately if the employee is arrested for a disqualifying offense, and in turn, employers are required, when they become aware of an employee arrest for a disqualifying offense to remove that employee from a position that requires background screening until their eligibility is determined. Employees must be terminated if it is determined that they do not meet the requirements for employment.
- Five-year rescreening requires Level 2 fingerprinting.

CCLP will continue to keep you informed as information is received from DCF. In the meantime, children's centers should be registering with DCF at (813) 558-1069 to be able to use Live Scan for background screening; to do so you should have your OCA number ready. Both centers and homes may check the CCLP website for area Live Scan vendors.

Should you have any questions not answered above, please contact us at (727) 507-4857.



**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

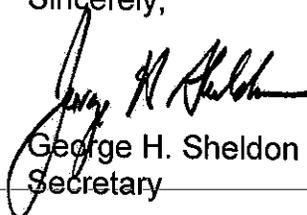
Mission: Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency

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

**Pinellas County License Board for
Children's Centers & Family Day Care Homes**

Lourdes Benedict, Chairman



MEMORANDUM

To: Children's Centers Owners/Directors

From: Jorie Massarsky, Environmental Supervisor

Date: July 12, 2010

Subject : **Decrease to Children's Center Regulations**

The Pinellas County License Board at their regular July 7, 2010 meeting approved a decrease to the *Licensing Regulations Governing Pinellas County Children's Centers*.

The decrease is underlined, and the regulation that it replaces has been stricken. This decrease is effective as of September 1, 2010.

VII. Safety, Health and Sanitation

A. General Requirements, page 64

8. All potentially harmful items including cleaning supplies, flammable products, poisonous, toxic, and hazardous materials must be labeled. These items, including knives and sharp tools, and other potentially dangerous hazards shall be stored in a locked container or a locked area that is inaccessible to children.

- a. The Material Data Safety Sheet (MSDS) for cleaning supplies shall be maintained and accessible to staff.
- ~~b. An original label or a complete photocopy of an original label or MSDS shall be affixed to all containers of cleaning solution.~~
- c. Cleaning solutions not in their original container need contents identified on the container.

SA

9. All potentially harmful items including cleaning supplies, flammable products, poisonous, toxic, and hazardous materials must be labeled. These items, including knives and sharp tools, and other potentially dangerous hazards shall be stored separately and locked of out of a child's reach.

- a. The Material Data Safety Sheet (MSDS) for cleaning supplies shall be maintained and accessible to staff.
- ~~b. An original label or a complete photocopy of an original label or MSDS shall be affixed to all containers of cleaning solution.~~
- b. Cleaning solutions not in their original container need contents identified on the container.

How to maintain compliance:

All potentially harmful items continue to require labeling. Cleaning solutions that are not in their original container, such as soap and water or bleach and water spray bottles do not require a photocopy of the original label or an MSDS form on the bottles. These bottles simply need to be labeled with the contents. This can be done with marker, typed words, or any other way that will identify the contents. Licensing specialists will be looking at all potentially harmful items, including cleaning supplies, flammable products, poisonous, toxic and hazardous materials. They all must be labeled. The decrease effects the way that cleaning solutions that are not in their original container are required to be labeled.

Please visit www.pclb.org under Quick Links to download page 64 to update your center regulations.

Please contact the Child Care Licensing Program Office at (727) 507-4857 if you have any questions.