



FLORIDA DEPARTMENT OF JUVENILE JUSTICE PROCEDURE

Title: Background Screening and Hiring Practice Procedures for Contract Provider Employees and Volunteers

Related Policy: FDJJ – 1800PC

I. DEFINITIONS

Agency Clerk – A person in the agency responsible for coordinating the Exemption process and serves as the liaison between the applicant and the Agency.

Agency for Health Care Administration (AHCA) – The state agency that is the owner of the Care Provider Background Screening Clearinghouse and is responsible for the administration of the Florida Medicaid program, licensure and regulation of Florida’s health facilities and for providing information to Floridians about the quality of care they receive.

Agency Head – A person appointed by the Office of the Governor to lead the Department such as the Secretary or an interim designee.

Agency Hire Date – The date the employee or volunteer begins providing services to Department youth or have contact with confidential youth records.

Applicant – A person who has applied for employment or to volunteer with a Department contract provider. This term *does not* apply to current provider employees and volunteers when they are promoted, demoted or transferred into another position.

Assessment – A method or tool, selected by the hiring entity, used to evaluate and measure the knowledge, skillset, quality, and suitability of a applicant’s readiness and ability to perform job duties essential to a direct-care position. **NOTE:** This excludes volunteers, certain positions requiring a professional license, certification, or degree, and community Providers excluded through contract (Providers may refer to their contract, Contract Manager, or Procurement Administrator/Manager for questions related to this requirement).

Background Screening Unit (BSU) – A function within the Inspector General’s Office that assists the Department in meeting its goal of hiring applicants who meet statutory and agency standards for Level 2 Screening.

Contract Provider – See definition for “Provider.”

Criminal History Record Information (CHRI) – Individual arrest and disposition records obtained from the Federal Bureau of Investigation (FBI) through the Florida Department of Law Enforcement (FDLE). This information may include sealed, expunged, out-of-state and certain juvenile criminal records.

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Clearinghouse (CLH) – The Care Provider Background Screening Clearinghouse is a database created to house and share the background screening results of persons required by law to be screened for work or to volunteer in a position that provides services to children, the elderly and the disabled persons.

Clearinghouse Compliant Livescan Service Provider – Vendors authorized by FDLE and AHCA to electronically submit an applicant’s fingerprints to FDLE and the FBI. (*NOTE: A list of these Providers can only be accessed through the Clearinghouse portal.*)

Department – The term used to describe or refer to the Department of Juvenile Justice.

Direct-Care – Any position that has contact with youth, for the purpose of providing care, supervision, custody or control.

Disqualifying Offense – Offenses listed in Florida Statute (F.S.) Chapters 435 and 985 that prohibit a person from being employed by or working as a volunteer with the Department.

Eligibility Determination – The classification given to an applicant’s screening that determines if the applicant *can or cannot* work or volunteer with a Department Provider. The ratings that may be applied to an applicant’s screening are “Eligible” and “Not Eligible.”

Eligible Rating – The rating given when the applicant has no charges or has criminal charges that *do not* appear on the list of disqualifying offenses.

Executive Leadership Team – Leadership within the Department that consists of the Secretary, Deputy Secretary, Chief of Staff, Assistant Secretaries, General Counsel, Inspector General, Chief Medical Officer and their designees.

Exemption from Disqualification – Pursuant to Section 435.07 F.S., the Department’s review process established to allow an applicant with a “Not Eligible” rating to be reconsidered and granted permission to work or volunteer for the Provider.

FALCON – An automated fingerprint identification system created by FDLE to maintain and process the retained fingerprints of an applicant when an organization requests a criminal history background check.

Florida Public Criminal History Report or Public Rap Sheet – The criminal history report available to and/or can be shared with the Provider. This document can be accessed through the CLH portal by the Provider initiating the screening; or can be obtained by a Provider by contacting the BSU.

Fingerprint Retention – The agreement between the Department and FDLE to keep the fingerprints of applicants, employees, and volunteers whose fingerprints are electronically submitted to FDLE during the background screening process.

Form IG/BSU-002 – The “Request for Clearinghouse Screening for Provider Employment” form Providers submit to the BSU to request a background screening for applicants seeking employment.

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Form IG/BSU-003 – The “Criminal History Acknowledgement and Prison Rape Elimination Act (PREA)” Compliance form used to ensure compliance with PREA standards and to determine if the applicant has a criminal offense(s) that would disqualify him or her from employment in a position that has contact with youth or confidential youth records. (*NOTE: Providers must submit this form to the BSU when an applicant is screened for a position in a residential or detention services facility or program.*)

Form IG/BSU-005 – The “Request for Clearinghouse Screening for Provider Volunteers” form Providers submit to the BSU to request a background screening for applicants seeking volunteer opportunities.

Form IG/BSU-006 – The “Annual Affidavit of Compliance with Level 2 Screening Standards” form that managers must complete each year to confirm all employees and volunteers working in their facility or program over the past 12 months have been properly screened.

Form IG/BSU-007 – The “Request for Exemption” form, which consists of two documents. The first document is the standard letter sent to the requester when an applicant has a disqualifying offense on his or her criminal record and the applicant can apply for an exemption. The second document is the form that will be submitted by the applicant to formally request an exemption as provided for in Section 435.07 F.S.

Form IG/BSU-008 – The “Annual Affidavit of Compliance with Level 2 Screening Standards for School Board Personnel” form that must be completed each year by the Provider, local school board or Department of Education to confirm their employees or those funded by their agency to provide instructional services to youth in a Provider facility or program were Level 2 screened prior to working with Department youth. (*NOTE: This form only applies to instructional personnel as outlined in Section 1012.01 F.S. when they are paid by or their funding source is provided by the school board or the Department of Education. It does not apply when the person or persons are paid by the Department of a Provider, or their funding source is provided by the Department or a Provider.*)

Form IG/BSU-009 – The “Annual Affidavit of Compliance with Level 2 Screening Standards for Law Enforcement & Security Personnel” form that must be completed each year by law enforcement and security agencies to confirm that their certified employees working in a Provider facility or program completed a background screening that meets Level 2 screening standards prior to having contact with Department youth.

Hiring Authority – The individual most responsible for ensuring employees and volunteers working in their facility or program are background screened. This individual will have access to background screening results.

Ineligible Rating – See definition for “Not Eligible Rating.”

Level 2 Screening Standards – Specific statutory offenses that disqualify an applicant from employment in positions that require background screening. (See Florida Statute Chapters 435 and 985.)

Livescan – The process of electronically transmitting fingerprints to FDLE for employment background screening. This process produces the results of a criminal records search through the Florida Crime Information Center (FCIC) and the National Crime Information Center (NCIC).

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Livescan Service Provider – Vendors authorized by FDLE to electronically submit an applicant’s fingerprints to FDLE and the FBI.

Non-Caretaker – A position that *will not* have contact with youth or access to confidential youth records pursuant to Section 110.1127 F.S. An employee in this position *cannot* work in or on the grounds of a facility or program where youth are housed or receiving services.

Not Eligible Rating – The rating given to applicants whose criminal record contains a disqualifying offense when there is a finding of guilty, a plea of nolo contendere (no contest) or adjudication withheld. This rating is also given when the applicant *does not* submit documents that are required to complete the background screening within the designated timeframe. Applicants with this rating *will not* be employed until an eligible determination is made.

Prison Rape Elimination Act (PREA) – Federal law that requires the Bureau of Justice Statistics to collect and report data on the incidence of sexual assault in federal, state, and local corrections facilities.

Provider – Individuals or companies who contract with or receive grant funding to provide services for the Department and its youth. This includes: Provider owners, operators, directors, direct-care employees, non-direct care employees, and certain services paid for by purchase order.

Rating – See definition for “Eligibility Determination.”

Requester – The Provider employee who initiates or has access to background screening information through the Clearinghouse portal.

Rescreen – See definition for “Resubmission.”

Resubmission – A request from a specified agency provider to resubmit an employee’s or volunteer’s retained fingerprints through FALCON to generate a new FDLE and FBI response. There are two types of resubmissions; the 90-day and the five (5) year.

Retained Prints Expiration Date - The date the agreement expires between AHCA and FDLE to keep an individual’s fingerprints on file. Fingerprints are keep on file with FDLE for a period of five (5) years.

Screener – The Background Screening Unit (BSU) employee who conducts the background screening check.

Specified Agency – The state agency participating in the Care Provider Background Screening Clearinghouse, i.e. Juvenile Justice, Health Care Administration, Children & Family Services, Health, Elder Affairs, Persons with Disabilities, and Education-Vocational Rehabilitation.

Transaction Control Number (TCN) – The number assigned by the Livescan device to each set of fingerprints electronically submitted to FDLE for a criminal records check.

Volunteer – A person who performs a service willingly and without pay.

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II. STANDARDS/PROCEDURES

A. Contracting with a Provider:

1. The Department may contract with the Federal Government, other state departments and agencies, county and municipal governments and agencies, public and private agencies, and private individuals and corporations in carrying out the purposes of, and the responsibilities established in Section 985.644 F.S.

B. Level 2 Screening Standards:

1. All personnel of contract Providers for any program for children, including all owners, operators, employees, persons who have access to confidential juvenile records, and volunteers, must complete a Level 2 employment screening pursuant to Florida Statute Chapter 435 before employment. In addition to the disqualifying offenses listed in Sections 435.04 F.S., the Department must ensure no person, subject to the background screening provisions of its governing statutes, has an arrest awaiting final disposition, has been found guilty, has adjudication withheld, entered a plea of nolo contendere or guilty, or has been adjudicated delinquent for any offense set forth under Sections 985.644 and 985.66, which are prohibited under Florida state law or similar laws of another jurisdiction. (**NOTE:** *Charges where the applicant was adjudicated delinquent are excluded when the criminal record is sealed or expunged.*)
2. Pursuant to Section 435.04 F.S., the Department uses Level 2 screening standards to conduct all employment and volunteer background screenings. Level 2 screening uses the applicant's fingerprints to check for a criminal record in FCIC and NCIC.
3. The criminal offenses used by the Department to determine who meets Level 2 standards are listed in **Form IG/BSU-003** and in Sections 435.04, 985.644 and 985.66 F.S.

C. Who Must Be Screened:

1. The following persons require background screening:
 - a. Applicants for employment in any facility or program for children or who have access to confidential youth records;
 - b. Owners and operators, of any facility or program for children or who have access to confidential youth records;
 - c. Service Providers, regardless of how contracted, when such services are provided to youth, or when the Providers have access to confidential youth records;
 - d. Volunteers, mentors, and interns who provide assistance on a continuous basis or at regular intervals or who volunteer ten (10) hours or more each month; (**NOTE:** *Regular intervals mean visiting the same facility more than once per quarter.*)

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- e. Employees and volunteers who continue to work in five (5) year increments;
- f. Researchers involved with Department youth or with access to confidential records;
- g. Health Care Professionals such as Physicians, Advanced Registered Nurse Practitioner (ARNP), etc., who are contracted with the Department;
- h. Instructional personnel, administrative personnel, and educational support employees who are employed by a Provider that receives funds from the Department;
- i. Law enforcement officers and non-certified or unsworn personnel who are employed by a Provider receiving funds from the Department;
- j. Guest speakers, guest performers, ministers, faith partners or others who interact with youth in the care of Providers on an intermittent basis, but seek to conduct unsupervised activities with youth;
- k. Subcontractors or consultants will be required to undergo background screening if:
 - (1) The purpose will bring them into contact with youth under the Department's care.
 - (2) The purpose will bring them on the grounds of a facility or program where youth are being housed or receiving services.
 - (3) They will have access to confidential youth records.
- l. Employees and volunteers screened by the Department prior to the implementation of the Clearinghouse must be screened through the Clearinghouse when a break in service occurs;
- m. Applicants, former employees, and former volunteers who were screened through the Clearinghouse and have a break in service of 90 days will complete a background screening check by initiating a resubmission through the Clearinghouse prior to being re-employed;
- n. Current Provider employees and volunteers require a new background screening when moving to the Department as a state employee or volunteer.

D. When Background Screening Is Not Required:

- 1. Providers *do not have* to submit a new background screening request when a current employee or volunteer is promoted, demoted, transferred into another position, or moves from employee to volunteer or vice versa.
 - a. If the employee or volunteer was screened through the Clearinghouse, a new screening is not required when the person transfers to another Provider facility or program. However, the new Provider location must add the employee or volunteer to their Clearinghouse employment roster.

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- b. If the employee or volunteer is to be employed or utilized by a different Provider, the new Provider must request from the BSU, in writing, a copy of the background screening result, regardless of rating, and the Florida public criminal history report prior to the hiring or utilization of the individual.
2. Volunteers, mentors, and interns who assist or interact with Provider youth on an intermittent basis (less than ten (10) hours a month) *do not* have to be background- screened if an employee who has been screened is always present and has the volunteer within his or her line of sight. (**NOTE:** *Intermittent basis means the volunteer provides assistance on a noncontinuous basis or at irregular intervals; visiting no more than once a quarter.*)
3. Guest speakers, guest performers, guest ministers, faith partner representatives or other occasional visitors who interact with Provider youth on an intermittent basis (less than ten (10) hours a month) *will not* be background screened if they are under the constant and direct supervision of a Provider employee who has been screened.
4. Instructional personnel, administrative personnel and educational support employees as defined in Section 1012.01 F.S., *are not required* to undergo background screening by the Department when they are paid by the school board or through funding provided by the Department of Education to provide instruction to youth in a Provider facility or program. (**NOTE:** *The Provider must complete form IG/BSU-008 annually for individuals employed in this class. See Section II. O. for details.*)
5. Certified law enforcement and security officers who *are not* paid by the Department or by a Provider *are not* required to undergo background screening by the Department when they provide security services for their law enforcement or security agency in a facility or program where youth are housed or receiving services. (**NOTE:** *The Provider must complete form IG/BSU-009 annually for individuals employed in this class. See Section II. O. for details.*)

E. When to Complete a Background Screening:

1. A Provider may hire an employee to a position that requires background screening before the screening process is completed, but only for training and orientation purposes. However, these employees **may not** have contact with youth or confidential youth records until the screening is completed, the rating is “Eligible,” a copy of the criminal history report has been reviewed and the employee demonstrates he or she exhibits no behaviors warranting the denial or termination of employment.
2. *When screened by the Department outside the Clearinghouse:* Applicants with an “Eligible” rating may be considered for employment or as a volunteer for up to 180 calendar days from the date the fingerprints are scanned as long as a request *has not* been made to remove the applicant’s fingerprints from the retention database.

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- a. If the applicant or volunteer *is not* hired or utilized within the 180 calendar days, a new background screening request must be initiated through the Clearinghouse before the applicant may be hired or used as a volunteer.
 - b. Request for retention removals must be submitted to the BSU by e-mail or fax when an applicant *is not* hired within 180 calendar days or when a current employee or volunteer terminates their service.
 - c. Current employees and volunteers who are removed from FDLE's retention database must complete a new background screening through the Clearinghouse prior to being rehired as an employee or utilized as a volunteer. (See Section II. M. for details about removing retained fingerprints.)
3. *When screened through the Clearinghouse:* Applicants with an "Eligible" rating may be considered for employment or as a volunteer for up to 90 calendar days from the date he or she was fingerprinted.
- a. If the applicant or volunteer *is not* hired or utilized within the 90 calendar days and the applicant *does not* appear on an employee roster within the Clearinghouse, a resubmission must be initiated through the Clearinghouse and an "Eligible" rating must be received before the applicant may be hired or used as a volunteer.

F. How to Submit a Background Screening:

1. Provider requesters must request, in writing, a copy of the background screening result, regardless of the eligibility rating in the Clearinghouse or if the applicant was previously employed or utilized as a volunteer.
2. Requesters may obtain copies of background screening forms and documents from the Department's Internet website at <http://www.djj.state.fl.us/services/support/OIG/BSU>.
3. The following documents are required for a background screening:
 - a. **Form IG/BSU-002** - The "Request for Clearinghouse Screening for Provider **Employment**"
OR
 - b. **Form IG/BSU-005**- The "Request for Clearinghouse Screening for Provider **Volunteers**"
 - c. **Form IG/BSU-003**-The "Criminal History Acknowledgement and Prison Rape Elimination Act (PREA) Compliance Form" is required when initiating screening requests for employment and volunteering in a residential or detention services facility or program.
 - d. All required forms will be faxed or scanned to the BSU each time a background screening is initiated through the Clearinghouse. (**NOTE: Form IG/BSU-003 is ONLY required when initiating screening requests for persons who will work or volunteer in a residential or detention services facility or program.**)

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- e. A legible copy of the applicant's driver's license or Florida identification card.
 - f. A legible copy of the applicant's social security card.
 - (1) The following documents may be used if the applicant *does not* have a social security card:
 - i. A W-2 from a previous employer; or
 - ii. A printed letter from the Social Security Administration that displays the applicant's name and social security number.
 - (2) If the applicant is a foreign student who is attending college in the United States and is seeking to volunteer or intern, but *does not* have a social security card, the following documents may be used:
 - i. A Department of the Treasury Internal Revenue Service Individual Taxpayer Identification Card; or
 - ii. A Student Visa.
4. All Provider hiring authorities will have the applicant complete Section A of **Form IG/BSU-002 or Form IG/BSU-005**. One of these forms will be submitted to the BSU each time a screening is initiated in the Clearinghouse. (**NOTE:** All forms associated with the procedure are posted on our background screening website at <http://www.djj.state.fl.us/services/support/OIG/BSU>.)
- a. Faith partner programs that are contracted or recipients of a grant must screen their employees and volunteers as Providers.
 - b. Faith partner volunteers who are screened by Prevention, Probation, Detention, and Residential services staff may be screened as DJJ volunteers. (**NOTE:** For details see: *Background Screening Procedures for DJJ Employees and Volunteers-FDJJ 1800P*.)
5. All Provider requesters will complete Section B of **Form IG/BSU-002 or Form IG/BSU-005**.
6. **Form IG/BSU-003** will be submitted to the BSU when a screening is initiated in the Clearinghouse by a Provider contracted to provide services in a residential or detention services facility or program.
- a. The applicant will carefully read the compliance form, circle the appropriate responses to the PREA questions, and disclose arrests for charges that are disqualifying offenses.
 - (1) The compliance form **IG/BSU-003**, designed to ensure compliance with the Prison Rape Elimination Act of 2003 (PREA) (42 U.S.C. §§15601-15609), states:
 - i.
 - a) The Department *does not* hire, promote, or contract with anyone who has:

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1. Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. Section 1997); or
 2. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt, or implied threats of force, or coercion, or if the victim *did not* consent or was unable to consent or refuse; or
 3. Has been civilly or administratively adjudicated to have engaged in the activity described in Parts 5.a.(1) a)1.-2. above.
- b) The Department will ask all applicants and employees who may have contact with youth about previous misconduct in written applications or interviews for hiring or promotion, and in any interview or written self-evaluation conducted as part of a review of current employees.
 - c) The Department will consider any substantiated incidents of sexual misconduct in determining whether to hire, promote, or contract with anyone.
 - d) Employees being considered for promotion will disclose any sexual misconduct and omitting material regarding such misconduct or providing material with false information will be grounds for termination.
- ii. Designed to assist the hiring authority in determining if the applicant has any offense under any of the listed provisions of the Florida Statutes or under similar laws of other jurisdictions that will prohibit employment or the ability to volunteer.
 - iii. Designed to determine if the applicant has a disqualifying offense and *whether or not* he or she can apply for an exemption.
 - a) If an applicant indicates he or she has criminal charges that appear on **Form IG/BSU-003**, the charges should be thoroughly discussed with the applicant to determine if the applicant has a disqualifying offense. The applicant can apply for an exemption if he or she meets the following criteria:
 1. When the disqualifying offense is a misdemeanor and the applicant has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court.
 2. When the disqualifying offense is a felony and three (3) years have elapsed since the applicant has completed or lawfully been released from confinement, supervision, or nonmonetary condition imposed by the court. (*See Section II. N. below for steps in the exemption process.*)
 - b) If the applicant was arrested for a charge listed on **Form IG/BSU-003**, the requester may have the applicant provide copies of relevant arrest reports and

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court dispositions for each charge of concern to submit to the BSU with the background screening request form.

- c) The requester must decide if he or she wants to initiate a background screening on an applicant whose criminal history acknowledgement reveals charges that *are not* acceptable to the hiring authority.
- d) If the requester decides *not* to initiate a background screening on an applicant, the applicant can opt to pursue fingerprinting through a Clearinghouse vendor on his or her own.

(2) All applicants seeking employment or to volunteer with a residential or detention services facility or program, will complete the compliance form (**Form IG/BSU-003**) and submit it to the BSU at the time the request for background screening is made.

G. Contact Information for the Department's Background Screening Unit:

Department of Juvenile Justice
Office of the Inspector General
Background Screening Unit
2737 Centerview Drive, Suite 3400
Tallahassee, FL 32399-3100
Generalbsu@djj.state.fl.us
Fax Number: (850) 921-6348

- 1. Inquiries relating to background screening may be made by email to GeneralBSU@djj.state.fl.us.
 - a. The business conducted by the BSU is confidential and sensitive in nature; therefore, only the requester and applicant may contact the screener with questions.
 - b. Communication about an applicant's criminal charges:
 - (1) Requesters initiating the screening can view an applicant's or employee's Florida public criminal report on the Clearinghouse portal for 30 days.
 - (2) Providers must request a copy of an applicant's or employee's Florida public criminal report by contacting the BSU.
 - (3) Provider requesters *will not* receive confidential criminal history information from the BSU which may include criminal charges from another state, sealed and expunged records, and some juvenile criminal records.

H. Clearinghouse Fingerprint and Photographs:

- 1. All applicant fingerprints must be electronically submitted to FDLE and the FBI via a Clearinghouse compliant Livescan device. A list of Livescan vendors is viewable through the Clearinghouse portal each time a screening is initiated.

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- a. The hiring authority will make appointments online through the Clearinghouse portal or contact a Clearinghouse compliant Livescan vendor by telephone to request an appointment for fingerprinting. (*NOTE: If the applicant is located in the Tallahassee area, you may schedule an appointment by e-mailing or calling the BSU.*)
 - b. The hiring authority will:
 - (1) Print the Clearinghouse Livescan request from the Clearinghouse portal;
 - (2) Give the form to the applicant; and
 - (3) Have the applicant report to the appointment to initiate the screening process through the Clearinghouse.
 - c. The hiring authority will inform the applicant to bring his or her driver's license, social security card, and form of payment to the appointment.
2. Clearinghouse photograph requirement:
- a. A photograph of the applicant must be taken at the time the applicant is fingerprinted so that the screening results may be shared with other participating agencies.
 - b. If the applicant is screened through the Clearinghouse and ***does not take a photograph at the time of fingerprinting***, the criminal history information can only be used by the agency initiating the screening and ***cannot be shared*** with the other participating agencies.
 - c. The hiring authority will inform the applicant of the photograph requirement and the option to *not* take a photograph.
- I. BSU Processing of Background Screening Requests:
1. The requester will review the applicant's background screening packet to ensure all required forms have been completed.
 2. The hiring authority, if different from the requester, will give all completed forms to the requester.
 3. The requester will submit the applicant's background screening packet by fax or e-mail to the Department at the fax number and email address listed in Section II. G. above.
 4. The BSU will review and provide the results from the FDLE's Automated Training Management System (ATMS) on current and former Florida law enforcement officers and Florida Department of Corrections certified officers; correction officers and probation officers.
 5. The BSU will request the disposition information from the requester or applicant when the disposition of a charge that could be disqualifying *does not* appear on the criminal history report.

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6. It is the applicant's responsibility to obtain the requested arrest report or court disposition from the law enforcement agency or courthouse in the jurisdiction where the offense occurred and to submit legible copies of these documents to the BSU.
 - a. If the requested document *is not* received within 30 calendar days of notification, a "Not Eligible" rating will be applied to the screening.
 - b. An applicant with a "Not Eligible" rating *may not* be hired or utilized as a volunteer.
 7. The BSU will rate the applicant's screening based on the results of the applicant's criminal history.
 8. Screening results will be viewable to the requester through the Clearinghouse portal.
 9. Charges that appear on the Florida public criminal history report through the Clearinghouse portal will be available for 30 days to the requester that initiated the screening.
 10. When an applicant's criminal history report *cannot* be viewed by the requester through the Clearinghouse portal, the requester must contact the BSU for a copy of the applicant's Florida public criminal history report.
 11. Charges that appear on the applicant's national criminal history report (out-of-state charges) *will not* be disclosed to the requester.
 12. Livescan request are usually completed by the BSU in five to ten (10) business days. If the requester *cannot* review results after ten (10) days, the requester should contact the BSU by sending an email to: GeneralBSU@djj.state.fl.us.
- J. Hiring of Applicants:
1. An applicant or volunteer *cannot* have contact with youth or confidential youth records until:
 - a. An applicant successfully passes an assessment for direct-care positions; and
 - i. Providers will determine the criteria for the assessment tool and the assessment pass rate, score, or measure.
 - ii. The assessment requirement is inapplicable to volunteers, certain positions requiring a professional license, certification, or degree; and community Providers excluded through contract. **NOTE:** Providers may refer to their contract, Contract Manager, or Procurement Administrator/Manager for questions related to this requirement.
 - b. An "Eligible" background screening rating has been received from DJJ; and
 - c. The applicant's Florida public criminal history report has been received and reviewed by the hiring authority; or

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d. An applicant or employee with a “Not Eligible” rating has been granted an Exemption from disqualification by the Department.

i. Regardless of rating, “Eligible” or “Not Eligible,” with a granted Exemption, the requester **must** submit, in writing, a request for a copy of the applicant’s or volunteer’s Florida public criminal report to the BSU.

2. The hiring authority may proceed with the hiring process once a background screening with an “Eligible” rating is received, an exemption from disqualification has been granted to an applicant with a disqualifying offense, and the applicant has successfully passed the assessment for direct-care positions.

3. If an applicant receives a “Not Eligible” rating, the criminal charge that caused the rating and an explanation of the applicant’s option to seek an exemption from disqualification will be provided, in writing, to the applicant. It is the responsibility of the applicant to request the exemption and to provide all necessary documents for the review process.

K. When a Current Employee Receives a “Not Eligible” Rating:

1. When the BSU receives information that a current employee or volunteer is “Not Eligible” for employment or to volunteer due to new information or a new disqualifying offense, the BSU will notify the hiring authority.

2. The hiring authority will immediately inform the employee or volunteer and remove them from contact with youth or confidential youth records.

3. If the “Not Eligible” rating is due to a new arrest, the hiring authority will report the arrest to the Central Communications Center (CCC) as outlined in the CCC policy and procedures.

L. Steps for Completing Employee 90-day and Five (5) Year Resubmissions:

1. All Provider employees and volunteers will be screened every five (5) years of employment or service.

2. The purpose of rescreening is to ensure current employees and volunteers maintain Level 2 Screening standards or meet statutory screening requirements throughout the term of their employment or service.

3. To complete a 90-day or five (5) year resubmission the requester will:

a. Initiate the resubmission through the Clearinghouse portal.

(1) The 90-day resubmission is required when a person is screened through the Clearinghouse, but *did not* appear on anyone’s employee roster for at least 90 days.

(2) The five (5) year resubmission is required every five (5) years of continued service and will be calculated from the date the person was cleared in the Clearinghouse. (**NOTE:**

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Five (5) year resubmission must be submitted prior to the “Retained Prints Expiration Date” listed on the applicant’s CLH personal profile page.)

b. The five (5) year resubmission must be initiated in the CLH portal before the Retained Prints Expiration Date to meet Monitoring and Quality Improvement (MQI) standards of compliance.

(1) The screening will meet MQI standards of compliance, even if it *is not* completed by the BSU on or before the Retained Prints Expiration Date, when the five (5) year resubmission is initiated in the CLH and the required forms are submitted to the BSU at least ten (10) business days prior to the expiration date.

(2) The screening *will not* meet MQI standards of compliance when the BSU *does not* complete the resubmission prior to the expiration date because the five (5) year resubmission **was not** initiated in the CLH and the required forms **were not submitted** to the BSU at least ten (10) business days prior to the expiration date.

4. The applicant’s retained fingerprints will be used to complete the 90-day and five (5) year resubmission.

5. The screener will process the screening as described in Section II. I. and write the employee’s TCN on the screening form.

6. If a current employee or volunteer has a disqualifying offense on their criminal record, he or she is “Not Eligible” for continued employment or service without first being granted an exemption.

M. Retaining Applicant or Employee Fingerprints:

1. FDLE will retain fingerprints for the purpose of notifying the Department of employee arrests and initiating resubmissions.

a. Section 985.644 F.S. requires all persons currently employed or seeking employment with a Provider to submit electronically their fingerprints to FDLE.

b. Fingerprints submitted electronically will be retained by FDLE in their automated fingerprint identification system called FALCON.

c. FDLE will charge the applicant \$24 to retain their fingerprints for the first five (5) years. This fee will be paid to the Livescan vendor when the applicant is fingerprinted.

2. After the first five (5) years of service, FDLE will charge applicants \$6.00 per year for each year their fingerprints are retained. Service and/or surcharge fees may also be required.

a. If fingerprint retention fees are not paid after the first five (5) years, the applicant’s fingerprints will be removed from the database and a new background screening and fingerprint fee will be required.

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N. Steps in the Exemption Process:

1. The **Form IG/BSU-007**, Request for Exemption from Non-Eligibility, is required when requesting an Exemption from Disqualification.
2. The Department provides for an exemption process consistent with the provisions of Section 435.07 F.S. Within this process, it is incumbent upon the person seeking the exemption to demonstrate by clear and convincing evidence that he or she should no longer be disqualified from employment.
3. An exemption from disqualification *cannot* be granted to a person solely by reason of a pardon, executive clemency, or restoration of civil rights.
4. An exemption from disqualification *cannot* be granted to any person who is a:
 - a. Sexual predator as designated pursuant to Section 775.21 F.S.;
 - b. Career offender pursuant to Section 775.261 F.S.; or
 - c. Sexual offender pursuant to Section 943.0435 F.S. unless the requirement to register as a sexual offender has been removed pursuant to Section 943.04354 F.S.
5. The exemption process becomes an option:
 - a. If the disqualifying offense is a felony for which at least three (3) years have elapsed since the applicant completed or was lawfully released from confinement, supervision, or nonmonetary condition imposed by the court for the disqualifying felony.
 - b. If the disqualifying offense is a juvenile delinquency charge that would be a felony if committed by an adult (if the record has not been sealed or expunged) for which at least three (3) years have elapsed since the applicant completed or was lawfully released from confinement, supervision, or nonmonetary condition imposed by the court for the disqualifying offense.
 - c. If the disqualifying offense is a misdemeanor, the applicant can apply for an exemption once the applicant has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court.
 - d. If the disqualifying offense was a felony when committed, but is now a misdemeanor, the applicant can apply for an exemption once the applicant has completed or been lawfully released from confinement, supervision or nonmonetary condition imposed by the court.
 - e. If the disqualifying offense is a felony or misdemeanor involving one of the perjury or false statement charges listed below as described in Section 985.66(3)(a)3. F.S. or of a similar law or statute in another jurisdiction, the applicant can apply for an exemption if the offense is a misdemeanor once the applicant has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court and, in the case of a felony,

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when at least three (3) years have elapsed since the applicant has completed or been lawfully released from the court-imposed conditions.

- (1) 837.012 - Perjury when not in an official proceeding.
- (2) 837.05 - False reports to law enforcement authorities.
- (3) 837.055 - False information to law enforcement during investigation.
- (4) 837.06 - False official statements.

f. If the applicant has received a dishonorable discharge from any of the Armed Forces of the United States, the applicant can apply for an exemption.

- 6. Exemptions granted by other agencies will be considered by the Department, but *are not* binding on the Department except as follows:
 - a. If an applicant received an Exemption from Disqualification as a Health and Rehabilitative Services (HRS) employee prior to the establishment of the Department of Juvenile Justice in October 1994, the exemption is binding on the Department.
 - b. The Department will hire the applicant based on the HRS exemption unless the applicant received another disqualifying offense after the HRS exemption was granted.
- 7. Applicants seeking an exemption are afforded the opportunity to set forth clear and convincing evidence of rehabilitation and will be responsible for providing information, including, but not limited to:
 - a. The circumstances surrounding the criminal incident for which an exemption is sought;
 - b. The time period that has elapsed since the incident;
 - c. The nature of the harm caused to the victim;
 - d. The history of the employee since the incident; or
 - e. Any other evidence or circumstances indicating the person *will not* present a danger if employment or continued employment is allowed.
- 8. Applicants may contest the **accuracy** of the record(s) used to determine eligibility by demonstrating the record(s) *does not* apply to him or her, as in the case of mistaken identity, or where the record itself contains inaccurate information on the charge or disposition. (**NOTE:** *Inaccurate information on the criminal history report or court disposition must be addressed with FDLE and/or the courthouse in the jurisdiction where the offense occurred.*)
- 9. The facts of the court case *will not* be reassessed and a previous determination of guilt by the sentencing authority *cannot* be challenged through this process.

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10. A **new** applicant or **current** employee or volunteer must request an exemption within **45** calendar days of receiving notice of non-eligibility.
11. Any **current** employee or volunteer who has a disqualifying offense and *has not* been previously granted an exemption for that offense, will be immediately removed from a position that has contact with youth or confidential youth records until an exemption has been granted by the Department. If the exemption is denied or the person *cannot* apply for an exemption, he or she will be permanently removed from the position.
12. The BSU will tell the requester if the person *can* or *cannot* request an exemption.
13. The applicant, employee or volunteer is responsible for submitting the required documents within the allotted time by e-mail, fax, or US mail to:

Department of Juvenile Justice
Office of the Inspector General
Attention: Background Screening Unit
2737 Centerview Drive, Suite 3400
Tallahassee, FL 32399-3100
Fax Number: (850) 921-6348
Generalbsu@djj.state.fl.us
14. Exemption requests submitted 45 calendar days *after* the person has been notified that he or she is “Not Eligible” *will not* be processed.
15. The BSU will forward the completed exemption file to the Agency Clerk within ten (**10**) business days of receiving all required documents.
16. The Agency Clerk will handle the Exemption request until the process is completed.
17. The Agency Head or designee decides whether to grant or deny an exemption request.
18. The Agency Clerk will provide a copy of the final agency decision to the applicant and the BSU.

An exemption denial issued by the Agency Head or his or her designee may be appealed to the Florida Division of Administrative Hearings (DOAH) pursuant to Sections 120.569 and 435.07 F.S.

O. Steps Associated with the Annual Affidavits of Compliance with Level 2 Screening Standards:

1. The Annual Affidavit, **Forms IG/BSU-006, 008 and 009**, certify that all Provider, school board, and law enforcement personnel providing services in a Provider facility or program have successfully completed a Level 2 employment screening or a screening that meets Level 2 standards (Law Enforcement or Security personnel), as outlined in Chapter 435 F.S. prior to entering the Provider facility or program.

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- a. The facility or program is responsible for ensuring the Annual Affidavit(s) is completed and submitted so that it is received by BSU on or before January 31st of each year.
 - b. The facility or program will maintain a copy of the Annual Affidavit(s) on site for Quality Improvement review.
 - c. The completed Annual Affidavit(s) may be submitted to the BSU at least three (3) months prior to the deadline date.
 - d. Templates of these forms are available on the Department's Internet website.
2. The appropriate manager or designee for each Provider facility or program will complete **Form IG/BSU-006**. The Provider or designated liaison for the local school board and/or law enforcement agency will complete **Forms IG/BSU-008 and/or IG/BSU-009**. Instructions for completing the affidavits are as follows:
- a. The manager or designee will enter his or her name and sign the form.
 - b. The facility or agency name will be entered.
 - c. The document will be signed in the presence of a Notary Public and notarized.
 - d. The completed form will be sent to the BSU by fax, e-mail, courier, or U.S. mail so it is received by BSU on or before January 31 of each year.
 - e. A list of employees *is not* required when submitting **Form IG/BSU-006**; however, submitting a list of all employees and volunteers is encouraged.
 - f. When a Provider submits **Form IG/BSU-008 or IG/BSU-009**, a list of current employees and volunteers, and those who have worked for the facility or program within the past year, *must be* attached and submitted to the BSU. This list should include all instructional personnel, administrative personnel, educational support employees, and law enforcement or security personnel.
3. Upon receipt, the BSU intake coordinator will process **Forms IG/BSU-006, IG/BSU-008, and IG/BSU-009** in the following manner:
- a. Verify the information provided on the form.
 - b. Record receipt of the form.
 - c. File or scan the form.
 - d. Fax or e-mail the form to the facility or agency contact upon request.

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III. RESPONSIBILITY AND DUTIES

A. The Executive Leadership Team (ELT)

1. ELT members will ensure the following:
 - a. All Provider employees and volunteers under their leadership comply with initial and resubmission requirements.
 - b. All Provider employees and volunteers within their respective bureaus and offices are background screened prior to being hired.
 - c. Confidential background screening information released to authorized personnel within their bureaus and offices is only disclosed to authorized persons. *(See Section II. I. numbers eight (8) through ten (10) for additional information.)*

B. Office of the Inspector General

1. The Office of the Inspector General is responsible for operating and managing the Department's Background Screening Unit, which conducts background screenings and maintains the Annual Affidavits of Compliance with Level 2 Screening submitted by facilities, local school boards, and law enforcement agencies.
2. The Office of the Inspector General will ensure confidential background screening information is disclosed only to authorized persons.

C. Providers

1. Providers are responsible for ensuring all staff working for any program serving youth or accessing confidential youth records have completed a Level 2 background screening prior to the hire date. This includes all owners, operators, employees, and volunteers with access to a facility or program where Department youth are housed or receiving services; or with access to confidential youth records. *(See Section II. C. above for additional information.)*
2. Providers are responsible for ensuring selected applicant, employee, or volunteer who was screened previously through the Clearinghouse, or transferred from another Provider facility or program is added and maintained on their Clearinghouse employment roster.
3. Providers are responsible for ensuring the hiring authority, members of their human resources department, and other appropriate staff member complete related DJJ employment screening trainings in accessing, reviewing, and updating related modules on the background screening webpage and within the Department's Juvenile Justice Information System (JJIS): Staff Verification System (SVS) and CCC. **NOTE:** User request for system access must be submitted in accordance to [FDJJ 1205.60](#).

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4. Providers are responsible for ensuring the hiring authority has reviewed the CCC Person Involvement Report, the SVS module, FDLE's ATMS result, and completed any agency personnel file review prior to the hire date, utilizing a volunteer, contact with youth, or accessing confidential youth records.
5. Providers will determine the type of assessment tool to administer for direct-care positions.
6. The assessment requirement is **not** applicable to volunteers, certain positions requiring a professional license, certification, or degree; and community Providers excluded through contract. **NOTE:** Providers may refer to their contract, Contract Manager, or Procurement Administrator/Manager for questions related to this requirement.
7. Providers are responsible for ensuring all direct-care staff working for any program serving youth or accessing confidential youth records have completed and passed an assessment prior to the hire date, contact with youth, or accessing confidential youth records.
 - Providers will determine the criteria for the assessment and the pass rate, score, or measure.
 - **All personnel of contract providers for any program for children**, including all owners, operators, employees, persons who have access to confidential juvenile records, and volunteers, **must complete a Level 2 employment screening** pursuant to Florida Statute Chapter 435 before employment.
8. It is the expectation of the Department, that even when an applicant is deemed eligible for employment, the hiring authority uses discretion in hiring applicants who have any criminal history regardless of adjudication. The hiring authority shall consider:
 - Number of Offense;
 - Type of Offense; and
 - Time since last offense.

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IV. ATTACHMENTS

(NOTE: All forms associated with the procedure are posted on our background screening website at <http://www.djj.state.fl.us/services/support/oig/bsu> as well the [Forms Library](#).)

Form IG/BSU-002 – Request for Clearinghouse Screening for Provider *Employment*

Form IG/BSU-003 – Criminal History Acknowledgement and Prison Rape Elimination Act (PREA) Compliance Form

Form IG/BSU-005 – Request for Clearinghouse Screening for Provider *Volunteers*

Form IG/BSU-006 – Annual Affidavit of Compliance with Level 2 Screening Standards

Form IG/BSU-007 – Standard Disqualifying Letter and Request for Exemption

Form IG/BSU-008 – Annual Affidavit of Compliance with Level 2 Screening Standards School Board Personnel

Form IG/BSU-009 – Annual Affidavit of Compliance with Level 2 Screening Standards Law Enforcement & Security Personnel