



Florida: New Law Strengthens Background Screening for Caregivers

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Dear Client:

Constantly changing workplace laws can be a challenge for employers. SCI Companies helps you keep pace and gain clarity about employment regulations that may impact your business. This Client Notice provides an overview and highlights of a new regulation in Florida. It also offers *Best Practices* recommendations and solutions.

Overview – New Florida Law

Beginning on 08.01.10, potential caregivers for children, elderly and disabled adults now have stricter background screening requirements. Under this new law, caregivers now have to pass a nationwide background check before they can begin working. Prior to this, offenders with prior convictions of rape, child abuse and murder were being hired as caregivers, and were allowed to start working before a background check was made.

Highlights

- Applicants are prohibited from working before their screening procedures have been completed.
- Level 1 background screening (i.e., a name check against state records) has been replaced with Level 2 background screening (i.e., a fingerprint search against state and national records). Therefore, an Applicant of a health care provider who was previously mandated by law to undergo Level 1 screening now is required to have a Level 2 screening.
- Additional serious crimes have been added to the list of disqualifying criminal offenses. The procedure for exemptions from disqualifications has become more stringent.
- Volunteers who work more than 10 hours a month are now required to undergo a criminal background check. Those who work for less than 10 hours a month need not be screened if they are always in the "line of sight" of a person who has met the screening requirements.
- If an employer becomes aware of an arrest of an employee for a disqualifying offense, the employer is required to remove the employee from any position that requires background screening until the employee's eligibility for such employment is determined. If it is determined that the employee does not meet the requirements for employment, the employee must be terminated.
- Health Care Agencies are authorized to request the retention of Applicant's fingerprints by the Florida Department of Law Enforcement (FDLE).
- Fingerprints must be submitted electronically. Paper or card versions are no longer acceptable.

Best Practices Recommendations

SCI Companies is committed to ensure Clients maintain compliance with the latest employment regulations. By using our knowledge, experience and insight in workplace laws, we provide you with *Best Practice* recommendations, ultimately helping your company achieve your operational and human resources goals along with reducing the chance of costly litigation.

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To help employers maintain compliance, SCI encourages Clients to:

- **Conduct more rigorous background and criminal checks.** Since there has been a shift from statewide criminal name checks to a more rigorous nationwide fingerprint check, employers are strongly advised to conduct complete and thorough background checks for every new employee hired. Read [SCI's Pre-Employment Screening Fundamentals](#) that discusses some critical steps that employers can take before finalizing an employment offer. *Popular types of background checks (and their approximate costs) are as follows: Social Security Number and Criminal Background (\$35), Social Security Number, Criminal and Employment Verification (\$50), Educational Verification (\$30) and Driving/Motor Vehicle Reports (\$25).*
- **Complete the background screening process** before an Applicant begins working with vulnerable populations.
- **Review the list of disqualifying criminal offenses, including additional crimes,** covering nearly any type of violence or theft.
 - *Florida Statute (F.S.), Chapter 435*
www.myfloridahouse.gov/FileStores/Web/Statutes/FS07/CH0435/Section_0435.04.HTM and
 - *Florida Statute (F.S.), Chapter 408.809*
www.myfloridahouse.gov/FileStores/Web/Statutes/FS07/CH0408/Section_0408.809.HTM
- **Be thorough and careful while searching for a background check provider** for your company to ensure that you receive the most accurate and correct information. Although SCI does not perform background screening for its Client companies, SCI works with third party vendors who offer comprehensive background screening services. Following are SCI's preferred vendors: [ACI Security & Investigations \(ACI\)](#), [Tropical Surveillance and Investigations, Inc. \(TSI\)](#) and [First Advantage \(FADV\)](#). Access more information on Client Self-Service (CSS) → Reporting Services/Reports-On Demand → Human Resources → General Resources → Background Screening → SCI's Preferred Vendors or contact your assigned SCI Professional.

Valuable Tools from SCI

- SCI's **Management Guidebook** offers guidelines and resources for Applicant's Pre-Employment Screening including Background Screening, Criminal Checks, Motor Vehicle Reports (MVRs) and their related HR *Best Practices*. All SCI Guidebooks can be found on Client Self-Service (CSS) → Reporting Services/Reports-On Demand → Human Resources → Guidebooks.
- SCI recommends **credible Background Check companies** who specialize in helping organizations implement and maintain a thorough background check process. Access SCI's vendor information on Client Self-Service (CSS) → Reporting Services/Reports-On Demand → Human Resources → General Resources → Background Screening → SCI's Preferred Vendors.
- Find **Fair Credit Reporting Act (FCRA) informational materials** on Client Self-Service (CSS) → Reporting Services/Reports-On Demand → Forms → Background Screening. These resources assist you when ordering background screening from Consumer Reporting Agencies (CRAs).
- **[SCI Assessment Center](#)** - access our online catalog of pre-employment and developmental [assessment tools](#) that have been developed by the nation's top Industrial Organizational Psychologists for multiple industries, roles, organizations and skill sets.

Additional Resources

SCI's team of Service Professionals and resources can provide ongoing assistance to you in gaining a better understanding and implementation of this legislation. You can always count on SCI to help avoid the added time and cost associated in managing your workplace concerns.

For more information on Florida's new background screening law requirements, visit:
http://laws.flrules.org/files/Ch_2010-114.pdf

All content in this notice is based on current information and supersedes previous communications regarding this topic. If you have any questions or concerns, please contact your assigned SCI Professional.

Sincerely,

SCI Companies