

Florida Level 2 screening and rescreens

Personnel file checklist

Reviewed 2026-10-13. Every line cites the rule it comes from. This checklist is general information, not legal advice.

SET UP THE TRACKER

- ☐ **Build one tracker row per screened person and hold each of these as its own separate field: the name as registered in the Clearinghouse; the eligibility determination date and the category the determination was issued in; the date of the last screening results, which is a different field from the determination date; the retained prints expiration date read off the Clearinghouse person profile; and the employment or contract start date. The underlying dates are required by the provisions cited. The tracker design is this guide's recommendation, not law.**

HR and compliance staff, for every screened employee and contractor | At hire, then updated at every screening, renewal or resubmission

s. 408.809(2), F.S.; s. 435.12(2)(a)3., F.S.; Fla. Admin. Code R. 65D-30.004(4)(b)3.; AHCA, Clearinghouse Renewals FAQ 9 (fetched 2026-09-09); Clearinghouse Results Website Instruction Guide (11/06/2025) p. 27 and p. 28
Both

- ☐ **Set each person's rescreen reminder off the earliest date that applies to your license type, and keep every date that applies on the ladder rather than replacing one with another. The retained prints expiration date moves every time a Clearinghouse Renewal or a brand new screening posts. The s. 408.809(2), F.S. anniversary of licensure, employment or entry into a contract never moves, so after a brand new screening taken later than the hire date the employment anniversary is the earlier of the two.**

HR and compliance staff | At hire, then re-checked each time a renewal or a new screening posts

s. 408.809(2), F.S.; s. 435.12(2)(a)3., F.S.; Fla. Admin. Code R. 65D-30.004(4)(b)3.; AHCA, Clearinghouse Renewals FAQ 9 (fetched 2026-09-09)
Both

SCOPE: WHO GETS SCREENED

- ☐ **Screen the licensee where the licensee is an individual, every controlling interest, the administrator or similarly titled person responsible for the day-to-day operation of the provider, and the financial officer or similarly titled individual responsible for the financial operation. Controlling interest is not an ownership-percentage test. Section 408.803(7), F.S. defines it as the applicant or licensee; any person or entity that "serves as an officer of, is on the board of directors of, or has a 5-percent or greater ownership interest in" the licensee; and any person or entity in those same three positions at the management company the licensee contracts with to manage the provider. The subsection closes: "The term does not include a voluntary board member." A paid officer or a non-voluntary director is a controlling interest and is screened even with no ownership at all.**

individual licensees; controlling interests, including officers and non-voluntary board members of the licensee and of its management company; administrators; financial officers | On event: the administrator and the chief financial officer must be screened and qualified prior to appointment. Everyone else before taking up the role

s. 408.809(1)(a)-(d), F.S.; s. 408.803(7), F.S.; Fla. Admin. Code R. 59A-35.090(2)(e)
AHCA

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| ☐ Apply the two employee and contractor tests separately and record which branch you applied: any person whose responsibilities require personal care or personal services directly to clients, and any person contracting to work 20 hours a week or more who will have access to client funds, personal property or living areas. The paragraph reaches these people only "as required by authorizing statutes," so name yours in the file. For a home health agency, nurse registry, or companion and homemaker service the authorizing statute is s. 400.512, F.S., which adopts the paragraph without narrowing it. Providers under other ch. 408 part II authorizing statutes should check their own.
employees, contractors and staffing agency personnel at an AHCA licensee On event: before the person has contact with vulnerable persons in a screened role | s. 408.809(1)(e), F.S.; s. 400.512, F.S. (home health agencies, nurse registries, companion and homemaker services)
AHCA |
| ☐ Screen owners, directors, chief financial officers and clinical supervisors, and all personnel who have direct contact with children receiving services or with adults who are developmentally disabled receiving services.
ch. 397 owners, directors, chief financial officers, clinical supervisors, and direct-contact personnel On event: before direct contact with individuals receiving services in a screened role | s. 397.4073(1)(a)1.-2., F.S.; s. 435.06(2)(a), F.S.
DCF |
| ☐ Screen peer specialists who have direct contact with individuals receiving services under the separate s. 397.417(4), F.S. standard, not the ordinary ch. 435 level 2 route. "All peer specialists who have direct contact with individuals receiving services are subject to a background screening as provided in s. 397.417 (4)" (s. 397.4073(1)(a)3., F.S.), and "Providers shall ensure that peer specialists are screened in accordance with Section 397.417, F.S." (R. 65D-30.004(4)(b)2.). Section 397.417(4) makes the screening "a condition of initial and continued employment" and conditions it on completion of or lawful release from confinement, supervision, or any nonmonetary condition imposed by the court for any felony. Record which standard you applied. Whether the five-year re-screen and the CF 1649 attestation in R. 65D-30.004(4)(b)3. also reach peer specialists is unresolved, so confirm with DCF and record the answer with the date you asked.
peer specialists, and individuals working toward peer specialist certification, at ch. 397 providers On event: before direct contact with individuals receiving services, then continuing as a condition of employment | s. 397.4073(1)(a)3., F.S.; s. 397.417(4), F.S.; Fla. Admin. Code R. 65D-30.004(4)(b)2.
DCF |
| ☐ Document the volunteer carve-out before relying on it. A volunteer is exempt from fingerprinting and background check requirements only where the volunteer assists on an intermittent basis for fewer than 40 hours per month and is under direct and constant supervision by persons who meet all personnel requirements of this chapter. Keep an hours log, and record the name and the screening status of the supervising person.
volunteers at ch. 397 providers At intake, then monitored monthly against the 40-hour limit | s. 397.4073(1)(c), F.S.
DCF |
| ☐ Verify that a physician licensed under ch. 458 or 459, or a nurse licensed under ch. 464, was required to undergo Department of Health background screening at initial licensure or renewal and holds an active and unencumbered license before treating that person as not subject to screening under s. 397.4073, F.S. The carve-out is section-scoped, so the same person working in an AHCA-licensed capacity must still be screened for that position. Re-verifying at each DOH renewal is this guide's recommendation, not law.
physicians and nurses at ch. 397 providers At hire, then at each DOH license renewal | s. 397.4073(1)(i), F.S.
DCF |

- ☐ **Put your students, interns and volunteers in writing to the agency rather than assuming. No statute or rule reviewed for this guide addresses students or interns on clinical rotation, and AHCA's published table addresses volunteers only for hospice and for the mental health provider group. The screened-role tests in s. 408.809(1)(e), F.S. and s. 397.4073(1)(a)2., F.S. are written functionally and carve out neither group, and s. 435.02(3), F.S. defines employee to include "persons who are contractors, licensees, or volunteers." Ask the AHCA Background Screening Unit at 850-412-4503, or your DCF regional office, whether rotation students and volunteers are screened for your license type. Record the answer, the date you asked and who you spoke to.**
students and interns on clinical rotation, and volunteers at AHCA provider types other than hospice and the listed mental health types | Once, before the next student, intern or volunteer starts, then re-confirmed at each license renewal
- s. 435.02(3), F.S.; s. 408.809(1)(e), F.S.;
s. 397.4073(1)(a)2., F.S.
Both

PRE-SERVICE CHECKS BESIDES SCREENING

- ☐ **Assess employment history and reference checks, separately from the background screening. "The chief executive officer or designee, such as human resources staff, shall assess employment history and reference checks for each employee who has direct contact with children receiving services or intellectually disabled adults receiving services" (Fla. Admin. Code R. 65D-30.004(4)(d)). Section 397.4073(2), F.S. puts the same duty on the department for owners, directors, chief financial officers and clinical supervisors, and on directors for direct-contact employees. Neither provision states a timing or a recurrence, so set your own and write it down as policy.**
ch. 397 direct-contact employees, and ch. 397 owners, directors, chief financial officers and clinical supervisors | No timing is stated in the statute or the rule. Set a policy point and apply it to every hire
- s. 397.4073(2), F.S.; Fla. Admin. Code
R. 65D-30.004(4)(d)
DCF

INITIATING A SCREENING

- ☐ **Collect a five-year residence history on the employment application so the multi-state sexual predator and sexual offender registry search can be scoped and evidenced. This five years is a residency lookback, not the rescreen clock. The search itself is required by the statute cited. Collecting the history on the application is this guide's recommendation, not law.**
all applicants for level 2 screened positions | At application, before the screening is initiated
- s. 435.04(1)(a), F.S.
Both
- ☐ **Register with the Clearinghouse and initiate the criminal history check there before referring anyone for electronic fingerprint submission to FDLE.**
the licensed provider entity | On event: before each referral for fingerprinting
- s. 435.12(2)(d), F.S.; Fla. Admin. Code
R. 59A-35.090(2)(a)
Both
- ☐ **Initiate every screening under your own provider number, so results, arrest notifications and eligibility status changes come to you rather than to whichever provider initiated it. This is AHCA guidance published on an agency web page rather than a statute or rule.**
the licensed provider entity | At each new screening, renewal and resubmission
- AHCA, Out of State Applicants (fetched
2026-09-09)
AHCA
- ☐ **Enter the full registration data set: full first name, middle initial and last name; social security number, or individual taxpayer identification number where the person cannot legally obtain a social security number; date of birth; mailing address; sex; and race.**
every person registered in the Clearinghouse | At registration of each person
- s. 435.12(2)(d), F.S.
Both

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| ☐ | <p>Do not sit on a candidate's screening information. For level 2 screening "the employer or agency must submit the information necessary for screening to the Department of Law Enforcement within 5 working days after receiving it," and the employer or agency "must inform the employee whether screening has revealed disqualifying information" (s. 435.05(1)(c), F.S.). The person's own duty is to submit "a complete set of information necessary to conduct a screening" (s. 435.05(1)(a), F.S.). Working days, not business days, is the statute's term. How this duty operates for an employer that initiates through the Clearinghouse and sends the person to a Livescan vendor is not reconciled by any reviewed source, so move promptly and record your dates.</p> <p>the employer, for every level 2 screened position Within 5 working days after receiving the person's screening information</p> | <p>s. 435.05(1)(a) and (1)(c), F.S.
Both</p> |
| ☐ | <p>Send the person to submit fingerprints electronically, with a photograph taken at the time the fingerprints are submitted.</p> <p>every person submitting fingerprints At each initial screening and at each rescreen that requires new prints</p> | <p>s. 435.04(1)(b), F.S.; s. 435.12(2)(a)5., F.S.
Both</p> |
| ☐ | <p>Use a Livescan Service Provider contracted through the Agency or approved by FDLE, and confirm the vendor transmitted the prints under your Clearinghouse initiation record.</p> <p>every person an AHCA licensee sends for fingerprinting At each fingerprint submission</p> | <p>s. 408.809(3), F.S.; Fla. Admin. Code R. 59A-35.090(2)(b)
AHCA</p> |
| ☐ | <p>If the FBI rejects prints as illegible, send the person back to the same Livescan Service Provider for a second set. Notice of the rejection reaches you through the Agency's secure website, so check it rather than waiting for a call.</p> <p>any individual whose prints are rejected On event: notification of rejected prints</p> | <p>Fla. Admin. Code R. 59A-35.090(2)(c)
AHCA</p> |

ROSTER MAINTENANCE

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| ☐ | <p>Enter an employment or contract record on each person's Clearinghouse profile. Arrest notifications and expiring retained print notices are generated only for people carried on the Employee/Contractor Roster with a current employment record.</p> <p>all screened employees and contractors At hire or contract start</p> | <p>s. 435.12(2)(c), F.S.; Clearinghouse Results Website Instruction Guide (11/06/2025) p. 27 and p. 29
Both</p> |
| ☐ | <p>Report initial status and every change in status, including terminations, within 5 business days. Do not use the pre-2024 10-business-day figure that still appears on some agency pages.</p> <p>the employer maintaining the roster Within 5 business days after the person receives initial status or the status changes</p> | <p>s. 435.12(2)(c)2., F.S.
Both</p> |
| ☐ | <p>Reconcile the Clearinghouse roster against payroll and the active contractor list, and keep the dated reconciliation. AHCA recommends frequent review because daily updates to the website can change a person's eligibility. A monthly cadence is this guide's recommendation, not law. AHCA sets no cadence.</p> <p>HR and compliance staff Monthly, and before you sign the employer attestation of compliance</p> | <p>AHCA, Care Provider Background Screening Clearinghouse (fetched 2026-09-09)
Both</p> |

THE FIVE-YEAR CLOCK

- ☐ **Read the retained prints expiration date off the Clearinghouse person profile and record it alongside the employment or contract start date. Providers may initiate a Clearinghouse Renewal starting 60 days before that date. If the renewal is not initiated before the retained prints expiration date, a new screening must be initiated in the Clearinghouse and the person must be fingerprinted again. Keep the s. 408.809(2), F.S. employment or contract anniversary on the ladder as well and act on whichever comes first. The FBI resubmission duty in s. 435.12(2)(a)3., F.S. also runs on a five-year cycle in both lanes, but the subparagraph does not say what date the five years run from, so do not compute a separate date for it. In the Clearinghouse the renewal transaction is what discharges it.**

individual licensees, controlling interests, administrators, financial officers, direct-contact staff and contractors screened through AHCA | Every 5 years: in the 60 days before the retained prints expiration date. Treat the day before that date as your last safe day for the renewal in the Clearinghouse Results Website

AHCA, Clearinghouse Renewals and FAQ 9 (fetched 2026-09-09); s. 408.809(2), F.S.; s. 435.12(2)(a)3., F.S. AHCA

- ☐ **Re-screen every individual subject to screening within five years from the date of their last screening results and every five years thereafter, and collect a new CF 1649 attestation with each re-screening (see the Attestation and arrests rows). Personnel of Department of Corrections and Department of Management Services inmate substance abuse programs, and of Department of Juvenile Justice commitment programs and detention facilities, are exempt unless they have the inmate contact described in the rule.**

individuals subject to screening under R. 65D-30.004(4)(b) | Every 5 years from the date of the last screening results

Fla. Admin. Code R. 65D-30.004(4)(b)3. and (4)(b)4. DCF

- ☐ **Where a person is screened for a ch. 397 program, track the DCF results-date anniversary and the s. 408.809(2), F.S. employment anniversary as two separate fields, because s. 397.4073(1)(a), F.S. routes ch. 397 personnel through s. 408.809 and chapter 435 as well. Note that the DCF rule runs from the date of the last screening results, which is not the same field as the eligibility determination date. If your records do not separate them, ask DCF which date it scores against and record the answer with the date you asked. Acting on the earlier of the two dates is this guide's recommendation, not law.**

ch. 397 personnel who are also inside s. 408.809, F.S. | Every 5 years, on the earlier of the two dates

s. 397.4073(1)(a), F.S.; s. 408.809(2), F.S.; Fla. Admin. Code R. 65D-30.004(4)(b)3. DCF

- ☐ **For any employee who holds a Department of Health license, track that person's own fingerprint retention date as a separate field. You still owe the employer-side screening and rescreen for the position under s. 408.809(1) and (2), F.S., but the DOH licensee separately maintains her own retention through the applicant-initiated process, on a tighter window: "The window to retain fingerprints opens 75 days prior to the expiration date and closes 15 days prior to expiration, allowing 60 days to complete retention," and "The Department cannot extend your retention window." Do not carry the Clearinghouse last-safe-day rule across to it.**

nurses, physicians and other Department of Health licensees on your payroll or under contract | Every 5 years: the DOH window opens 75 days before the DOH expiration date and closes 15 days before it

s. 408.809(1) and (2), F.S.; Florida Department of Health, FL HealthSource background screening FAQ (fetched 2026-09-09) Both

IF THE DATE HAS ALREADY PASSED

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| ☐ Open the person profile in the Clearinghouse Results Website and record what it says today. Fingerprints are retained five years by FDLE, and where they are not retained the status reads "Prints Not Retained." Print or save that screen with the date on it.
any person whose retained prints expiration date has passed On event: immediately on discovering a lapse | Clearinghouse Results Website
Instruction Guide (11/06/2025) p. 27
Both |
| ☐ Initiate a brand new screening under your own provider number and send the person for new fingerprints and a photograph. AHCA states there is no grace period once prints are purged and that the eligibility determination will expire.
any person whose retained prints have been purged On event: the same day the lapse is found | AHCA, Clearinghouse Renewals and
FAQ 3 (fetched 2026-09-09); Fla.
Admin. Code R. 59A-35.090(2)(b)
AHCA |
| ☐ Record the assignment decision you make while the new screening runs, with the date, who made it and on what basis. This guide does not state whether the person may work in the meantime, because no source it could verify answers that question. The conservative reading is s. 408.809(2), F.S., which makes the rescreen a condition of "continuing in such employment or contractual status." Call the AHCA Background Screening Unit at 850-412-4503 or bgscreen@ahca.myflorida.com, or your DCF regional office, and get advice on your own facts before the shift.
the employer, for the person whose screening lapsed On event: the day the lapse is found, and again when the new determination posts | s. 408.809(2), F.S. (rescreen is a
condition of continuing in employment
or contractual status); s. 435.06(2)(a),
F.S. (contact bar applies where
screening shows grounds for denial or
termination)
Both |

BREAK IN SERVICE AND PORTABILITY

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| ☐ Before relying on an existing screening for a returning person or a new hire, document the break in service analysis: whether the break from a position that requires screening by a specified agency exceeded 90 days. Record which prior employer, which licensing agency, and whether the prior role itself required level 2 screening. Time spent in a job that carried no screening duty is not itself a break in service, but it does not stop the clock either.
rehires, returning contractors and new hires with prior screened employment On event: return to or entry into a screened position after a break | s. 435.12(2)(b) and (2)(b)1., F.S.; s.
435.02(7), F.S.
Both |
| ☐ Run the ch. 397 refingerprinting exemption as a separate test. Section 397.4073(3)(a), F.S. provides that service provider personnel previously fingerprinted or background-checked under chapter 393, 394, 402, or 409, or s. 397.4073, and teachers fingerprinted under chapter 1012, "who have not been unemployed for more than 90 days thereafter and who, under the penalty of perjury, attest to the completion of such fingerprinting or background checks and to compliance with the provisions of this section and the standards contained in chapter 435 and this section, are not required to be refingerprinted or rechecked." Note the differences from s. 435.12(2)(b)1., F.S.: this test is measured from unemployment rather than from a screened position, it lists specific prior-screening chapters, the sworn attestation is a condition of the exemption rather than paperwork after the fact, and what it excuses is refingerprinting, not the national screening. Apply both tests to a ch. 397 hire and document which one you relied on.
ch. 397 service provider personnel previously screened under ch. 393, 394, 402, 409 or 397, and ch. 1012 teachers On event: at hire, before deciding not to refingerprint | s. 397.4073(3)(a), F.S.; s.
435.12(2)(b)1., F.S.
DCF |

- ☐ **For the executive tier not covered by s. 397.4073(3)(a), F.S., check the second route: "Service provider owners, directors, chief financial officers, or clinical supervisors who are not covered by paragraph (a) who provide proof of compliance with the level 2 background screening requirements which has been submitted within the previous 5 years in compliance with any other state health care licensure requirements are not required to be refingerprinted or rechecked." This paragraph carries no 90-day condition and no offense-equivalence test, but the prior screening must have been submitted in compliance with another state health care licensure requirement, so a screening obtained for some other purpose does not qualify. File the proof you relied on.**

ch. 397 owners, directors, chief financial officers and clinical supervisors not covered by s. 397.4073(3)(a), F.S. | On event: at hire or appointment, before deciding not to refingerprint

s. 397.4073(3)(b), F.S.
DCF

- ☐ **Where the person is already in the Clearinghouse with retained prints and the lapse exceeded 90 days, the new national criminal history check is run as a resubmission of the retained fingerprints rather than a new Livescan, with a new state search at no additional charge. A resubmission does not extend the retained prints expiration date, so the original renewal deadline still stands and can fall within months of the rehire. Run the resubmission because the break requires it, and keep the Clearinghouse Renewal on its own separate reminder. This turns on the lapse in employment, not on the role, so a returning administrator or chief financial officer needs the resubmission too. Reading the retained prints expiration date off the person profile once the resubmission posts is this guide's recommendation, not law.**

rehires and returning contractors with retained prints in the Clearinghouse | On event: return after a break exceeding 90 days, with the renewal reminder left on its own original date

s. 435.12(2)(b)1., F.S.; AHCA, Clearinghouse Renewals FAQ 10 and FAQ 9 (fetched 2026-09-09); Clearinghouse Results Website Instruction Guide (11/06/2025) p. 48
AHCA

ATTESTATION AND ARRESTS

- ☐ **Collect a signed attestation, under penalty of perjury, that the person meets the requirements for qualifying for employment under ch. 435 and agrees to inform you immediately if arrested for any of the disqualifying offenses while employed.**

every person screened under ch. 435 | At the screening event, before the person starts in a screened role

s. 435.05(2), F.S.
Both

- ☐ **Use Attestation of Compliance with Background Screening Requirements, AHCA Form 3100-0008 (July 2024). It must be completed by the individual and retained by the provider upon hire. Hand staff the whole form, because pages 1 to 3 reproduce the s. 435.04 and s. 408.809(4), F.S. offense lists the person is swearing against.**

every person an AHCA licensee hires into a screened role | Upon hire

Fla. Admin. Code R. 59A-35.090(2)(d)
AHCA

- ☐ **Collect a new Attestation of Good Moral Character, form CF 1649 (June 2025), at the time of the initial screening and with every re-screening. This cadence is tied to the screening event, not to hire, so it recurs. A dual-licensed provider needs both this form and AHCA Form 3100-0008.**

individuals subject to level 2 background screenings at a ch. 397 provider | At initial screening, and again with every re-screening

Fla. Admin. Code R. 65D-30.004(4)(b)3.
DCF

☐	Have the employee sign the AHCA Privacy Policy the first time the person receives a Clearinghouse screening and store it in the personnel file. AHCA states it does not have to be re-signed at a Clearinghouse Renewal. No statute or rule in this guide's source set imposes the Privacy Policy; AHCA describes it as part of the Clearinghouse screening process. every person an AHCA licensee screens through the Clearinghouse Once, at the person's first Clearinghouse screening	AHCA, Clearinghouse Renewals FAQ 11 (fetched 2026-09-09) AHCA
☐	Check the charge before you act. Section 435.06(2)(b), F.S. is keyed to an arrest "for a disqualifying offense," so compare the charge to s. 435.04(2)-(3), F.S. and, for an AHCA licensee, to s. 408.809(4), F.S. before pulling anyone off the schedule. Several entries are felony-qualified, and the s. 435.04(3) domestic violence bar turns on the family or household relationship in s. 741.28, F.S. Where the charge is not listed, the removal duty in that subsection does not apply and any action you take rests on your own policy. Re-check at disposition, because a charge as booked can be amended. the employer, for any screened person reported or known to have been arrested On event: the day you become aware of the arrest, and again at disposition	s. 435.06(2)(b), F.S.; s. 435.04(2)-(3), F.S.; s. 408.809(4), F.S. (AHCA licensees) Both
☐	Where the arrest is for a disqualifying offense, remove that person from contact with any vulnerable person in a role that requires background screening, and document the date you learned of the arrest, the source, the action taken and the schedule change. This is removal from contact, not a firing mandate. Reassignment out of the screened role is permitted. the employer, for any screened person arrested for a disqualifying offense On event: the day you become aware. The statute sets no numeric deadline and authorizes no waiting period	s. 435.06(2)(b), F.S. Both
☐	Section 435.05(3), F.S. requires each employer licensed or registered with an agency to submit to the agency annually, or at the time of license renewal, under penalty of perjury, a signed attestation of compliance with ch. 435. No statute or rule reviewed for this guide names the form or the channel, and AHCA Form 3100-0008 is not it despite its title. Ask your licensure unit, or the AHCA Background Screening Unit at 850-412-4503, which document satisfies the attestation and on what date it is due. Record the answer, the date you asked and who you spoke to. Reconcile the roster before you sign. the licensed or registered employer entity Once, now, to identify the form and the due date, then annually or at each license renewal	s. 435.05(3), F.S. Both
DISQUALIFICATION AND EXEMPTIONS		
☐	Give the affected person written notice stating the specific record that shows noncompliance, as soon as there is reasonable cause to believe grounds exist to deny or terminate employment. the employer, for the disqualified person On event: reasonable cause to believe grounds exist. The statute states no numeric deadline	s. 435.06(1), F.S. Both
☐	Do not allow a disqualified person to have contact with any vulnerable person in a role that requires screening unless and until an exemption is granted by the agency. any disqualified person On event: from the disqualifying result until an exemption is granted	s. 435.06(2)(a), F.S. Both

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| ☐ | <p>Before you tell a disqualified person how long to wait, check two carve-outs. Where the person is employed by, or applying to, a treatment provider that treats adolescents 13 years of age and older and is disqualified solely because of an offense under s. 796.07(2)(e), s. 810.02(4), s. 812.014(2)(c), s. 817.563, s. 831.01, s. 831.02, s. 893.13 or s. 893.147, or a related attempt, solicitation or conspiracy under s. 777.04, the exemption may be granted "without application of the waiting period in subparagraph (1)(a)1." (s. 435.07(2), F.S.). On the DCF side the same offense list is stronger: s. 397.4073(4)(b)1., F.S. says such personnel "Shall be exempted" where at least 5 years, or at least 3 years for a peer specialist or an individual seeking certification, have elapsed since completion of or lawful release from the sanction for the most recent disqualifying offense under that paragraph, and there has been no arrest for any offense in that period. R. 65D-30.004(4)(c) routes disqualified ch. 397 personnel to s. 435.07 "or, if applicable, Section 397.4073(4)(b), F.S."</p> <p>disqualified staff and applicants at providers treating adolescents 13 and older, and disqualified ch. 397 personnel On event: as soon as a disqualifying result posts, before you quote any waiting period</p> | <p>s. 435.07(2), F.S.; s. 397.4073(4)(b)1., F.S.; Fla. Admin. Code R. 65D-30.004(4)(c)
Both</p> |
| ☐ | <p>Route the exemption request to the correct decision maker: AHCA where the person has no active Department of Health license or certification, or holds one but is not providing a service within its scope; the appropriate DOH regulatory board where the person is practicing within a DOH licensed or certified scope. Requests to AHCA use Background Screening Application for Exemption, AHCA Form 3110-0019 (July 2024).</p> <p>disqualified staff, contractors, administrators and owners at an AHCA licensee On event: as soon as the disqualification is known</p> | <p>s. 408.809(6)(a)-(b), F.S.; Fla. Admin. Code R. 59A-35.090(4)(a)-(b)
AHCA</p> |
| ☐ | <p>Confirm the person has had a level 2 screening within 6 months of the exemption application date. AHCA will not consider an application otherwise.</p> <p>disqualified staff, contractors, administrators and owners at an AHCA licensee On event: before the exemption application is submitted</p> | <p>Fla. Admin. Code R. 59A-35.090(4)(d)
AHCA</p> |
| ☐ | <p>Respond to any AHCA notice that the exemption application is incomplete within 30 days of AHCA's receipt of the application, or the application is closed.</p> <p>the applicant for exemption, supported by the employer Within 30 days of AHCA's receipt of the exemption application</p> | <p>Fla. Admin. Code R. 59A-35.090(4)(d)
AHCA</p> |
| ☐ | <p>Direct the disqualified person to submit the exemption request within 30 days after being notified of the disqualification. The department must grant or deny within 60 days after receipt of a complete application, so diary both dates.</p> <p>disqualified ch. 397 service provider personnel Within 30 days after notice of disqualification</p> | <p>s. 397.4073(1)(f), F.S.
DCF</p> |
| ☐ | <p>If a rescreen surfaces an offense that was not disqualifying at the last screening but is disqualifying now, and was committed before that screening, decide in writing whether you agree to the person continuing in the role, and confirm the exemption request reaches the agency no later than 30 days after the person received the rescreening results.</p> <p>currently employed or contracted persons of an AHCA licensee Within 30 days of the person's receipt of the rescreening results</p> | <p>s. 408.809(4), F.S. (closing paragraph)
AHCA</p> |

☐ Where the 180-day supervised work provision is used, keep a written supervision plan naming the qualified supervisor, the date of the disqualification notice and a calendared stop date, and confirm the elapsed-time condition is met: 5 years, or 3 years for a certified peer specialist or an individual seeking certification under s. 397.417, F.S. The supervisors must meet all personnel requirements of ch. 397. disqualified ch. 397 personnel awaiting a DCF exemption decision Up to 180 days after notice of disqualification, or until DCF makes a final determination on the exemption request, whichever is earlier	s. 397.4073(1)(g), F.S. DCF
☐ Read the exemption letter for its stated scope before any change of assignment, and confirm current exemption status in the Clearinghouse rather than relying on the original letter. An exemption granted by one agency is considered by a subsequent agency but is not binding on it, and DCF may limit an exemption to substance use disorder or co-occurring settings and further limit it to working with adults. personnel granted an exemption, and the manager assigning them On event: at grant, and again before any reassignment	s. 435.07(5), F.S.; s. 397.4073(4)(c), F.S.; Fla. Admin. Code R. 59A-35.090(4)(f)-(g) Both
☐ Terminate a person found to be in noncompliance with the ch. 435 minimum standards, or place that person in a position for which background screening is not required, unless an exemption is granted. the employer, for any person determined to be in noncompliance On event: a determination of noncompliance	s. 435.06(2)(c), F.S. Both
RESPONDING TO AGENCY REQUESTS	
☐ Relay any agency request for missing criminal or other necessary information promptly, and confirm the person responds within 30 days of receiving the request. Refusal to cooperate or to submit the information on time requires disqualification or dismissal. the person being screened, relayed by the employer Within 30 days after the person receives the request	s. 435.05(1)(d), F.S.; s. 435.06(3), F.S.; Fla. Admin. Code R. 59A-35.090(3)(b) Both
☐ Unless a different period is specified, file information requested under the background screening rule with the Agency within 21 days of the request. The 30-day deadline for incomplete criminal history information controls over this default. This 21 days is the time to answer an Agency request. It is not the s. 408.810(3), F.S. 21 calendar days for reporting a change, which is a different duty on a different trigger. the provider or individual receiving the Agency's request Within 21 days of the Agency's request	Fla. Admin. Code R. 59A-35.090(5) and (3)(b) AHCA
FEES	
☐ Write down which of the three cost events your organization pays and which the person pays: the new screening at a Livescan vendor, the Clearinghouse Renewal, and the resubmission after a break over 90 days. Costs of the state and national records checks may be borne by the licensee or the person screened, and licensees may reimburse. Do not print a fee amount as settled; two state sites published different renewal figures on 2026-09-09, so confirm the amount at checkout in the Clearinghouse Results Website. the licensee or the person screened Once as policy, then at each fingerprint submission, renewal and resubmission	s. 408.809(5), F.S. (AHCA licensees); s. 397.4073(5), F.S. (ch. 397 providers); s. 435.12(2)(a)4., F.S. (retention on a 5-year renewal basis with fees collected at initial submission or resubmission) Both

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| ☐ Pay for screening services to the Livescan Service Provider at the time of services, or through a payment arrangement made with that provider.
the licensee or the person screened At each fingerprint submission | Fla. Admin. Code R. 59A-35.090(2)(b)
AHCA |
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PERSONNEL FILE AND SURVEY PROOF

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| ☐ Keep the eligibility results of the screening and the signed Attestation in the employee's personnel file, maintained by the provider. These two documents are what the rule requires in the file. What a surveyor asks for in practice is usually broader, so read the proof-at-survey section before your next survey.
individual licensees, controlling interests, administrators, financial officers, direct-contact staff and contractors Continuous, from hire onward. No source reviewed for this guide sets an end date, so do not purge on termination without confirming a retention period with your licensure unit | Fla. Admin. Code R. 59A-35.090(3)(c)
AHCA |
| ☐ Keep screening documentation in the personnel record. Note that the seven-year retention figure in ch. 65D-30 belongs to individual clinical records, not to personnel records, so do not apply it here without confirming.
screened ch. 397 service provider personnel Continuous, from hire onward. No source reviewed for this guide sets an end date, so do not purge on termination without confirming a retention period with your DCF regional office | Fla. Admin. Code R. 65D-30.004(4)(a)6.
DCF |
| ☐ For contractors, decide and record whether the contractor's employer or the licensee holds the screening evidence, and put a production obligation in the contract so the evidence can be produced the day a surveyor asks. The statute permits either party to retain it. The contract clause is this guide's recommendation, not law.
contractors and staffing agencies At contract execution, then reviewed at each contract renewal | s. 408.809(1)(e), F.S.
AHCA |
| ☐ Save or print the eligibility determination promptly. The Determinations Made dashboard list drops the record seven days after a determination is made, although the determination itself remains retrievable from the person profile. Saving it is this guide's recommendation, not law.
every screening the provider initiates Within 7 days of the determination | Clearinghouse Results Website
Instruction Guide (11/06/2025) p. 34
and p. 28
Both |
| ☐ Store level 2 screening records with access control and decide in writing who in your office may open them. AHCA states that these records "are confidential and may not be shared with anyone other than the individual that was screened." Read literally that sits awkwardly with R. 59A-35.090(3)(c), which requires the provider to keep the eligibility results in the personnel file, and no statute in this guide's source set imposes a confidentiality standard on these records. Treat AHCA's sentence as a direction to restrict access, not as a defined legal standard.
owners, administrators and HR staff who hold personnel files Once as policy, then reviewed at the annual file audit | AHCA, Screening Information (fetched 2026-09-09); Fla. Admin. Code R. 59A-35.090(3)(c)
AHCA |

CHANGE EVENTS

- ☐ **Report the change itself, not just the screening. "Unless otherwise specified in this part, authorizing statutes, or applicable rules, any information required to be reported to the agency must be submitted within 21 calendar days after the report period or effective date of the information, whichever is earlier, including, but not limited to, any change of: (a) Information contained in the most recent application for licensure" (s. 408.810(3), F.S.). A new administrator, financial officer or controlling interest is such a change. The opening conditional matters: for home health, an administrator or director of nursing change runs on its own track under R. 59A-8.0095(1)(b) and (2)(h), so check the specific rule before defaulting to 21 days.**
the licensed provider entity | Within 21 calendar days after the report period or the effective date of the information, whichever is earlier, unless the authorizing statute or rule specifies otherwise
- s. 408.810(3), F.S.; Fla. Admin. Code R. 59A-8.0095(1)(b) and (2)(h)
AHCA
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- ☐ **Home health agencies only: notify AHCA on a change of administrator or alternate administrator using the forms referenced in R. 59A-8.003(1), and on a change of director of nursing or alternate director of nursing using the forms referenced in R. 59A-35.060(3)(k). Level 2 screening compliance is required in both cases. Late notice of a director of nursing change is fined \$1,000 for a first violation and \$2,000 for a repeat violation (s. 400.476(2)(b), F.S.).**
home health agency administrator, alternate administrator, director of nursing and alternate director of nursing | Administrator or alternate administrator: within 21 days of the change (R. 59A-35.110(1)). Director of nursing: within 10 business days after termination of the director of nursing's services, and within 10 days after the new director of nursing is hired (s. 400.476(2)(b), F.S.). A skilled agency may not operate more than 30 calendar days without a director of nursing
- Fla. Admin. Code R. 59A-8.0095(1)(b) and (2)(h); s. 400.476(2)(b), F.S.; Fla. Admin. Code R. 59A-35.110(1)
AHCA
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- ☐ **Notify the regional office in writing within 24 hours when a new chief executive officer is appointed.**
the licensed ch. 397 provider and its governing board | Within 24 hours of the appointment
- Fla. Admin. Code R. 65D-30.004(3)(c)
DCF
-
- ☐ **Hold the board-level proof for the chief executive officer: "Documentation shall be available from the governing board providing evidence that a background screening has been completed in accordance with Chapters 397 and 435, F.S., and there is no evidence of a disqualifying offense" (R. 65D-30.004(3)(c)). Keep that documentation with the board's records as well as in the personnel file.**
the licensed ch. 397 provider and its governing board | At appointment, then continuous while the chief executive officer serves
- Fla. Admin. Code R. 65D-30.004(3)(c)
DCF
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- ☐ **On an acquisition of a majority of the ownership interest, submit a new licensure application for each affected site at least 30 days before the change in controlling ownership, including a change of control of the contractual management entity. On a change of less than a majority, submit a level 2 background check instead. Either way, "All owners shall be screened according to the level 2 screening requirements of Chapter 435, F.S." (R. 65D-30.0034(2)), with no percentage floor, so do not carry the AHCA controlling-interest threshold into this lane. The application is the "Application for Licensing to Provide Substance Abuse Treatment Services," CF-MH Form 4024, or the Department's online equivalent. Note also that R. 65D-30.002(11)(a) treats a transfer evidenced by a change in FEIN or TIN as a change of ownership even without a majority transfer.**
ch. 397 owners and prospective owners | Majority change: at least 30 days before the change in controlling ownership. Minority change: at the ownership change. The rule states no deadline for the minority-change screening
- Fla. Admin. Code R. 65D-30.0034(2) and (2)(b)1.; Fla. Admin. Code R. 65D-30.002(11)
DCF

- ☐ **Confirm that no person holds any ownership interest, directly or indirectly, regardless of ownership structure, who has a disqualifying offense under s. 408.809, F.S. or who holds or has held any ownership interest, directly or indirectly, in a provider that had a license revoked or an application denied under s. 408.815, F.S. This bar has no percentage floor, so it reaches an owner too small to be a screened controlling interest. Section 408.803(7), F.S. defines controlling interest to include every officer and every non-voluntary board member, as well as any holder of a 5-percent or greater interest, so run both checks rather than assuming the ownership bar and the screening duty cover the same people.**

all owners, and every controlling interest of the licensee and of its management company | Continuous, and re-verified at each change of ownership. Re-verification at each change is this guide's recommendation, not a stated statutory frequency

s. 408.810(12)(a)-(b), F.S.; s. 408.803(7), F.S.
AHCA

- ☐ **On a change of ownership or a closure, treat the Clearinghouse roster as a separate work item. Every person's employment record sits under the employer that entered it (s. 435.12(2)(c), F.S.), so a buyer operating under a new provider number must register, add each person to its own Employee/Contractor Roster and confirm the Clearinghouse holds an eligibility determination in the right category, and a closing provider must end-date every record within 5 business days (s. 435.12(2)(c)2., F.S.). An AHCA licensee discontinuing operation must also inform the agency "not less than 30 days prior to the discontinuance of operation" and surrender the license immediately on discontinuance (s. 408.810(4)(a), F.S.). Whether existing screenings and eligibility determinations carry to a successor licensee's provider number was not confirmed for this guide, so confirm with AHCA before closing on a transaction.**

the buyer and the seller, and the compliance lead on each side | At least 30 days before a discontinuance. At the transfer date for a change of ownership, with roster end-dating within 5 business days

s. 435.12(2)(c) and (2)(c)2., F.S.; s. 408.810(4)(a), F.S.
Both

Track every rescreen date in one place

Corvara HR tracks licenses, screenings, trainings and signed policies per requirement, each with its own due date and reminder ladder, so a retained prints expiration date and a rescreen anniversary are two separate tracked items rather than one note in a