

# **Criminal History Background Checks**

**Community Based Care  
Adoptions, Foster Care and Related Services**

08/03

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(added AGMC 2004 version)

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Dear Community-Based Care Provider:

The Department of Children and Families (DCF) is committed to assisting local partnerships and providers to assume the fingerprinting and screening functions related to employment, adoption, foster care and related services, relative and nonrelative caretakers and children in out-of-home care. We will provide training and technical assistance so that the requirements of the law will be met and caregivers will pose no threat of harm to children.

This pamphlet is intended to help you understand the flow of the screening process and the roles and responsibilities of all involved parties; applicants, providers, local law enforcement, Florida Department of Law Enforcement (FDLE), Federal Bureau of Investigations (FBI) and Department of Children and Families. This booklet is primarily a set of tools, provided as attachments, to help you gather the necessary information and conduct background screening. We encourage the use of Live Scan fingerprinting for all child placement and identification purposes.

At this time, providers may only receive local and statewide criminal history records that have not been sealed or expunged. These records are public pursuant to Chapter 119, Florida Statutes. You are responsible for making a determination of eligibility by reviewing the criminal history and domestic violence injunctions you receive. DCF will receive and process sealed and expunged state information and all information received from the FBI. The FBI will not permit the private sector to receive federal records at this time.

The Department is hopeful that the National Crime Prevention and Privacy Compact Council, comprised of federal, state and local representatives of criminal justice and noncriminal justice agencies, will move forward quickly to establish standards that will allow DCF to contract with private entities to screen applicants for children's programs. The process has been underway on the national level for nearly two years, and the FDLE has been very supportive of the department's needs relative to privatization of services.

THE DISTRICT/REGION IS RESPONSIBLE FOR CLOSURE/SIGNATURE AND ANY DESIRED TAILORING TO THIS COVER LETTER.

# BACKGROUND SCREENING INFORMATION FOR CARETAKER PROGRAMS

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# BACKGROUND SCREENING INFORMATION FOR CARETAKER PROGRAMS

## Are there requirements for caretaker program personnel?

Sections 39.001, 110.1127, 393.0655, 394.457, 397.451, 402.305(1), 402.3055, 402.313, 409.175, and 409.176, Florida Statutes, require that owners, operators, caretaker employees, and volunteers be screened as outlined in Chapter 435, Florida Statutes. **It is the responsibility of the caretaker management to know the laws governing their program and be sure the program is in compliance.**

## What must be included in the background screening?

Screening must include the following:

1. Affidavit of Good Moral Character. All new personnel must complete and have notarized this affidavit before employment. (The form, Attachment 9, **must** be used.)
2. Local Criminal Records. The law allows for a check of local records with any law enforcement agency. This can be done through the county Sheriff's Office and municipal police in whose jurisdiction the applicant lives. (There is not a mandatory letter, however, see Attachment 1 for a sample.)
3. Employment History Checks. These checks must cover a minimum two-year period preceding employment in the screened position. Periods of unemployment must be explained. (There is not a mandatory form, however, see Attachment 10 for a sample.)
4. Fingerprint card – OR – Request for FDLE Criminal History Information Form. One of these two items with payment must be sent to the Florida Department of Law Enforcement (FDLE) for the criminal history background check. Do not send any other forms to FDLE.

## Who must send fingerprint cards to FDLE?

Fingerprint cards are required for all owners, operators and employees. Fingerprint cards for all owner/operators must be submitted through local licensing or DCF offices, while cards for paid employees, foster care and adoption applicants are sent directly to FDLE by the community-based agency. (The fingerprint card available from the DCF District/Region screening office must be used.) The charge is \$32.00 per fingerprint card. Checks should be made payable to **FDLE**. **In the OCA block of the fingerprint cards, you must clearly indicate your six-digit facility number provided to you by your DCF screening office.**

**Where should I send fingerprint cards for my staff?**

Please forward check(s) or money order(s) with fingerprint cards for employees to:

**Florida Department of Law Enforcement  
User Services Bureau  
Criminal History Applicant Section  
Post Office Box 1489  
Tallahassee, FL 32302-1489**

The FDLE (state criminal history) results will be returned to your facility. Any state criminal history information not available to the public and Federal Bureau of Investigation (FBI) results will be returned to the DCF screening office. DCF will notify the facility of the FBI results in approximately 60 to 90 days.

**How do I get FDLE criminal history information for employee rescreening and volunteers (interns) that are not required to submit a fingerprint card?**

1. Complete a copy of the Request for FDLE Criminal History Information Form (Attachment 2) with the **name, date of birth, sex and race** of volunteers who must be screened or employees needing a five-year rescreening. Make additional copies for additional persons.
2. Read and **sign the statement**. The person who signs the statement should be the owner, operator, or director.
3. Make the check or money order **payable to FDLE** for **\$8.00 per person** for whom you need a state criminal history record check. For example, if there are six screenings, the check should be for \$48.00 (6 X \$8.00 = \$48.00).
4. Send these requests and payment check or money order to:

**Florida Department of Law Enforcement  
User Services Bureau  
Criminal History Applicant Section  
Post Office Box 1489  
Tallahassee, FL 32302-1489**

5. **Be sure your name, address, and facility/OCA number are on the request sheet. In addition, please specify the DCF District/Region in which your facility is located on your request sheet.**

*The Florida criminal history information will be sent to you in approximately two to three weeks. If you have not received the results by four weeks after you sent the request, call the FDLE Correspondence Team at (850) 410-8109.*

### **What do I need to maintain at the facility?**

The affidavit, results of local and FDLE criminal history information, and employment history checks must be kept at the facility or in your administrative office.

### **What FDLE requires**

Fingerprint cards with check, money order, or journal transfers must be made payable to FDLE (purchase orders are not an acceptable form of payment). The current fee is \$32.00.

- Fingerprint cards supplied by your District/Region DCF screening coordinator must be used.
- The facility number must be entered in the OCA block on the fingerprint card.
- The complete address of the facility must be entered in the employer and address block on the card. This address must agree with the address furnished by DCF to FDLE.
- Complete name (last, first, middle, including maiden and prior names), race, sex, date of birth, applicant's signature, and a complete set of fingerprints are required.

Five-year rescreen/volunteer forms with check, money order, or journal transfers must be made payable to FDLE (purchase orders are not an acceptable form of payment). The current fee is \$8.00.

- Facility number and district/region number must be placed in the space provided.
- Name of facility and address on the form must agree with the information provided by DCF for the facility number provided.
- Complete name (last, first, middle, including maiden and prior names), race, sex and date of birth, are required along with the applicant's signature.

### **DCF Responsibilities**

Providing your facility with fingerprint cards with the correct ORI number and reason fingerprinted already pre-stamped on the card.

Forwarding information to FDLE regarding change of address or name.

Setting up a new facility number. We will forward the information about your facility to FDLE.

Providing technical assistance with offenses, returned illegible fingerprint cards from the FBI, assessment and notification of final FBI results of criminal history checks, exemption requests, etc.

Identifying staff who are subject to screening.

## What do I do with the FDLE criminal history information?

Sections 435.03, 435.04 and 435.045, Florida Statutes, list what disqualifies a person from being employed as a caretaker or volunteer. When any of the offenses listed in Chapter 435, Florida Statutes, appears in the criminal history record (also known as a RAP sheet), you need to determine if the applicant is disqualified from being employed or licensed by the Department as a foster or adoptive parent. **FDLE does not disqualify applicants.** This is the responsibility of the facility and DCF. If you have any questions regarding how to disqualify an applicant, please contact your local DCF screening office.

See attachment 7, Chapter 435, Florida Statutes, at the end of the manual for specific information on disqualifying offenses.

Notes:

\*741.28 Domestic violence; definitions.--As used in ss. 741.28-741.31:

(1) "Domestic violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another who is or was residing in the same single dwelling unit.

(2) "Family or household member" means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who have a child in common regardless of whether they have been married or have resided together at any time.

\*\*An individual may be disqualified from working with children if a Domestic Violence Injunction has been issued against the individual after an evidentiary hearing before a circuit court judge.

If the RAP sheet has a charge, you need to determine if the candidate is still eligible for employment (See Attachment 6 for common abbreviations). There is a section following the arrest that shows the judicial disposition of the case for some arrests.

- If the arrest charge is listed, and the judicial disposition is pretrial intervention (PTI), the status of the case should be followed until disposition is determined by the court.
- If the arrest charge is listed, and the judicial disposition is adjudication of guilt, adjudication withheld, or entered a plea of nolo contendere or guilty, the person is not eligible to be an employee or a volunteer, and must be disqualified.
- If the arrest charge is listed, and the judicial disposition is not reported, the disposition must be determined. The applicant must contact the Clerk of Court for the county where the arrest occurred to obtain the record. See Attachment 3 for a sample letter.
- If the arrest charge is listed, and the judicial disposition is "dismissed" or "not guilty" or "nolle prosequi," the applicant is not to be disqualified under the law.

If the arrest charge or its equivalent is not listed in Chapter 435, Florida Statutes, the arrest does not disqualify the applicant under the law.

See Attachment 4 for a sample letter that you may use in notifying the applicant of disqualification. Attachment 5 is contact information for clerks of the courts and DCF offices.





## MOST FREQUENTLY ASKED QUESTIONS

### Where does my facility send fingerprint cards when criminal history information is required on an applicant?

Facility operators should forward all fingerprint cards for their staff directly to the Florida Department of Law Enforcement for processing. Cards for operators/owners should be routed through DCF or the local licensing agency.

### What type of applicants should be fingerprinted?

Fingerprint cards are required for all caretaker owners, operators, employees; foster and adoptive applicants.

### For applicant processing, does FDLE require any other form besides the fingerprint card?

No. FDLE needs only the fingerprint card for each applicant and the fee.

### Are there any other types of applicants which require a criminal history record check?

Yes. Employees needing a five-year rescreening or volunteers must obtain a criminal history record check. However, these employees do not require a fingerprint card. These employees must use the form entitled "Request for FDLE Criminal History Information" (Attachment 3). No other forms are required except the fee.

### Can we obtain fingerprint cards from FDLE?

No. Facilities should use the fingerprint cards supplied by their DCF screening office.

### What information should the facility fill out on the fingerprint card?

**All fields must be completed. Fingerprints must be done by a local law enforcement agency, an employee of DCF, a CBC agency or licensing agency trained to take fingerprints. Information for the fingerprint card must be legibly printed in black ink or typed. Your facility number assigned by your DCF District/Region office must be printed in the OCA Block on the fingerprint card. The field requesting the address must contain the name and address of the facility requesting the criminal history record check.**

### What is the fee for criminal history information?

Facilities submitting fingerprint cards are charged a total of \$32.00 for each request. This amount includes a Florida and a national criminal history check. When submitting only FDLE forms, the charge is \$8.00 for each request.

### Who should the facility make the check or money order payable to?

Checks or money orders should be made payable to the Florida Department of Law Enforcement.

**Who should I direct questions to regarding the disqualification of applicants?**

Questions regarding the disqualification process should be directed to your DCF District/Region screening office.

**How are rejected fingerprint cards handled?**

In order for the FBI to process rejected fingerprint cards at no additional charge, the rejected card must accompany the new fingerprint card. Contact your DCF screening office for proper procedures for resubmitting the new card to FDLE for processing.

**Does FDLE perform Florida Abuse Hotline checks?**

No. These checks are handled by DCF, and completed *only* on the owner/operator or applicants licensed or approved by the Department. They may *not* be performed on employees.

**Should I send requests for transfers, terminations, and/or notification of record checks that were performed by school boards, etc., to FDLE or DCF?**

FDLE is responsible only for accepting the fingerprint card or the state criminal form with payment to conduct the criminal history record check. Ask you DCF district /regional screening office about inter-agency transfers.

**If I go to work at another facility, can FDLE send the results to the new facility?**

No, FDLE can only send the results to the original requesting facility. The law allows facilities to share screening information.

**Attachment 1**  
**Sample Letter for Use in Local Criminal History Record Checks**

Dear Sheriff \_\_\_\_\_:

Pursuant to Chapter 435, F.S., \_\_\_\_\_  
(name facility)

requests a local records check on the applicant listed below:

\_\_\_\_\_  
(last name)                      (first name)                      (middle name)

\_\_\_\_\_  
(date of birth)                      (Social Security number)                      (race)                      (sex)

Please document the findings on this check and return the information to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sincerely,

Employer

## Attachment 2

### REQUEST FOR FDLE CRIMINAL HISTORY INFORMATION

TO: FDLE

User Services Bureau  
Applicant Section  
Post Office Box 1489  
Tallahassee, FL 32302-1489  
Attn: Caretaker Program

FACILITY NUMBER: \_\_\_\_\_

DCF District/Region\* \_\_\_\_\_

FROM: \_\_\_\_\_  
(name of requestor)

\_\_\_\_\_  
(mailing address)

\_\_\_\_\_  
telephone number (\_\_\_\_\_) \_\_\_\_\_

**THE MORE COMPLETE THIS INFORMATION, THE BETTER THE SEARCH AND ASSOCIATED RESULTS WILL BE. PLEASE TYPE OR PRINT CLEARLY.**

APPLICANT NAME: \_\_\_\_\_  
Last First Middle

Other names applicant has used (include maiden names and nicknames) (leave this space blank)

DATE OF BIRTH: \_\_\_\_\_

RACE: (circle one): Black White Asian American Indian  
Alaskan Native unknown (for Hispanic, indicate Black or White based on skin color)

SEX: (circle one): male female

SOCIAL SECURITY NUMBER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

I certify that the person listed above is a volunteer, 12 to 17 year old, or a caretaker employee requiring a statewide (re)screening. I understand that the Legislature has established a reduced payment of \$8.00 for the criminal history checks of these persons.

\_\_\_\_\_  
(signature of owner or on-site director) (date)

\* If you do not know what DCF District/Region you are located in, please see Attachment 6. You may locate the District/Region number based on the county where your facility is located.

**Attachment 3**  
**Sample Letter Notifying Employee of Missing Disposition**  
**Information**

Date:

Dear Employee:

We submitted a request for a criminal history check to be used in reviewing your background as required by Chapter 435, Florida Statutes.

In order for us to make a determination of your eligibility, it will be necessary for you to provide us with a copy of the court order that gives the disposition of the following charge(s):

<u>AGENCY</u>	<u>CHARGE(S)</u>	<u>DATE</u>
Metro Dade P.D.	Robbery	5/20/80
	Negligent Treatment of Children	5/25/85

It is **your** responsibility to obtain and supply to us, within thirty (30) days of receipt of this letter, the missing disposition information. If you do not already have certified copies, you **must** contact the Clerk of Court with jurisdiction over your charge(s). Failure to provide the requested information within the allotted time may result in your disqualification from employment in a caretaker position.

Sincerely,

Employer

**Attachment 4**  
**Sample Letter Indicating Disqualification**  
**Based on the Offenses in Chapter 435, Florida Statutes**

Date:

Dear Employee:

This is to advise you that we have obtained information that is disqualifying and you are ineligible for continued employment in a position as a caretaker of children. The ineligibility status is based on a violation of the law committed in the State of Florida (list offense and date below):

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You may request an exemption from disqualification for the above offense(s). Exemptions may be granted if you provide clear and convincing evidence that you will not present a danger to children in your care. The law states that no exemption is allowed if the offense is a felony and the date of commission is less than three years prior to the date of disqualification\*.

The licensing agency will consider evidence of rehabilitation, the circumstances surrounding the incident, the time period that has elapsed since the incident, the nature of the harm caused to the victims, and any other evidence that demonstrates you will not present a danger to others if employment is allowed.

At this time, you must be terminated or placed in a position for which background screening is not required. Should you receive an exemption from disqualification, you may resume employment as a caretaker.

To request an exemption, you must submit a written request, along with a copy of this letter, to the background screening coordinator within 30 days of the receipt of this notice.

Sincerely,

Employer

\*An exception is provided for substance abuse and mental health programs. Please contact your district/region screening office for information.

**Note:** Send a copy of this letter to the DCF screening office. Attach a copy of the FDLE criminal history record (RAP sheet), the court records and any other information used to disqualify the candidate.

## Attachment 5 County Clerk and DCF District/Region Information

COUNTY	CLERK PHONE NUMBER	DCF DISTRICT NUMBER	DCF SCREENING PHONE NUMBER	COUNTY	CLERK PHONE NUMBER	DCF DISTRICT NUMBER	DCF SCREENING PHONE NUMBER
Alachua	(352) 374-3636	3	(352) 955-5107	Lake	(352) 742-4100	13	(352) 955-5107
Baker	(904) 259-8113	4	(904)723-5333	Lee	(239) 335-2570 (239) 335-2576	8	(239) 338-1318
Bay	(850) 747-5100	2	(850) 487-1278	Leon	(850) 577-4070	2	(850) 487-1278
Bradford	(904) 964-6280	3	(352) 955-5107	Levy	(352) 486-5228	3	(352) 955-5107
Brevard	(407) 264-5350	7	(407) 245-0480	Liberty	(850) 643-2215/2237	2	(850) 487-1278
Broward	(954) 831-5680	10	(954) 327-6251	Madison	(850) 973-1500	2	(850) 487-1278
Calhoun	(850) 674-4545	2	(850) 487-1278	Manatee	(941) 749-1800	SunCoast	(813) 558-1172
Charlotte	(941) 637-2279	8	(239) 338-1318	Marion	(352) 620-3910	13	(352) 955-5107
Citrus	(352) 341-9410	13	(352) 955-5107	Martin	(772) 288-5576	15	(561) 837-5273
Clay	(904) 284-6317	4	(904) 723-5333	Monroe	(305) 294-4641 Ext. 3314	11	(305) 377-5063
Collier	(239) 732-2646	8	(239) 338-1318	Nassau	(904) 321-5700	4	(904) 723-5333
Columbia	(386) 758-1342	3	(352) 955-5107	Okaloosa	(850) 609-2052	1	(850) 595-8135
Dade	(305) 275-1175	11	(305) 377-5063	Okeechobee	(863) 763-2131	15	(561) 837-5273
Desoto	(941) 993-4876	SunCoast	(813) 558-1172	Orange	(407) 836-0494	7	(407) 245-0480
Dixie	(352) 498-1200	3	(352) 955-5107	Osceola	(407) 834-3543	7	(407) 245-0480
Duval	(904) 630-2028	4	(904) 723-5333	Palm Beach	(561) 355-4621	9	(561) 837-5273
Escambia	(850) 595-4150	1	(850) 595-8135	Pasco	(727) 847-2411	SunCoast	(813) 558-1172
Flagler	(904) 437-7414	12	(904) 723-5333	Pinellas	(727) 464-3341	SunCoast	(813) 558-1172
Franklin	(850) 653-8862	2	(850) 487-1278	Polk	(863) 534-4000	14	(863) 619-4134
Gadsden	(850) 875-8601	2	(850) 487-1278	Putnam	(904) 329-0361	3	(352) 955-5107
Gilchrist	(352) 463-3170	3	(352) 955-5107	St. Johns	(904) 823-2333	4	(904) 723-5333
Glades	(239) 946-0113	8	(239) 338-1318	St. Lucie	(772) 262-6900	15	(561) 837-5273
Gulf	(850) 229-6113	2	(850) 487-1278	Santa Rosa	(850) 623-0135	1	(850) 595-8135
Hamilton	(386) 792-1288	3	(352) 955-5107	Sarasota	(941) 362-4066	SunCoast	(813) 558-1172
Hardee	(863) 773-4174	14	(863) 619-4134	Seminole	(407) 665-4330	7	(407) 245-0480
Hendry	(863) 675-5202 (863) 675-5209	8	(239) 338-1479	Sumter	(352) 793-0215	13	(352) 955-5107
Hernando	(352) 754-4201	13	(352) 955-5107	Suwannee	(386) 362-0500	3	(352) 955-5107
Highlands	(863) 386-6565	14	(863) 619-4134	Taylor	(850) 838-3506 Ext. 40	2	(850) 487-1278
Hillsborough	(813) 276-8100 Ext. 7201	SunCoast	(813) 558-1067	Union	(386) 496-3711	3	(352) 955-5107
Holmes	(850) 547-1100	2	(850) 487-1278	Volusia	(386) 736-5909	12	(904) 723-5333
Indian River	(772) 770-5185 Ext. 157	15	(561) 837-5273	Wakulla	(850) 926-0905	2	(850) 487-1278
Jackson	(850) 482-9552	2	(850) 487-1278	Walton	(850) 892-8115	1	(850) 595-8135
Jefferson	(850) 342-0218	2	(850) 487-1278	Washington	(850) 638-6289	2	(850) 487-1278
Lafayette	(386) 294-1600	3	(352) 955-5107				

## Attachment 6 Standard Abbreviations

<u>TERM</u>	<u>ABBREVIATION</u>	<u>TERM</u>	<u>ABBREVIATION</u>
ABSENT WITHOUT LEAVE	AWOL	CONVEYANCE	CONVEY
ACCESSORY	ACCES	CONVICTED/CONVICTION	CONV
ACCIDENT	ACC	CORRECTIONAL OFFICER	CORR OFF
ACCOUNTANT	ACCT	CORRUPTION	CORRUPT
ACRES	ACR	CORNER	CNR
AFTER	AFT	COUNTERFEIT	CONTRFT
AGGRAVATED	AGGRAV	COUNTY	CO
AIR CONDITION WORKER	AC WKR	COURT	CT
ALCOHOL	ALCH	CREEK	CRK
APARTMENT	APT	CRIMINAL	CRIM
ARMED	ARM	CRIMINAL REGISTRATION	CRIM REG
ARREST	ARR	CULPABLE	CULP
ASSAULT	ASLT	CULPABLE NEGLIGENCE	CULP NEGLIG
ASSIGNATION	ASSIGN	CUSTODY	CUST
ASSISTANT/ASSISTANCE	ASST		
ATTEMPT	ATT	DANGEROUS	DANG
AUTHORIZED	AUTH	DEADLY	DEAD
AVENUE	AVE	DEGREE	DEG
		DELINQUENCY	DELINQ
BATTERY	BATT	DELIVER	DELIV
BEACH(ES)	BCH	DEPARTMENT	DEPT
BEHAVIOR	BEHAV	DESERTION	DESERT
BLOOD	BLD	DESTRUCTIVE	DESTR
BLUFF(S)	BLF	DETENTION FACILITY	DETENT FACIL
BOULEVARD	BLVD	DIRECTOR	DIR
BREAK AND ENTER	B AND E	DISCHARGE	DISCH
BRIBERY	BTRIB	DISGUISE(D)	DISG
BRIDGE	BRDG	DISORDERLY	DISORD
BUILDING	BLDG	DISORDERLY CONDUCT	DISORD COND
BURGLARY	BURG	DISORDERLY INTOXICATION	DISORD INTOX
BUSINESS	BUSN	DISPLAY	DISP
		DISTRIBUTE	DISTR
CANNABIS	CANN	DOCUMENT(S)	DOC
CENTER	CTR	DOLLARS	DOLS
CERTIFICATE	CERT	DOMESTIC	DOM
CHECK	CK	DRIVE/DRIVER	DR
CHECKS	CKS	DRIVE UNDER INFLUENCE	DUI
CHEMICAL	CHEM	DRIVE WHILE INTOXICATED	DWI
CIRCLE	CIR	DRIVERS LICENCE	DR LIC
CITATION	CIT	DWELLING	DWEL
CITY	CTY		
COMMERCIAL	COML	EAST	E
COMMISSION	COMMIS	ELECTRICIAN	ELECT
COMMITMENT	COMMIT	EMBEZZLEMENT	EMBZZL
COMMUNICATION	COMM	EQUIPMENT	EQUIP
COMPENSATION	COMP	ESCAPE	ESC
COMPUTER	COMP	ESTATE(S)	EST
CONCEALED	CONC	ESTIMATOR	ESTM
CONDUCT	COND	EVIDENCE	EVID
CONFIDENTIAL	CONFID	EXHIBIT	EXHIB
CONSERVATION	CONSERV	EXTORTION	EXTORT
CONSPIRACY/CONSPIRE	CONSP		
CONSTRUCTION	CONSTR	FACILITY	FACIL
CONSUMPTION	CONSUMP	FAIL TO APPEAR	FTA
CONTEMPT OF COURT	COC	FAIL TO COMPLY	FTC
CONTRABAND	CNTRB	FAIL TO PAY CHILD SUPPORT	FTP CHILD SUPP
CONTRIBUTOR	CONTRIB	FAIL TO PAY FINE	FTPF
CONTROLLED	CNTRL	FELONY	FEL



## Attachment 6 Standard Abbreviations

<u>TERM</u>	<u>ABBREVIATION</u>	<u>TERM</u>	<u>ABBREVIATION</u>
FICTITIOUS	FICT	LICENSE	LIC
FIREARM	FA	LIGHT	LGT
FORMAN	FORMN	LOITERING & PROWLING	LOIT AND PROWL
FORGERY	FORG	LOTTERY	LOTT
FORT	FT		
FREEWAY	FRWY	MACHINE	MACH
FUGITIVE	FUG	MACHINE OPERATOR	MACH OPR
FUGITIVE FROM JUSTICE	FUG FROM JUST	MAINTENANCE	MAINT
		MANAGER	MGR
		MANOR	MNR
GARDEN(S)	GRD	MARIJUANA	MARIJ
GENERAL DELIVERY	GEN DELIV	MANSLAUGHTER	MANSL
GRAM(S)	GRM	MANUFACTURE	MFG
GROVE(S)	GRV	MECHANIC	MECH
GULF	GLF	MERCHANT	MERCH
		MISCHIEF	MISCH
HAMMOCK	HMCK	MISCONDUCT	MISCOND
HARBOR/HARBOUR	HARB	MISDEMEANOR	MISD
HAVEN	HVN	MISSILE	MISL
HEAVY EQUIP OPERATOR	HVY EQUIP OPR	MOTEL	MTL
HEIGHT(S)	HGT	MOTOR	MTR
HELPER	HLPR	MOUNT	MT
HIGHWAY	HWY		
HOTEL	HTL	NARCOTICS	NARC
		NEGLIGENT	NEGLIC
IDENTIFICATION	ID	NIGHT	NGT
ILLEGAL	ILLEG	NONRESIDENT	NONRESID
IMITATION	IMIT	NORTH	N
IMPERSONATION	IMPERSON		
IMPRISONMENT	IMPRISON	OBSCENE	OBSC
INDECENT	INDEC	OBSTRUCT	OBST
INFORMATION	INFO	OBTAIN	OBT
INJUNCTION	INJUN	OCCUPIED	OCC
INJURY/INJURED	INJ	OFFICER	OFC
INSTITUTION	INST	OFFICIAL	OFF
INSTRUMENT	INSTR	OPERATE/OPERATOR	OPR
INSUFFICIENT	INSUFF	OUNCE	OZ
INTOXICATION	INTOX		
INVESTIGATION	INVEST	PARAPHENALIA	PARA
INVOLUNTARY	INVOL	PARK	PK
ISLAND(S)/ISLE	IS	PARKWAY	PKWY
		PENAL FACILITY	PENAL FACIL
JUSTICE	JUST	PERFORMANCE	PERFORM
JUVENILE	JUV	PETIT	PETTY
		PLACE	PL
KIDNAPPING	KIDNAP	PLAZA	PLZ
KEY/KEYS	KY	POINT/POINTE	PT
		POLICE OFFICER	POL OFC
LABORER/LABOR	LBR	PORT	PT
LAKE(S)	LK	POSSESS	POSS
LANE	LN	POST OFFICE BOX	PO BOX
LARCENY	LARC	POUNDS	LBS
LASCIVIOUS	LASCV	PRACTICE	PRACT
LASCIVIOUS ACT	LASCV ACT	PREGNANT	PREG
LAW ENFORCEMENT OFFICER	LEO	PRESCRIPTION	PRESC
LEWD ACT	LEWD ACT	PRINCIPLE	PRINC
LEWD BEHAV	LEWD BEHAV	PRIVATE	PRIV
		PROBATION	PROB

## Attachment 6 Standard Abbreviations

<u>TERMS</u>	<u>ABBREVIATION</u>	<u>TERMS</u>	<u>ABBREVIATION</u>
PRODUCE	PROD	SUSPENDED	SUSP
PROHIBITED	PROH		
PROMISE TO PAY	PTP	TAMPERING	TAMPER
PROPERTY	PROP	TECHNICIAN	TECH
PROSTITUTION	PROST	TELEPHONE	PHONE
PROTECTION	PROT	TEMPORARY	TEMP
PROWLING	PROWL	TERRACE	TERR
PUBLIC	PUB	TRAFFIC/TRAFFICKING	TRAF
PUBLIC ASSISTANCE	PUB ASSIST	TRAIL	TRL
PURCHASE	PURCH	TRAILER	TRLR
PURPOSE	PURP	TRANSPORT	TRANS
		TRESPASSING	TRES
RECEIVE	RECV	UNAUTHORIZED	UNAUTH
RECKLESS DRIVING	RECK DR	UNEMPLOYMENT COMP	UNEMPL COMP
REFERENCE	REF	UNIVERSITY	UNIV
REGISTER/REGISTRATION	REG	UNLAWFUL BLOOD ALCOHOL	UNLAW BLD ALCH
RELEASED ON RECOGNIZANCE	ROR	UNLAWFUL/UNLAWFULLY	UNLAW
REPAIRMAN	RPRMN	UNLICENSED	UNLIC
RESIDENCE	RESID	UNOCCUPIED	UNOCC
RESISTING	RESIST	UNREGISTERED	UNREG
RETURN	RET	UTILITIES	UTIL
REVOKED	REV	UTTERING	UTTER
RIDGE	RDG		
RIVER	RVR	VALLEY	VLV
ROAD	RD	VEHICLE	VEH
ROBBERY	ROB	VEHICLE IDENTIFICATION	
ROOM	RM	NUMBER	VIN
		VENDING	VEND
		VILLAGE	VLG
		VIOLATION	VIOL
		VIOLENCE	VIOL
SAINT	ST		
SALESMAN	SALES		
SCHOOL	SCH		
SECRETARY	SECY	WARNING	WARN
SECURITY GUARD	SEC GRD	WARRANT	WARR
SERVE/SERVICE	SRV	WEAPON	WEAP
SERIAL NUMBER	SER NUMB	WEST	W
SHORE(S)	SHR	WHILE	WHL
SMUGGLE	SMUG	WILLFUL/WANTON	
		RECKLESS DRIVING	WW RECK DR
SOLICITING/SOLICIT	SOL	WITH	W
SOUTH	S	WITH INTENT TO	WIT
SPRING(S)	SPG	WITH INTENT TO COMMIT	WITC
SQUARE	SQ	WITH NO INTENT TO	WNIT
STALKING	STALK	WITH NO INTENT TO COMMIT	WNITC
STATION	STAT	WITHOUT	WO
STREET	ST	WORKER	WKR
STRONGARM	STGARM	WORTHLESS	WRTHLS
STRUCTURE	STRUCT		
SUBSTANCE	SUBS		
SUMMONS	SUMM	YEAR OF AGE	YOA
SUPERVISOR	SUPVR		

# Attachment 7

(February 18, 2005 – Internet Download)

## TITLE XXXI LABOR CHAPTER 435 EMPLOYMENT SCREENING

435.01 Applicability of this chapter.

435.02 Definitions.

435.03 Level 1 screening standards.

435.04 Level 2 screening standards.

435.045 Requirements for placement of dependent children.

435.05 Requirements for covered employees.

435.06 Exclusion from employment.

435.07 Exemptions from disqualification.

435.08 Payment for processing of fingerprints and state criminal records checks.

435.09 Confidentiality of personnel background check information.

435.10 Sharing of personnel information among employers.

435.11 Penalties.

**435.01 Applicability of this chapter.**--Whenever a background screening for employment or a background security check is required by law for employment, unless otherwise provided by law, the provisions of this chapter shall apply.

**History.**--s. 47, ch. 95-228.

**435.02 Definitions.**--For the purposes of this chapter:

(1) "Employee" means any person required by law to be screened pursuant to the provisions of this chapter.

(2) "Employer" means any person or entity required by law to conduct screening of employees pursuant to this chapter.

(3) "Licensing agency" means any state or county agency which grants licenses or registration permitting the operation of an employer or is itself an employer. When there is no state licensing agency or the county licensing agency chooses not to conduct employment screening, "licensing agency" means the Department of Children and Family Services.

**History.**--s. 47, ch. 95-228; s. 207, ch. 99-8.

**435.03 Level 1 screening standards.**--

(1) All employees required by law to be screened shall be required to undergo background screening as a condition of employment and continued employment. For the purposes of this subsection, level 1 screenings shall include, but not be limited to, employment history checks and statewide criminal correspondence checks through the Florida Department of Law Enforcement, and may include local criminal records checks through local law enforcement agencies.

(2) Any person for whom employment screening is required by statute must not have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:

(a) Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.

(b) Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.

(c) Section 415.111, relating to abuse, neglect, or exploitation of a vulnerable adult.

(d) Section 782.04, relating to murder.

(e) Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child.

(f) Section 782.071, relating to vehicular homicide.

(g) Section 782.09, relating to killing of an unborn child by injury to the mother.

(h) Section 784.011, relating to assault, if the victim of the offense was a minor.

(i) Section 784.021, relating to aggravated assault.

(j) Section 784.03, relating to battery, if the victim of the offense was a minor.

(k) Section 784.045, relating to aggravated battery.

(l) Section 787.01, relating to kidnapping.

(m) Section 787.02, relating to false imprisonment.

(n) Section 794.011, relating to sexual battery.

(o) Former s. 794.041, relating to prohibited acts of persons in familial or custodial authority.

(p) Chapter 796, relating to prostitution.

(q) Section 798.02, relating to lewd and lascivious behavior.

(r) Chapter 800, relating to lewdness and indecent exposure.

(s) Section 806.01, relating to arson.

(t) Chapter 812, relating to theft, robbery, and related crimes, if the offense was a felony.

- (u) Section 817.563, relating to fraudulent sale of controlled substances, only if the offense was a felony.
- (v) Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.
- (w) Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.
- (x) Section 825.103, relating to exploitation of an elderly person or disabled adult, if the offense was a felony.
- (y) Section 826.04, relating to incest.
- (z) Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.
- (aa) Section 827.04, relating to contributing to the delinquency or dependency of a child.
- (bb) Former s. 827.05, relating to negligent treatment of children.
- (cc) Section 827.071, relating to sexual performance by a child.
- (dd) Chapter 847, relating to obscene literature.
- (ee) Chapter 893, relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.
- (ff) Section 916.0175, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.

(3) Standards must also ensure that the person:

- (a) For employees and employers licensed or registered pursuant to chapter 400, and for employees and employers of developmental services institutions as defined in s. 393.063, intermediate care facilities for the developmentally disabled as defined in s. 393.063, and mental health treatment facilities as defined in s. 394.455, meets the requirements of this chapter.
- (b) Has not committed an act that constitutes domestic violence as defined in s. 741.28.

**History.**--s. 47, ch. 95-228; s. 15, ch. 96-268; s. 21, ch. 96-322; s. 3, ch. 98-417; s. 87, ch. 2000-153; s. 45, ch. 2000-349; s. 62, ch. 2001-62; s. 50, ch. 2003-1; s. 4, ch. 2004-267.

**435.04 Level 2 screening standards.**--

- (1) All employees in positions designated by law as positions of trust or responsibility shall be required to undergo security background investigations as a condition of employment and continued employment. For the purposes of this subsection, security background investigations shall include, but not be limited to, fingerprinting for all purposes and checks in this subsection, statewide criminal and juvenile records checks through the Florida Department of Law Enforcement, and federal criminal records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies.
- (2) The security background investigations under this section must ensure that no persons subject to the provisions of this section have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:
  - (a) Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.
  - (b) Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.
  - (c) Section 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.
  - (d) Section 782.04, relating to murder.
  - (e) Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child.
  - (f) Section 782.071, relating to vehicular homicide.
  - (g) Section 782.09, relating to killing of an unborn child by injury to the mother.
  - (h) Section 784.011, relating to assault, if the victim of the offense was a minor.
  - (i) Section 784.021, relating to aggravated assault.
  - (j) Section 784.03, relating to battery, if the victim of the offense was a minor.
  - (k) Section 784.045, relating to aggravated battery.
  - (l) Section 784.075, relating to battery on a detention or commitment facility staff.
  - (m) Section 787.01, relating to kidnapping.
  - (n) Section 787.02, relating to false imprisonment.
  - (o) Section 787.04(2), relating to taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings.
  - (p) Section 787.04(3), relating to carrying a child beyond the state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person.
  - (q) Section 790.115(1), relating to exhibiting firearms or weapons within 1,000 feet of a school.
  - (r) Section 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon on school property.
  - (s) Section 794.011, relating to sexual battery.
  - (t) Former s. 794.041, relating to prohibited acts of persons in familial or custodial authority.
  - (u) Chapter 796, relating to prostitution.
  - (v) Section 798.02, relating to lewd and lascivious behavior.
  - (w) Chapter 800, relating to lewdness and indecent exposure.

- (x) Section 806.01, relating to arson.
- (y) Chapter 812, relating to theft, robbery, and related crimes, if the offense is a felony.
- (z) Section 817.563, relating to fraudulent sale of controlled substances, only if the offense was a felony.
- (aa) Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.
- (bb) Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.
- (cc) Section 825.103, relating to exploitation of an elderly person or disabled adult, if the offense was a felony.
- (dd) Section 826.04, relating to incest.
- (ee) Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.
- (ff) Section 827.04, relating to contributing to the delinquency or dependency of a child.
- (gg) Former s. 827.05, relating to negligent treatment of children.
- (hh) Section 827.071, relating to sexual performance by a child.
- (ii) Section 843.01, relating to resisting arrest with violence.
- (jj) Section 843.025, relating to depriving a law enforcement, correctional, or correctional probation officer means of protection or communication.
- (kk) Section 843.12, relating to aiding in an escape.
- (ll) Section 843.13, relating to aiding in the escape of juvenile inmates in correctional institutions.
- (mm) Chapter 847, relating to obscene literature.
- (nn) Section 874.05(1), relating to encouraging or recruiting another to join a criminal gang.
- (oo) Chapter 893, relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.
- (pp) Section 916.0175, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.
- (qq) Section 944.35(3), relating to inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.
- (rr) Section 944.46, relating to harboring, concealing, or aiding an escaped prisoner.
- (ss) Section 944.47, relating to introduction of contraband into a correctional facility.
- (tt) Section 985.4045, relating to sexual misconduct in juvenile justice programs.
- (uu) Section 985.4046, relating to contraband introduced into detention facilities.
- (3) The security background investigations conducted under this section for employees of the Department of Juvenile Justice must ensure that no persons subject to the provisions of this section have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:
  - (a) Section 784.07, relating to assault or battery of law enforcement officers, firefighters, emergency medical care providers, public transit employees or agents, or other specified officers.
  - (b) Section 810.02, relating to burglary, if the offense is a felony.
  - (c) Section 944.40, relating to escape.

The Department of Juvenile Justice may not remove a disqualification from employment or grant an exemption to any person who is disqualified under this section for any offense disposed of during the most recent 7-year period.

(4) Standards must also ensure that the person:

- (a) For employees or employers licensed or registered pursuant to chapter 400, does not have a confirmed report of abuse, neglect, or exploitation as defined in <sup>1</sup>s. 415.102(6), which has been uncontested or upheld under s. 415.103.
- (b) Has not committed an act that constitutes domestic violence as defined in s. 741.30.

(5) Under penalty of perjury, all employees in such positions of trust or responsibility shall attest to meeting the requirements for qualifying for employment and agreeing to inform the employer immediately if convicted of any of the disqualifying offenses while employed by the employer. Each employer of employees in such positions of trust or responsibilities which is licensed or registered by a state agency shall submit to the licensing agency annually, under penalty of perjury, an affidavit of compliance with the provisions of this section.

**History.**--s. 47, ch. 95-228; s. 16, ch. 96-268; s. 22, ch. 96-322; s. 4, ch. 98-417; s. 5, ch. 99-284; s. 88, ch. 2000-153; s. 7, ch. 2001-125; s. 5, ch. 2004-267.

<sup>1</sup>**Note.**--Repealed by s. 26, ch. 2000-349.

#### **435.045 Requirements for placement of dependent children.--**

(1)(a) Unless an election provided for in subsection (2) is made with respect to the state, the department is authorized to conduct criminal records checks equivalent to the level 2 screening required in s. 435.04 for any person being considered by the department for placement of a child subject to a placement decision pursuant to chapter 39. Approval shall not be granted: 1. In any case in which a record check reveals a felony conviction for child abuse, abandonment, or neglect; for spousal abuse; for a crime against children, including child pornography, or for a crime involving violence, including rape, sexual assault, or homicide but not including other physical assault or battery, if the department finds that a court of competent jurisdiction has determined that the felony was committed at any time; and

2. In any case in which a record check reveals a felony conviction for physical assault, battery, or a drug-related offense, if the department finds that a court of competent jurisdiction has determined that the felony was committed within the past 5 years.

(b) Notwithstanding paragraph (a), the department may place a child in a foster home which otherwise meets licensing requirements if state and local criminal records checks do not disqualify the applicant and the department has submitted fingerprint information to the Florida Department of Law Enforcement for forwarding to the Federal Bureau of Investigation and is awaiting the results of the federal criminal records check.

(c) Prospective and approved foster parents must disclose to the department any prior or pending local, state, or federal criminal proceedings in which they are or have been involved.

(2) For purposes of this section, and ss. 39.401(3) and 39.521(1)(d), the department and its authorized agents or contract providers are hereby designated a criminal justice agency for the purposes of accessing criminal justice information, including National Crime Information Center information, to be used for enforcing Florida's laws concerning the crimes of child abuse, abandonment, and neglect. This information shall be used solely for purposes supporting the detection, apprehension, prosecution, pretrial release, posttrial release, or rehabilitation of criminal offenders or persons accused of the crimes of child abuse, abandonment, or neglect and shall not be further disseminated or used for any other purposes.

(3) Subsection (2) shall not apply if the Governor has notified the Secretary of the United States Department of Health and Human Services in writing that the state has elected to make subsection (2) inapplicable to the state, or if the Legislature, by law, has elected to make subsection (2) inapplicable to the state.

**History.**--s. 153, ch. 98-403; s. 38, ch. 2000-139; s. 10, ch. 2001-68; s. 12, ch. 2004-267.

**435.05 Requirements for covered employees.**--Except as otherwise provided by law, the following requirements shall apply to covered employees:

(1)(a) Every person employed in a position for which employment screening is required must, within 5 working days after starting to work, submit to the employer a complete set of information necessary to conduct a screening under this section.

(b) For level 1 screening, the employer must submit the information necessary for screening to the Florida Department of Law Enforcement within 5 working days after receiving it. The Florida Department of Law Enforcement will conduct a search of its records and will respond to the employer agency. The employer will inform the employee whether screening has revealed any disqualifying information.

(c) For level 2 screening, the employer or licensing agency must submit the information necessary for screening to the Florida Department of Law Enforcement within 5 working days after receiving it. The Florida Department of Law Enforcement will conduct a search of its criminal and juvenile records and will request that the Federal Bureau of Investigation conduct a search of its records for each employee for whom the request is made. The Florida Department of Law Enforcement will respond to the employer or licensing agency, and the employer or licensing agency will inform the employee whether screening has revealed disqualifying information.

(d) The person whose background is being checked must supply any missing criminal or other necessary information to the employer within 30 days after the employer makes a request for the information or be subject to automatic disqualification.

(2) Unless otherwise prohibited by state or federal law, new employees may be placed on probationary status pending a determination of compliance with minimum standards set forth in this chapter.

(3) Each employer required to conduct level 2 background screening must sign an affidavit annually, under penalty of perjury, stating that all covered employees have been screened or are newly hired and are awaiting the results of the required screening checks.

**History.**--s. 47, ch. 95-228; s. 208, ch. 99-8; s. 46, ch. 2000-349; s. 63, ch. 2001-62; s. 21, ch. 2004-267.

**435.06 Exclusion from employment.**--

(1) When an employer or licensing agency has reasonable cause to believe that grounds exist for the denial or termination of employment of any employee as a result of background screening, it shall notify the employee in writing, stating the specific record which indicates noncompliance with the standards in this section. It shall be the responsibility of the affected employee to contest his or her disqualification or to request exemption from disqualification. The only basis for contesting the disqualification shall be proof of mistaken identity.

(2) The employer must either terminate the employment of any of its personnel found to be in noncompliance with the minimum standards for good moral character contained in this section or place the employee in a position for which background screening is not required unless the employee is granted an exemption from disqualification pursuant to s. 435.07.

(3) Any person who is required to undergo employment screening and who refuses to cooperate in such screening or refuses to submit the information necessary to complete the screening, including fingerprints when required, shall be disqualified for employment in such position or, if employed, shall be dismissed.

**History.**--s. 47, ch. 95-228.

**435.07 Exemptions from disqualification.**--Unless otherwise provided by law, the provisions of this section shall apply to exemptions from disqualification.

(1) The appropriate licensing agency may grant to any employee otherwise disqualified from employment an exemption from disqualification for:

(a) Felonies committed more than 3 years prior to the date of disqualification;

- (b) Misdemeanors prohibited under any of the Florida Statutes cited in this chapter or under similar statutes of other jurisdictions;
- (c) Offenses that were felonies when committed but are now misdemeanors;
- (d) Findings of delinquency; or
- (e) Commissions of acts of domestic violence as defined in s. 741.30.

For the purposes of this subsection, the term "felonies" means both felonies prohibited under any of the Florida Statutes cited in this chapter or under similar statutes of other jurisdictions.

(2) Persons employed by treatment providers who treat adolescents 13 years of age and older who are disqualified from employment solely because of crimes under s. 817.563, s. 893.13, or s. 893.147 may be exempted from disqualification from employment pursuant to this section without the 3-year waiting period.

(3) In order for a licensing department to grant an exemption to any employee, the employee must demonstrate by clear and convincing evidence that the employee should not be disqualified from employment. Employees seeking an exemption have the burden of setting forth sufficient evidence of rehabilitation, including, but not limited to, the circumstances surrounding the criminal incident for which an exemption is sought, the time period that has elapsed since the incident, the nature of the harm caused to the victim, and the history of the employee since the incident, or any other evidence or circumstances indicating that the employee will not present a danger if continued employment is allowed. The decision of the licensing department regarding an exemption may be contested through the hearing procedures set forth in chapter 120.

(4) Disqualification from employment under subsection (1) may not be removed from, nor may an exemption be granted to, any personnel who is found guilty of, regardless of adjudication, or who has entered a plea of nolo contendere or guilty to, any felony covered by s. 435.03 solely by reason of any pardon, executive clemency, or restoration of civil rights.

(5) Exemptions granted by one licensing agency shall be considered by subsequent licensing agencies, but are not binding on the subsequent licensing agency.

**History.**--s. 47, ch. 95-228; s. 47, ch. 2000-349; s. 64, ch. 2001-62; s. 29, ch. 2004-267.

**435.08 Payment for processing of fingerprints and state criminal records checks.**--Either the employer or the employee is responsible for paying the costs of screening. Payment shall be submitted to the Florida Department of Law Enforcement with the request for screening.

**History.**--s. 47, ch. 95-228; s. 209, ch. 99-8; s. 48, ch. 2000-349.

**435.09 Confidentiality of personnel background check information.**--No criminal or juvenile information obtained under this section may be used for any purpose other than determining whether persons meet the minimum standards for employment or for an owner or director of a covered service provider. The criminal records and juvenile records obtained by the department or by an employer are exempt from s. 119.07(1).

**History.**--s. 47, ch. 95-228; s. 282, ch. 96-406; s. 49, ch. 2000-349.

**435.10 Sharing of personnel information among employers.**--Every employer of employees covered by this chapter shall furnish copies of personnel records for employees or former employees to any other employer requesting this information pursuant to this section. Information contained in the records may include, but is not limited to, disciplinary matters and any reason for termination. Any employer releasing such records pursuant to this chapter shall be considered to be acting in good faith and may not be held liable for information contained in such records, absent a showing that the employer maliciously falsified such records.

**History.**--s. 47, ch. 95-228.

**435.11 Penalties.**--

(1) It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for any person willfully, knowingly, or intentionally to:

(a) Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any application for voluntary or paid employment a material fact used in making a determination as to such person's qualifications for a position of special trust.

(b) Use records information for purposes other than screening for employment or release records information to other persons for purposes other than screening for employment.

(2) It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any person willfully, knowingly, or intentionally to use juvenile records information for any purposes other than specified in this section or to release such information to other persons for purposes other than specified in this section.

**History.**--s. 47, ch. 95-228; s. 283, ch. 96-406.

# Attachment 9



## AFFIDAVIT OF GOOD MORAL CHARACTER

State of Florida

County of \_\_\_\_\_

Before me this day personally appeared \_\_\_\_\_ who, being duly sworn, deposes and says:

*I am an applicant for employment as a caretaker (or similar position requiring level 2 screening under Chapter 435, Florida Statutes), or I am currently employed as a caretaker with:*

*By signing this form, I am swearing that I have not been found guilty or entered a plea of guilty or nolo contendere (no contest), regardless of the adjudication, to any of the following charges under the provisions of the Florida Statutes or under any similar statute of another jurisdiction. I also attest that I do not have a delinquency record that is similar to any of these offenses.*

*I understand I must acknowledge the existence of any criminal records relating to the following list regardless of whether or not those records have been sealed or expunged. I understand that I am also obligated to notify my employer of any possible disqualifying offenses that may occur while employed in a position subject to background screening under Chapter 435, Florida Statutes.*

### Relating to:

393.135	relating to sexual misconduct with certain developmentally disabled clients
394.4593	relating to sexual misconduct with certain mental health patients
415.111	adult abuse, neglect, or exploitation of aged persons or disabled adults
741.30	domestic violence and injunction for protection (defined in 741.28) means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, etc. of a family or household member
782.04	murder
782.07	manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child
782.071	vehicular homicide
782.09	killing an unborn child by injury to the mother
784.011	assault, if the victim of offense was a minor
784.021	aggravated assault
784.03	battery, if the victim of offense was a minor
784.045	aggravated battery
784.075	battery on a detention or commitment facility staff
787.01	kidnapping
787.02	false imprisonment
787.04(2)	taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings
787.04(3)	carrying a child beyond the state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person
790.115(1)	exhibiting firearms or weapons within 1,000 feet of a school
790.115(2)(b)	possessing an electric weapon or device, destructive device, or other weapon on school property
794.011	sexual battery
794.041	prohibited acts of persons in familial or custodial authority (former)
Chapter: 796	prostitution
Section: 798.02	lewd and lascivious behavior
Chapter: 800	lewdness and indecent exposure
Section: 806.01	arson
Chapter: 812	felony theft and/or robbery and related crimes, if a felony
Sections: 817.563	fraudulent sale of controlled substances, if the offense was a felony
825.102	abuse, aggravated abuse, or neglect of disabled adults or elderly persons
825.1025	lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult
825.103	exploitation of disabled adults or elderly persons, if the offense was a felony
826.04	incest
827.03	child abuse, aggravated child abuse, or neglect of a child
827.04	contributing to the delinquency or dependency of a child
827.05	negligent treatment of children



	827.071	sexual performance by a child
	843.01	resisting arrest with violence
	843.025	depriving an officer means of protection or communication
	843.12	aiding in an escape
	843.13	aiding in the escape of juvenile inmates in correctional institution
Chapter:	847	obscene literature
Section:	874.05(1)	encouraging or recruiting another to join a criminal gang
Chapter:	893	drug abuse prevention and control only if the offense was a felony or if any other person involved in the offense was a minor
Sections:	916.0175	relating to sexual misconduct with certain forensic clients
	944.35(3)	inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm
	944.46	harboring, concealing, or aiding an escaped prisoner
	944.47	introduction of contraband into a correctional facility
	985.4045	sexual misconduct in juvenile justice programs
	985.4046	contraband introduced into detention facilities

ONE OF THE FOLLOWING STATEMENTS MUST BE MADE:

**Under the penalty of perjury, which is a first degree misdemeanor, punishable by a definite term of imprisonment, not exceeding one year and/or a fine not exceeding \$1,000 pursuant to ss.837.012, or 775.082, or 775.083, Florida Statutes, I attest that I have read the foregoing, and I am eligible to meet the standards of good character for this caretaker position.**

\_\_\_\_\_

Signature of Affiant

**OR**

To the best of my knowledge and belief, my record may contain one or more of the foregoing disqualifying acts or offenses.

\_\_\_\_\_

Signature of Affiant

**OR**

for teachers and non-instructional personnel in lieu of fingerprint submission.\*

I swear that I have been fingerprinted under Chapter 1012, Florida Statutes, when employed as a teacher or non-instructional employee and have not been unemployed from the school board for more than 90 days. I swear the findings of that background check did not include any of the above offenses and that I meet the standards of good character for this caretaker position.

\_\_\_\_\_

Signature of Affiant

**OR**

To the best of my knowledge and belief, my record may contain one or more of the foregoing disqualifying acts or offenses.

\_\_\_\_\_

Signature of Affiant

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_

My commission expires

\_\_\_\_\_

NOTARY PUBLIC, STATE OF FLORIDA

My signature, as a Notary Public, verifies the affiant's identification has been validated by

\_\_\_\_\_



# AFFIDAVIT OF GOOD MORAL CHARACTER Required Addendum for Foster Care and Adoption Applicants

State of Florida

County of \_\_\_\_\_

Before me this day personally appeared \_\_\_\_\_ who, being duly sworn, deposes and says:

*I am an applicant for foster care or adoption:*

\_\_\_\_\_

*By signing this form, I am swearing that I have not been convicted of any of the following offenses identified by the Federal Adoptions and Safe Family Act and Section 435.045, Florida Statutes, as prohibitive for persons wishing to provide foster care or adopt a child subject to a placement decision pursuant to Chapter 39, Florida Statutes. I understand this affidavit applies to the Florida Statutes or any similar statute of another jurisdiction.*

*I understand I must acknowledge the existence of any criminal records relating to the following list regardless of whether or not those records have been sealed or expunged. I understand that I am also obligated to notify the Department of Children and Families or the Community-Based Care Provider of any possible disqualifying offenses that may occur pending the finalization of an adoption or while licensed to provide foster care.*

*I understand that approval shall NEVER be granted when a record check reveals a felony conviction for:*

*Child abuse, abandonment or neglect, Spousal abuse, A crime against children, including child pornography, A crime involving violence, including rape, sexual assault, or homicide, BUT not including other physical assault or battery, if the Department finds that the felony was committed at ANY time.*

*I understand that approval shall NOT be granted when a record check reveals a felony conviction for:*

*Physical assault, Battery, or a Drug-related offense, if the Department finds that a court of competent jurisdiction has determined that the felony was committed within the past 5 years.*

**Under the penalty of perjury, which is a first degree misdemeanor, punishable by a definite term of imprisonment, not exceeding one year and/or a fine not exceeding \$1,000 pursuant to ss.837.012, or 775.082, or 775.083, Florida Statutes, I attest that I have read the foregoing, and I am eligible to meet the standards of good character for foster care or adoptions.**

\_\_\_\_\_  
Signature of Affiant

OR

To the best of my knowledge and belief, my record may contain one or more of the foregoing disqualifying acts or offenses.  
\_\_\_\_\_  
Signature of Affiant

MY COMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC, STATE OF FLORIDA

My signature, as a Notary Public, verifies the affiant's identification has been validated by

\_\_\_\_\_.

# Attachment 9

## EMPLOYER REFERENCE CHECK FORM

NAME OF APPLICANT: \_\_\_\_\_

Social Security #: \_\_\_\_\_

Job Title Considered For: \_\_\_\_\_

Individual Completing Form: \_\_\_\_\_ Date: \_\_\_\_\_  
(PRINT AND SIGN NAME)

ORGANIZATION CONTACTED: \_\_\_\_\_

PERSON CONTACTED: \_\_\_\_\_ TITLE \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

1. This applicant gave your name as a former employer and stated that the dates of employment were:  
from: \_\_\_\_\_ to: \_\_\_\_\_

Please verify: YES  NO

2. Were you the applicant's immediate supervisor? Please Verify: YES  NO

If NO, please give your working relationship: \_\_\_\_\_

3. Applicant states he/she was employed as: \_\_\_\_\_

Please verify: YES  NO

4. What were the major duties performed?: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Was the applicant's work performance satisfactory? YES  NO  Please explain:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Did the applicant's absentee record affect his/her performance or the productivity of the program?

Please Verify: YES  NO

If YES, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**7. Has the employee ever received any disciplinary action? If "YES" what was the nature of the offense and what action was taken?**

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**9. Why did this person leave your organization?**

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**10. Would you rehire? Please verify: YES  NO**

**If NO, please explain?:** \_\_\_\_\_  
\_\_\_\_\_

**11. Are you aware of any information that might negatively affect this individual's suitability for employment in a position caring for children?**

YES  NO

**If Yes, please explain:** \_\_\_\_\_  
\_\_\_\_\_

**12. Are there any other comments you wish to make about the individual's work performance?**

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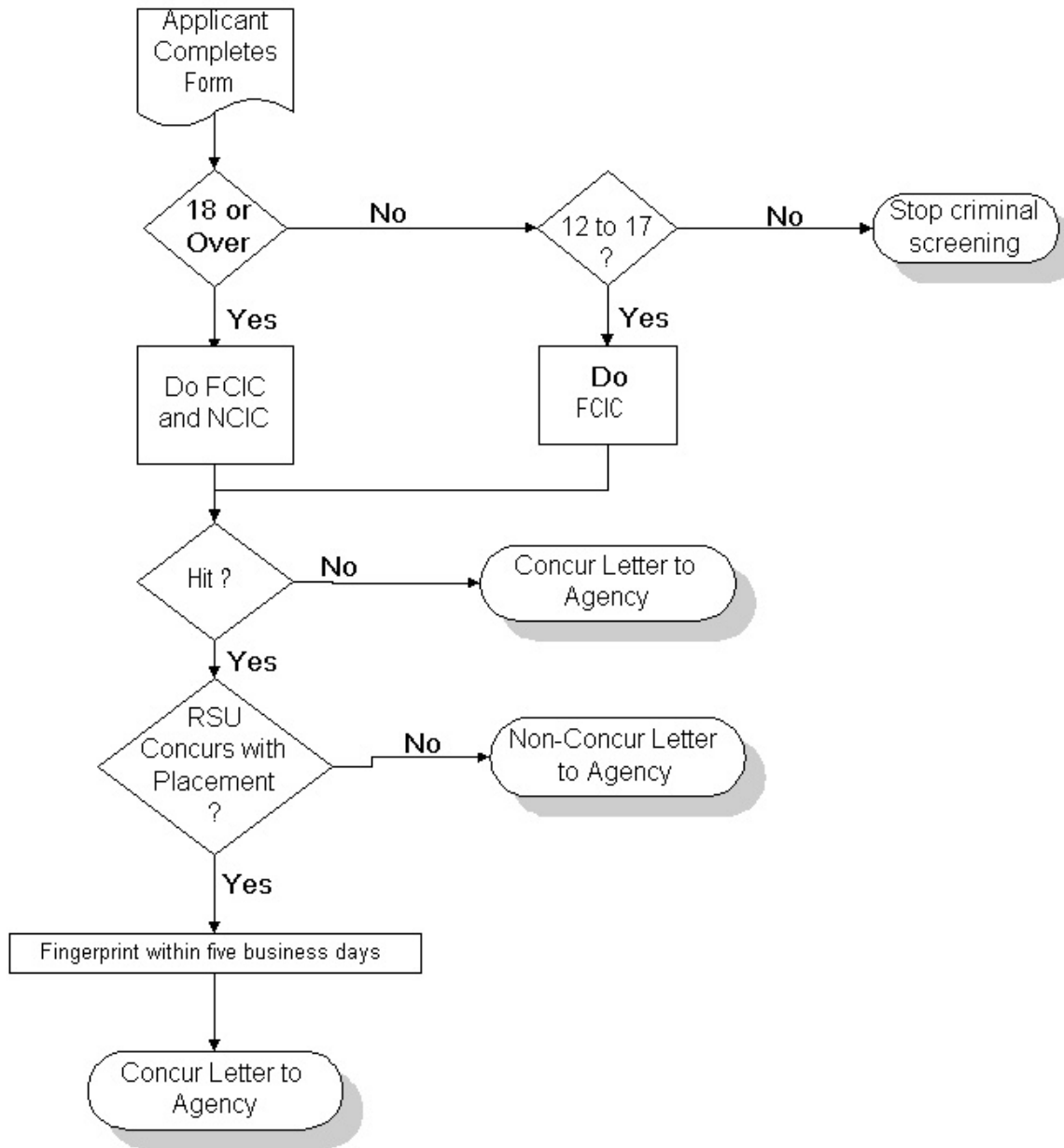
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**Please comment below about any periods of unemployment.**

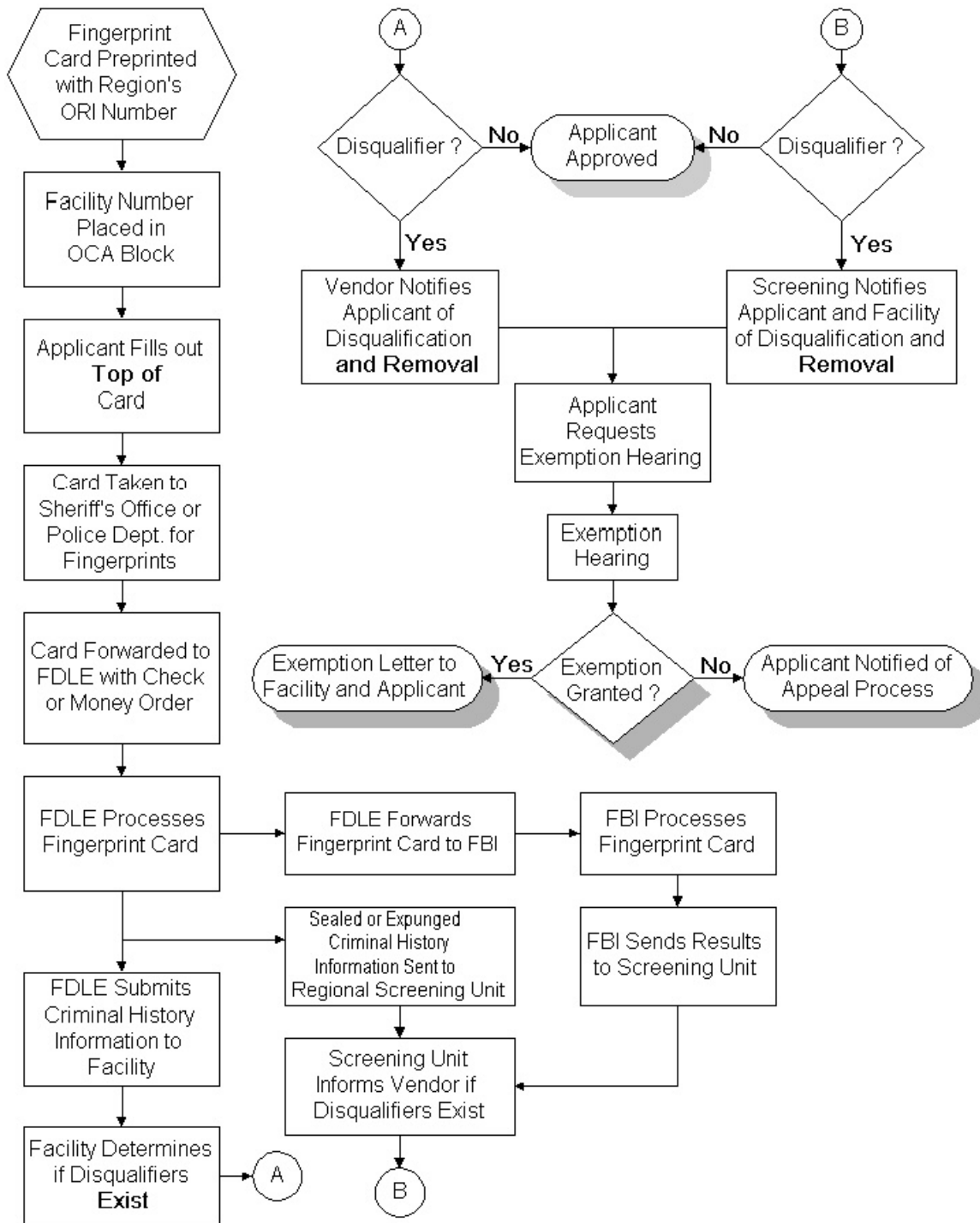
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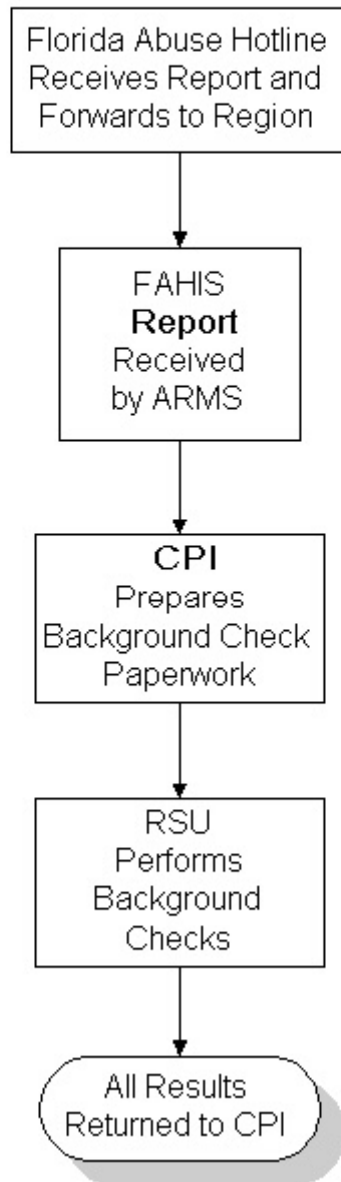
**EMERGENCY PLACEMENT**  
Exigent Circumstances for Relative/Non-Relative



**EXISTING CARETAKER SCREENING UNIT**  
Fingerprinting Process



## CHILD PROTECTIVE INVESTIGATIONS



## ELECTRONIC SUBMISSION Foster Care/Adoption

