STATE OF FLORIDA
DEPARTMENT OF
CHILDREN AND FAMILIES
TALLAHASSEE, April 30, 2026

CF OPERATING PROCEDURE
NO. 60-25, Chapter 2

Human Resources

EMPLOYEE SECURITY BACKGROUND SCREENING

2-1. Purpose. This operating procedure implements Department policy to ensure that all selected candidates / employees of the Department are screened for initial employment and employees are successfully enrolled in the state and national retention programs. This operating procedure also addresses securing a Florida Department of Law Enforcement (FDLE) State and Federal Criminal History Record Check on any person that performs a contracted or volunteer function.

2-2. Scope. This operating procedure applies to all Department Career Service, Selected Exempt Service, Senior Management Service, and Other Personal Services (OPS) selected candidates, employees, volunteers, and contracted staff.

2-3. References and Authority.

a. Chapter 39, Florida Statutes (F.S.), Proceedings Relating to Children.

b. Section 110.1127, F.S., Employee Security Checks.

c. Chapter 119, F.S., Public Records.

d. Chapter 394, F.S., Mental Health.

e. Chapter 408, F.S., Health Care Administration.

f. Chapter 435, F.S., Employment Screening.

g. Chapter 775, F.S., Definitions, Penalties.

h. Section 916.106, F.S., Definitions (Institutional Security Personnel).

i. CFOP 50-1, Chapter 11, Exemption from Disqualification.

j. CFOP 50-1, Chapter 10, Caretaker Screening.

k. CFOP 60-25, Chapter 1, Recruitment and Selection.

l. CFOP 60-55, Chapter 1, Standards of Conduct and Standards for Disciplinary Action for Department Employees.

m. CFOP 140-2, Chapter 6, Employees Involved in Reports of Abuse, Neglect, Abandonment or Exploitation.

n. CFOP 170-16, Chapter 5, Employees Involved in Reports of Abuse, Neglect or Exploitation.

This operating procedure supersedes CFOP 60-25, Chapter 2, dated November 19, 2021.
OPR: Human Resources

2-4. Definitions.

a. Position of Special Trust or Responsibility. All positions in the Department are deemed to be positions of special trust or responsibility or sensitive location in accordance with section 110.1127, F.S.

b. Felony. Any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by death or imprisonment in a state penitentiary or correctional facility for at least one (1) year and one (1) day.

c. Misdemeanor. Any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by a term of incarceration in a county correctional facility, except an extended term, not in excess of one (1) year. The term misdemeanor does not include conviction for any non-criminal traffic violation of any provision of Chapter 316 or any municipal or county ordinance.

d. Institutional Security Positions. Positions designated by section 916.106, F.S., within the institutional security specialist class series.

e. Initial Screening. Submission of fingerprints for a State and Federal Criminal History Record Check through the Florida Department of Law Enforcement (FDLE), initiated as part of initial employment security screening, prior to beginning employment with the Department.

f. Arrest Notification. A notice sent to an employing or licensing agency informing them one of their subject's retained fingerprints was identified with fingerprints of an incoming state or national arrest. Also, commonly referred to as an "arrest hit notification".

g. State Fingerprint Retention Program. A system maintained by FDLE which retains fingerprints for the purpose of providing statewide arrest event notification.

h. National Fingerprint Retention Program. A system maintained by Federal Bureau of Investigation's (FBI) for the purpose of providing national notifications when the following triggering events occur:

- Criminal Arrests
- Warrant Additions and Deletions (new warrant entry which includes the individual's FBI/UCN number)
- Sexual Offender Registry Additions and Deletions
- Death Notice with Fingerprints

If a triggering event occurs with a current employee (retained applicant), the agency will be notified via the Florida Department of Law Enforcement's (FDLE) Information Notification System (FINS).

i. Contracted Staff. Any person that performs a contracted function for the Department through a third party or as an independent contractor.

j. Volunteer. Any person who, of their own free will, provides goods or services, or conveys an interest in or otherwise consents to the use of real property pursuant to Chapter 260, F.S., with no monetary or material compensation.

k. Selected Candidate. A candidate for employment whom the Hiring Authority has selected to fill a vacancy.

l. Illegible / Rejected Prints. This refers to FBI criminal history results indicating that the applicants' fingerprints were illegible due to the low quality of fingerprints or a scanning error. A Transaction Control Reference (TCR) number is provided by the FBI with the rejected fingerprint

response, allowing the applicant to submit a second set of fingerprints within 180 days without incurring a second screening charge.

2-5. Policy.

a. Employee security background checks, including fingerprinting, are required as a condition of employment for all persons selected for, or occupying, positions within the Department and all applicable contracted staff or volunteers.

b. Candidates for employment shall be advised in the job opportunity announcement and during the interview process of the specific background screening requirements in CFOP 60-25, Chapter 1, Recruitment and Selection.

(1) The following language shall be included in all job announcements:

BACKGROUND SCREENING REQUIREMENT: It is the policy of the Florida Department of Children and Families that any candidate being considered for employment must successfully complete a State and National criminal history check as a condition of employment, and also be screened in accordance with the requirements of Chapter 435, F.S., and, if applicable, Chapter 408, F.S. **Employment may be terminated based on the background investigation results if the candidate begins employment before the background results are received, reviewed for any disqualifying offenses, and approved by the Department.**

Background investigations shall include, but not be limited to, fingerprinting for State and national criminal records check through the Florida Department of Law Enforcement (FDLE) and Federal Bureau of Investigation (FBI) and local criminal history checks through local law enforcement agencies. Employees will be retained in state and national rap back program, providing real-time arrest hit notifications.

(2) Additionally, the following language shall also be included in all job announcements:

The State of Florida is an Equal Opportunity Employer/Affirmative Action Employer.

c. Every selected candidate shall, prior to beginning employment with the Department, be fingerprinted and their fingerprints forwarded for processing to the Florida Department of Law Enforcement (FDLE). The fingerprints shall be taken by the Department, a law enforcement agency, or a vendor as authorized pursuant to section 435.04, F.S. However, in the event a “name check” is required (occasionally fingerprints are not readable, in which case a “name check” must be done) a selected candidate may be hired but must not have any contact with a vulnerable person until the background check is completed. In such case, the employment “offer letter” must include that the offer of employment is contingent on the successful completion of the criminal history background check. In order to appoint a selected applicant without completion of the background check, the Deputy Secretary, Assistant Secretary, Hospital Administrator, or designee must approve the conditional appointment and submit the selection to the Human Resources Director for approval. There must be no disqualifying offenses under Chapter 435, F.S., or, if applicable, Chapter 408, F.S., unless an exemption is approved pursuant to CFOP 50-1, Chapter 11, prior to beginning employment. Fingerprints shall be kept on file with FDLE and FBI for “real time” cross-checking against state and federal arrest reports.

d. Illegible/Rejected Fingerprints. In August 2025, the Federal Bureau of Investigation issued a CJIS Information Letter to provide guidance for submitting fingerprints when the first submission was

rejected due to poor fingerprint quality. Effective January 1, 2026, the FBI will no longer process requests where the second submission is not a new collection of fingerprints. If an applicant or employee has rejected fingerprints a new set of fingerprints must be collected and submitted with the TCR number before a name check can be completed.

e. Any person who is required to undergo a security background investigation and who refuses to cooperate or to submit fingerprints shall be disqualified for employment, or if employed, shall be dismissed.

f. For continued employment, each employee in the Department is required to be retained in state and national rap back program providing real-time arrest hit notifications.

g. All criminal history record information shall be reviewed by Human Resources Employee Relations, a management representative and, as necessary, legal counsel. A criminal history does not automatically bar someone from employment unless the criminal history is a disqualifying offense under Chapter 435, F.S., or if applicable Chapter 408, F.S. The nature, job relatedness, severity and offense date in relation to the position applied for must be considered. See paragraph 2-7 of this operating procedure for further considerations. The designated background screening coordinator must also review all criminal history record information to determine if there are any disqualifying arrests pending disposition, convictions or court pleas under Chapter 435, F.S., or if applicable Chapter 408, F.S.

h. Any employee who is arrested or receives notice of possible criminal prosecution, including any violation or infraction mandating a court appearance, must report this to his or her immediate supervisor. Reporting must be done immediately if during normal working hours or immediately on the next business day if after normal working hours. Failure to report an arrest may be cause for discipline up to and including dismissal. The immediate supervisor must complete the Employee Arrest/Court Appearance Notification (form CF 760, available in DCF Forms) to document all reports.

i. Candidates who have no criminal history shall be immediately authorized to begin employment contingent on satisfactory completion of all hiring process steps, and the background screening coordinator shall issue a clearance letter (or other documentation that shows the candidate successfully completed the background screening) to be placed in the employee's personnel file or documented on the Appointment Checklist (form CF 786, available in DCF Forms). When the results of an employee security background check indicate a criminal record, all arrests, final disposition information and recommendation for employment must be documented on the Criminal History Record Review Checklist (form CF 757, available in DCF Forms).

j. Upon the request of the Department, the person whose background is being investigated shall promptly provide any missing information relating to the arrest and/or final disposition to the Department within 30 days of a request for such information. Failure to do so in a timely manner, without cause, shall result in termination of employment for current employees and candidates for employment shall no longer be considered for employment.

k. If any disqualifying offenses are identified, an employee may request an exemption to be able to work in accordance with CFOP 50-1, Chapter 11, Exemption from Disqualification. Where granted an exemption, the Criminal History Record Review Checklist (CF 757, available in DCF Forms) must be completed and all criminal history record information must be reviewed and approved by the appropriate Deputy Secretary, Assistant Secretary, or Hospital Administrator, or their designee.

l. An arrest awaiting final disposition for a disqualifying offense shall preclude an employee from working in a role that requires contact with any vulnerable person.

m. An arrest for a non-disqualifying offense without a verification as to the final disposition of the case may be considered as a factor in an employment decision. However, careful consideration should

be given to determine whether the facts in any given situation would warrant no further consideration being given to a selected candidate for employment, or for an employee whether disciplinary action up to and including dismissal is warranted.

n. Human Resources is responsible for ensuring that People First is updated with current employment screening information for each employee.

o. The background screening coordinator is responsible for updating the Workforce Management System for all employees in the Department.

2-6. Screening Requirements for Selected Candidates and All Employees.

a. All employees are fingerprinted and screened pursuant to section 435.04, F.S., Level 2 and, if applicable, also pursuant to section 408.809, F.S., screening standards.

b. Selected candidates and employees must attest that they meet the requirements to qualify for employment and agree to inform the Department immediately if arrested or convicted of any of the disqualifying offenses listed on the attestation while employed. (Employees will continue to be required to report all arrests or notice of possible criminal prosecution, including any violation or infraction mandating a court appearance, to his or her immediate supervisor.) If a selected candidate or employee falsifies the attestation, it may be grounds for disqualification from employment.

c. A criminal history record reflecting an arrest for any offenses listed in section 435.04, F.S., or, if applicable, section 408.809, F.S., without an indication as to the final disposition of the charge shall be verified by the Clerk of the Court in the jurisdiction where the arrest was made or the case was adjudicated, as appropriate.

d. An employee who has an arrest pending disposition for a disqualifying offense under section 435.04, F.S., or, if applicable, section 408.809, F.S., shall be placed on administrative leave with pay to allow the Department sufficient time to gather the facts related to the arrest.

(1) Once the facts related to the arrest have been determined:

(a) The employee may be allowed to continue in his or her current role if the employee does not have contact with a vulnerable person; or,

(b) The employee may be temporarily assigned to a role that does not have contact with a vulnerable person; or

(c) Management may initiate action to separate the employee in accordance with the provisions of CFOP 60-55, Chapter 1, Standards of Conduct and Standards for Disciplinary Action for Department Employees.

(2) Employees outside the permanent Career Service serve at the pleasure of the agency and may be dismissed “at will.”

(3) Career Service employees who have satisfactorily completed at least a one (1) year probationary period in their current position will be afforded all rights they are entitled to as permanent status employees; and such employees may only be dismissed for cause and will normally receive written notice of intent to dismiss and an opportunity to answer orally and in writing the charges against him or her prior to taking the proposed action.

e. An employee shall be subject to termination if they are found guilty of, regardless of adjudication, or have entered a plea of nolo contendere or guilty to, any offense listed in section 435.04,

F.S., or, if applicable, section 408.809, F.S., unless an exemption from disqualification has been granted pursuant to section 435.07 F.S., and CFOP 50-1, Chapter 11, Exemption from Disqualification.

2-7. Criminal History and Background Records Review for All Employees.

a. The entire criminal history and background records will be reviewed as provided in this operating procedure. These reviews are necessary to determine if the actions, offenses and convictions would prohibit the person from working. Management shall ensure that review of any criminal history and background records is job related and free of any unlawful discrimination. Considerations are to be given to:

(1) Type of action or offense and final disposition;

(2) Position duties and responsibilities;

(3) Location of position;

(4) Nature of the crime or offense or action;

(5) Date offense or conviction occurred;

(6) Length of time since offense, action, or conviction;

(7) Circumstances surrounding the offense, action, or conviction.

NOTE: Consideration should be given to EEOC Enforcement Guidance issued April 25, 2012, related to arrest and conviction records for employment purposes found at the following EEOC website:

http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm

b. When reviewing the criminal record and background records against the position duties and responsibilities of the position, the review should take into consideration the nature of the crime, offense or action and the position duties. For example, records received on an ACCESS Program candidate or employee or a candidate or employee that has fiduciary responsibilities shall, at a minimum, be reviewed for felony or first-degree misdemeanor convictions for fraud and larceny.

c. If a record contains any outstanding warrants, the background screening coordinator shall immediately contact the candidate, to obtain all information related to the warrant to determine if the warrant is still active.

d. Final Review for Employment or Continued Employment.

(1) The criminal history record review findings shall be documented on the Criminal History Record Review Checklist (form CF 757, available in DCF Forms), and submitted to the appropriate Deputy Secretary, Assistant Secretary, Hospital Administrator, or their designee, for final approval for employment or for continued employment.

Pursuant to CFOP 50-1, Chapter 11, Exemption from Disqualification, exemptions granted by the Department shall be used by all programs within the Department without further review, unless the exemption has been limited to a specific program area, facility, or position.

2-8. Reports of Abuse, Neglect, Abandonment or Exploitation.

a. The use of Florida Abuse Hotline information for employment purposes is limited to only the Department and Agency for Persons with Disabilities (APD), and this authority is limited by the provisions of section 39.302(7) and section 415.107(8), F.S. If there are questions or concerns about the information, consider discussing those questions or concerns with Legal Services.

(1) To provide further guidance on the use of abuse report information, the use of adult abuse report information for the purpose of employment screening is prohibited by section 415.107(8), F.S. Therefore, hiring authorities should not use adult abuse report information in any employment screening.

(2) The Department may use child abuse report information for the purpose of employment screening. A request for this information should be sent to the Background Screening unit and can be utilized to request this information by the hiring authority, for selected candidates working in the child protective investigator class series, the crime intelligence/analyst class series, the Florida Abuse Hotline, the adult protective investigator class series, and Children's Legal Services, and the mental health treatment facilities in which a review of the Florida Safe Families Network (FSFN) for child abuse information would be job related[1]. Do not attach any FSFN printout to form CF 1651. Only "verified" abuse report findings should be utilized for employment screening. "Unverified" abuse report information should not be utilized for employment screening. With "verified" child abuse report information, a careful review should be conducted by the appropriate management to ensure that all the facts have been considered and an informed decision made taking into account the totality of circumstances as well as the factors listed in the Child Abuse Record Review Checklist (form CF 738, available in DCF Forms).

b. Form CF 1651, if utilized, with the child abuse identifying report results listed on it (report number, report date, and county), shall be attached (if not utilized the information should be included) to the Child Abuse Record Review Checklist (form CF 738, available in DCF Forms), and submitted to the appropriate Deputy Secretary, Assistant Secretary, Hospital Administrator, or their designee, for final approval for employment or for continued employment. Any confidential abuse report information should not be attached to or included with form CF 738, and should remain stored in the FSFN system.

If an employee is the subject of a report accepted by the Florida Abuse Hotline or when a family member or household member of an employee is the subject of a report accepted by the Florida Abuse Hotline, the process described in CFOP 140-2, Chapter 6, "Employees Involved in Reports of Florida Abuse, Neglect, Abandonment, or Exploitation," and CFOP 170-16, Chapter 5, "Employees Involved in Reports of Abuse, Neglect or Exploitation" must be followed. In all instances the Deputy Secretary, Assistant Secretary, Hospital Administrator, or their designee will be contacted in order to review the case and take appropriate actions that may include removing the employee from customer contact and removing the security clearance.

2-9. Institutional Security Positions. The background investigation process for all employees appointed to a position within the institutional security specialist class series is separate and distinct from the investigations conducted for other Department employees. This process is governed by the statutory requirements of sections 943.085 through 943.255, F.S., Rule 11B-27.0022, Florida Administrative Code, and the Criminal Justice Standards and Training Commission's Background Investigation

[1] Human Resources can review any requests to include additional positions or job classes.

Procedures Manual. This process is initiated by the Mental Health Treatment Facilities and coordinated directly with the FDLE, Criminal Justice Standards and Training Commission.

2-10. Volunteers. Volunteers working for 10 hours or more per month in programs providing care to children, the developmentally disabled, or vulnerable adults are deemed to be persons of special trust and responsibility pursuant to section 110.1127, F.S., and shall be fingerprinted and screened pursuant to section 435.04, F.S., Level 2, and, if applicable, section 408.809, F.S., screening standards. Volunteers working less than 10 hours per month must always be within the line of sight of a person who has met the screening requirements unless the volunteer also has been background screened.

2-11. Contracted Staff. Contracted staff are deemed to be persons of special trust and responsibility pursuant to section 110.1127, F.S., and shall be fingerprinted and screened pursuant to section 435.04, F.S., Level 2, and, if applicable, section 408.809, F.S., screening standards. Staff of domestic violence shelters who do not have unsupervised contact with persons receiving services may continue their employment if they were hired prior to July 1, 2020 and have a history of good work performance at that shelter. Any offense on or after July 1, 2020 will be analyzed under section 435.04 and, if applicable, 408.809, F.S.

2-12. Continued Employment Requirements.

a. For continued employment, each employee, volunteer, or contracted staff in the Department is required to be retained in state and national back program, providing real-time arrest hit notifications.

b. Except as provided in paragraph 2-12c below, any Department employee who has been background screened and cleared the background check within the last five (5) years does not have to be fingerprinted again, as long as the employee successfully enrolled in the state and national rap back program.

c. If an employee had fingerprints rejected upon enrolling in the national rap back program, the employee must complete a 5-year rescreening to continue employment. Rejected fingerprints are not retained at the national level but may be retained at the state level.

d. Any Department employee who does not currently occupy an Adult Protective Investigator or Supervisor position, a position in the Child Protective Investigation class series, Mental Health Facility position, or Florida Abuse Hotline position and who has not been background screened during the 90-day period prior to the date the employee moves into one of these positions must be rescreened, if they were not in the state and national rap back program.

e. If a Department employee who currently occupies an Adult Protective Investigator or Supervisor position, a position in the Child Protective Investigation class series, Mental Health Facility position, or Florida Abuse Hotline position is moving into another one of these positions and has been background screened and cleared the background check within the last five years they do not need to be re-screened. Re-screenings for these employees shall follow the timeframes listed in 2-12(a).

2-13. Confidentiality.

a. All information obtained through the fingerprint screening process is exempt from public disclosure as outlined in section 119.071(2), F.S.

b. The sharing of FDLE criminal history information obtained through the screening process is restricted to employment purposes.

c. The sharing of national criminal history information obtained through the screening process is restricted to state employment purposes and the information can only be shared between state governmental entities for that purpose.

d. A candidate or employee may be shown their own criminal record and may be provided a copy. However, candidates or employees must be cautioned the record may not be used for any other purpose and they are not allowed to provide a copy of the record to any other organization.

2-14. Penalties.

a. It is a misdemeanor of the first degree, punishable as provided in section 775.082, F.S., or section 775.083, F.S., for any person willfully, knowingly, or intentionally to:

(1) 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.

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

b. It is a felony of the third degree, punishable as provided in section 775.082, section 775.083, or section 775.084, for any person willfully, knowingly, or intentionally to use juvenile records information for any purposes other than specified in paragraph 2-14a of this operating procedure or to release such information to other persons for purposes other than specified in paragraph 2-14a.

2-15. Records Retention Requirements.

a. Background investigative information, correspondence record checks, and any documentation, e.g., form CF 757 (available in DCF Forms), relating to the review and investigation of the criminal history record check shall be maintained in a file separate and apart from the official personnel file. Such records shall be maintained by Employee Relations for a period of four (4) years and until any litigation is resolved or if employed longer until separation of employment. Beginning in March 2016, these records shall be maintained electronically in a confidential section of the official personnel file and retained for 25 years after the employee separates from the Department. Additionally, for all new employees, the Appointment Checklist includes the background screening clearance verification which is maintained in the official personnel file and documents the completion of background screening.

b. Scanned fingerprints using Livescan or similar scanning technology may be deleted once they are submitted to FDLE and the criminal history report has been obtained from FDLE or 90 days have elapsed since the fingerprints were scanned.

c. Background investigative information on employees appointed to positions in the institutional security specialist class series shall be maintained in compliance with the statutory provisions of section 943.133, F.S., and section B, Item Number 2, of the FDLE, Criminal Justice Standards and Training Commission Policies and Procedures Manual.

2-16. Deletion of Retained Fingerprints Requirements.

Upon an employee’s separation the Department is no longer authorized to receive criminal history information and must request the removal within five (5) business days.

Annual Validation:

The Department will verify annually that it remains authorized to receive the triggering event information.

2-17. Notice to Applicants/Current Agency Personnel: Applicant Waiver and Privacy Act Statement.

All candidates and employees are required to receive the Applicant Waiver and Privacy Act Statement notifying them of their enrollment in the state and national fingerprint retention programs. The Department is required to provide all applicants with the notice informing applicants and current agency personnel that a fingerprint-based record check will/has been conducted for all individuals seeking employment with the Department.

BY DIRECTION OF THE SECRETARY:

(Signed original copy on file)

SHELBY JEFFERSON
Human Resources Director

SUMMARY OF REVISED, DELETED, OR ADDED MATERIALS

This revision updates Department policy including, but not limited to, the following:

1. The Department has updated its background check policy as it now participates in the National Rap Back Program for all employees, candidates, volunteers, and contractors requiring acknowledgment of the Applicant Waiver and Privacy Act. The requirement for 5-year rescreening is no longer required, if enrolled in the RAP Back Program. Criminal history reports are now valid for up to 90 days from the clearance letter to the hire date (if not enrolled in RAP Back). Definitions and delegated authorities were updated to reflect participation in the program and to align with current organizational structure.

2. Definition for Illegible / Rejected Fingerprints added. Additionally, some will still be subject to rescreening every five years if their fingerprints are rejected at the FBI level.