



# Florida Certification Board Criminal History Policy

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## CRIMINAL HISTORY POLICY

The FCB requires all certification applicants to pass a Level 2 Background Screening as a condition of certification. The FCB is authorized to access the statewide screening database, "The Clearinghouse", to initiate a Level 2 background screening and/or access existing eligibility results for FCB certification applicants and certified professionals.

The Level 2 Background Screening process is detailed in Chapter 453, Florida Statutes. The FCB is authorized to access the Clearinghouse under the Department of Children and Families portal and we follow all policies and procedures established by the DCF Clearinghouse. For the most current and accurate information, please access <https://www.myflfamilies.com/service-programs/background-screening/>

**Background screenings can be initiated by an employer or by the FCB. If you have an active determination through the DCF portal in the Clearinghouse, you do not need to submit to a second background screening. If you do not have an active determination through the DCF portal in the Clearinghouse, a background screening can be initiated by your employer or by the FCB.**

### Please note:

- Effective July 1, 2019, all Certified Recovery Peer Specialist (CRPS), Certified Recovery Support Specialist (CRSS) and Certified Recovery Residence Administrator (CRRRA) applicants **MUST** pass a Level 2 Background Screening as a condition of certification (397.4073, F.S. and 394.4572, F.S.)
- Between July 1, 2019 and December 31, 2019, all applicants seeking any credential other than the CRPS, CRSS or CRRRA, who answer "yes" to the criminal history section of their FCB online profile **MUST** pass a Level 2 Background Screening as a condition of certification. A \$20 background fee will apply.
- Effective January 1, 2020, all applicants, regardless of the credential sought and the response to the criminal history section of the online profile **MUST** pass a Level 2 Background Screening as a condition of certification.

### Key Terms:

**Clearinghouse:** The Clearinghouse is a single database administered by the Agency for Health Care Administration (AHCA) for background screening results of persons who are required to be screened by statute, administrative code or other policy. Seven state agencies use the Clearinghouse. The FCB is authorized under the DCF portal to the Clearinghouse, however the process is administered by DCF and followed by FCB.

**Clearinghouse Applicant Request Form:** This is one of two mandatory forms that must be completed by the applicant **BEFORE** the FCB can initiate the screening in the Clearinghouse system. The FCB will email this form to the applicant.

**Clearinghouse Privacy Policy Form:** This is one of two mandatory forms that must be completed by the applicant **BEFORE** the FCB can initiate the screening in the Clearinghouse system. The FCB will email this form to the applicant.

**LiveScan:** LiveScan is a device that electronically captures fingerprints and other identifying information, then uploads that information to the Florida Department of Law Enforcement (FDLE) who then sends the fingerprints to the Federal Bureau of Investigation for a fingerprint background check.

**LiveScan Request Form:** This form is generated by the Clearinghouse database when the FCB initiates a background screening. FCB will email this document to the applicant. Applicants **MUST** bring a copy of this letter to the LiveScan Vendor within 30 days or the request will expire in the system and a new request must be generated. **There is a \$20 fee for all duplicate LiveScan Requests generated by the FCB.**

**LiveScan Vendor:** Entities offering LiveScan services must be approved by the Florida Department of Law Enforcement (FDLE). A list of approved vendors will be included with the LiveScan Request Form.



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### DIRECTIONS

1. All applicants must complete the criminal history section of their online profile.
2. Applicants seeking the CRPS, CRSS or CRRRA credential and any applicant who answers YES to the criminal history section of the profile will receive the *Clearinghouse Applicant Request Form* and the *Clearinghouse Privacy Policy Form* from their assigned Certification Specialist. Completed forms are returned to the FCB for processing through the Clearinghouse. Next steps are dictated by the result of the database search:
  - a. Applicant IN Clearinghouse – Eligible
  - b. Applicant IN Clearinghouse – Not Eligible
  - c. Applicant NOT in Clearinghouse
3. **Applicant IN Clearinghouse – Eligible:** Applicants located in the Clearinghouse with a current Eligible determination are automatically approved by the FCB for certification purposes. The FCB will update the individual's certification application to document approval of the criminal history requirement and will continue to process the other components of the certification application per FCB and credential policy.
4. **Applicant IN Clearinghouse – Not Eligible:** Applicants located in the Clearinghouse with a Not Eligible determination are automatically denied eligibility for certification with the FCB. The FCB will notice the applicant of the Not Eligible determination, update the certification application record to reflect Denied status and close the application file. The applicant may reapply for certification after an exemption is approved by the Department of Children and Families.
5. **Applicant NOT in Clearinghouse:** If an applicant is not located in the Clearinghouse or the information has expired, the FCB will initiate the background screening in the Clearinghouse, and will email the *LiveScan Request Form* and instructions for selecting a LiveScan vendor to the applicant.
  - a. Applicants must print the *LiveScan Request Form* and provide it to their selected vendor at the time of fingerprinting. **Applicants are responsible for all costs charged by the LiveScan vendor.**
  - b. Applicants have a maximum of 30 days to be fingerprinted or the request will expire in the Clearinghouse and a new LiveScan Request must be generated by the FCB. The FCB will charge \$20 for each additional LiveScan Request generated.
  - c. The LiveScan vendor will electronically collect and submit fingerprints to law enforcement (the Florida Department of Law Enforcement and the Federal Bureau of Investigation) for criminal history records collection. *Please note: all fingerprinting activity occurs with the LiveScan vendor. All LiveScan fingerprinting is electronic. If you are provided with a hard copy of your fingerprints, ensure that the LiveScan vendor has electronically submitted your fingerprints, too. DO NOT provide fingerprints or fingerprint cards to the FCB.*
  - d. FDLE and the FBI provide all located criminal history records to state employees who conduct the background screenings and determine eligibility. **ONLY** these employees have access to the criminal history records. The FCB does not ever see the results of the records reviewed for eligibility determination.
  - e. When determination has been made, the FCB will receive an electronic notice that the applicant's results are available for review. The applicant will receive results in hard copy directly from the state, with instructions on how to request an exemption, in the case that an individual has been denied. Please note: The FCB has no role in the Denial or Exemption process.
  - f. The FCB will notify the applicant of the results and will take the appropriate action, based on the determination, as detailed above.



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## Frequently Asked Questions

I passed a Level 2 Background Screening when I was hired at a DCF licensed substance abuse agency (or any other program administered by DCF). Do I need to do another one?

Probably not. The purpose of the Clearinghouse is to reduce duplication of background screening activities. If the Eligible determination is current, no additional action is necessary. If the determination is not current or you cannot be located in the system for any reason, you may be required to re-fingerprint.

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I passed a Level 2 Background Screening when I worked for an agency that is NOT Department of Children and Families but still reports into the Clearinghouse. Do I need to do another one?

Yes. The Clearinghouse is used by seven state agencies. Each agency has a scope of authority as to the positions they screen and the standards used for screening. The FCB falls under the Department of Children and Families, which is one of the seven (7) reporting agencies. We can only accept determinations published in their portal. We may be able to initiate a DCF agency review of your valid fingerprints retained in the Clearinghouse (vs. re-fingerprinting), but this process is not administered by FCB and cannot be guaranteed.

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Do I have to have a Background Screening initiated by the FCB?

Not necessarily. Anyone who is currently employed in a position that requires a Level 2 Background Screening should already be in the Clearinghouse.

All employers whose staff is subject to Level 2 background screening may initiate a Level 2 Background Screening. The FCB can also initiate the screening.

You do not need to, nor do you want to, have two agencies request a background screening.

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I had a Level 2 Background Screening completed before, why can't you find me in the Clearinghouse?

We don't know. We are required to use the Clearinghouse. If we cannot locate your record, you will have to undergo a new background screening.

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How long do I have to get my fingerprints processed?

You have 30 days from the date the FCB generates your LiveScan Request Form to complete your fingerprinting. **If your timeframe expires, the FCB will charge a \$20 fee to generate each additional LiveScan Request.**

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Can I contact a LiveScan provider myself and initiate the background screening?

No. The FCB must initiate the screening in the Clearinghouse. The Clearinghouse will then generate a letter that the FCB will provide to the applicant. The applicant must take this letter to the LiveScan provider in order to be fingerprinted.

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### Who needs my fingerprints?

The FCB will not accept fingerprint cards for processing. All fingerprinting must be conducted by the LiveScan provider.

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### Can I have my fingerprints taken at a local police station or Sheriff Office?

No, not unless the law enforcement agency is also an approved LiveScan provider. Statute requires electronic submission of fingerprints for background screening purposes. If you are provided with a hard copy of your fingerprints, ensure an electronic copy was also submitted per Chapter 453, Florida Statutes. The FCB will never request or accept your hard copy or electronic fingerprints.

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### Who pays for the LiveScan screening and how much does it cost?

You are responsible for paying for the fingerprint screening. The cost depends upon the LiveScan vendor. Each vendor has their own fees. A list of LiveScan vendors will be included in the LiveScan Request Form email sent to you by FCB. **The only fee the FCB will charge is \$20 if your timeframe expires and we must initiate duplicate LiveScan Requests.**

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### How long does it take for my results to come back?

We don't know. However, you should plan on a minimum of 4 to 6 weeks from the time you submit your electronic fingerprints through LiveScan until a determination is published in the Clearinghouse. If there is a delay in processing the certification application based on a delay in the background screening process, the FCB will extend the "valid" period of the certification application accordingly.

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### Why am I not eligible?/Why was I denied?

We don't know. The FCB can only view the final determination of Eligible, Not Eligible or Agency Determination Needed. We do not have access to the actual reports received and analyzed by the state's background screeners.

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### I was denied/determined to be Not Eligible. What do I do?

The FCB will process your application according to the policy for Applicant In Clearinghouse – Not Eligible.

However, it is VERY IMPORTANT to understand that the background screening process and the exemption process is administered by DCF. While FCB will notify you of the results of our search in the Clearinghouse, official notification of background screening results is provided to the individual from DCF. FCB notification HAS NO BEARING on the exemption process. Monitor your mail as the notification from DCF starts the official time frame during which an exemption can be requested.

PLEASE contact the DCF Background Screening Help Desk at 888-352-2849 for information regarding exemptions. The FCB is unable to provide any assistance regarding exemption applications or determinations.

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I was denied eligibility, but am requesting an exemption. What happens now?

Please notify your Certification Specialist if you are approved for the exemption. We will then verify eligibility in the Clearinghouse.

If the exemption is approved, the FCB will re-open your certification application, extend your application timeframe by the amount of time it took for the exemption approval, up to 12 months.

If the exemption is denied, the FCB will deny your criminal history requirement and close your certification application. You will not be eligible to apply for certification until you are able to pass a Level 2 Background Screening

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Will you accept the exemption I was granted by the Department of Children and Families (DCF)?

Yes. The FCB will accept exemptions that are approved by DCF and documented in the Clearinghouse. Additional information is at <https://www.myflfamilies.com/service-programs/background-screening/>

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I have a copy of my exemption letter. Will this suffice?

No. The only official documentation for verification of Eligible or Not Eligible status is the result of a Clearinghouse search conducted by the FCB.

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Will you accept the exemption I was granted by the Department of Juvenile Justice, Department of Education or other agency/organization?

No. Although there are seven state agencies using the Clearinghouse, the FCB can only accept determinations that are made through the DCF portal to the Clearinghouse pursuant to Chapters 39, 110, 393, 394, 395, 397, 402, 409, and 408, Florida Statutes.

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My criminal history was approved for certification purposes *before* this new policy went into place and I am Not Eligible under the state's system. What happens now?

The FCB will not retroactively apply new policy to existing credentials. However, be aware that if you allow a credential to become inactive, FCB's reinstatement policy requires individuals to meet all credential requirements in place at the time of reinstatement. This means that someone who was eligible for certification under the prior policy may not be eligible under the current policy.

Additionally, prior approval of your background by FCB for certification purposes does not transfer to any new credentials sought after July 1, 2019.

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I was arrested and convicted of a crime *after* earning my credential. Will this new policy impact me?

Yes. If the state changes their determination from Eligible to Not Eligible, the FCB will be required to take action as policy requires individuals holding these credentials to pass a Level 2 background screening as a condition of certification.

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