

Frequently Asked Questions for General Topics:

1. What are the differences between Level 1 and Level 2 Background Screening for employment and where are the lists of offenses that will preclude potential employees from working? What are the costs?

The requirements for Level 1 and Level 2 Employment Background Screening are found in Chapter 435 Florida Statutes.

- Level 1 Background Screening is outlined in s. 435.03, F.S. and requires an employment history check, statewide criminal correspondence checks through FDLE (name-based check), and a check of the Dru Sjodin National Sex Offender Public Website and may include local law enforcement checks.
- Level 2 Background Screening requires fingerprinting for statewide criminal history checks through FDLE and national criminal history checks through the Federal Bureau of Investigation (FBI). Employers may conduct a local law enforcement check as well.

The list of disqualifications from employment is found in Section 435.04 F.S. They include:

- Anyone arrested for and awaiting final disposition of prohibited offense, regardless of adjudication
- Anyone who has entered a plea of nolo contendere or guilty to a prohibited offense
- Any case where the applicant was adjudicated delinquent and the record of committing a prohibited offense has not been sealed or expunged

Fees for screenings through the Care Provider Background Screening Clearinghouse:

- Florida Department of Law Enforcement - \$8.00
- Federal Bureau of Investigation - \$13.50
- 5-year retention of fingerprints by Florida Department of Law Enforcement - \$24.00

Actual costs may vary depending on live scan provider.

A listing of live scan providers can be found at: [InternetDoc_ServiceProviders.aspx \(state.fl.us\)](http://InternetDoc.ServiceProviders.aspx(state.fl.us))

2. What are ORI and OCA numbers? What is the process to get an agency ORI Code and OCA Code?

The ORI number (Originating Agency Identifier). This number is provided by FDLE and identifies the agency requesting the criminal history check and for what purpose.

The OCA (Controlling Agency Identifier). This number is provided by the Department and identifies the provider requesting the background check.

Without the ORI number and the OCA number, FDLE cannot process the request and the Department will not know where the screening results are to be sent.

3. I have an applicant that I want to hire but they live out of the state. How can I get them screened?

There are multiple Livescan Service Providers located outside the state of Florida with Livescan and photo capability to have the screening entered into the Clearinghouse. Please initiate the screening through the Clearinghouse and choose your state when searching for a Livescan Service Provider to see if there is a convenient location near you.

4. Is a Level 2 screening the same as a criminal history report?

Yes, they both contain state and national checks for offenses. All employees required by law to be screened pursuant to this section must undergo security background investigations as a condition of employment and continued employment which includes, but need not be limited to, fingerprinting for statewide criminal history records checks through the Department of Law Enforcement, and national criminal history records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies.

5. What is the 30-day timeframe mentioned in the “Need Additional Information” letter?

For criminal offenses that may be disqualifying, the applicant has 30 days as outlined in s. 435.05, F.S. to provide the Department with requested information.

6. What if the individual does not provide the requested arrest report or court document within 30 days?

The applicant will be made “Not Eligible” until the documents are received and can be reviewed.

7. What are local law enforcement checks? Do we need to do a local sheriff’s check?

Local law enforcement checks are completed by local sheriff and police departments. They are recommended because occasionally there may be information related to arrests or calls to the applicant’s address that are not included in the FDLE record. However, employers can perform local law checks themselves as well.

8. Are volunteer athletic coach screened under this law?

No. Requirements for athletic coaches are found in Section 943.0438 F.S. Background screening for paid or volunteer athletic coaches are not screened through the Department of Children and Families, they must be screened using the Volunteer and Employee Criminal History System (VECHS) through the Florida Department of Law Enforcement (FDLE).

The Department does not have the authority to screen athletic coaches. Enforcement of requirements for athletic coaches would be the independent sanctioning authority.

9. What is the Jessica Lunsford Act?

The Jessica Lunsford Act found in Section 1012.465 F.S. requires non-instructional school district employees or contract personnel who are permitted access on school grounds when students are present meet Level 2 Background Screening requirements as described in s. 1012.32 F.S. This screening is conducted by the Department of Education.

10. Where does the documentation of Level 2 screening and the Affidavit of Good Moral Conduct need to be kept?

The results from the background screening and the [Affidavit of Good Moral Conduct](#) should be maintained in your personnel files.