

Frequently Asked Questions for Exemption from Disqualification Process:

1. How do I apply for an Exemption from Disqualification:

Visit our website at [Apply for Exemption From Disqualification | Florida DCF \(myflfamilies.com\)](https://myflfamilies.com). Submit the request. Once it is submitted, it will be reviewed to determine if the minimum requirements have been met to apply for the exemption. If they are met, you will be emailed an Application, Checklist and an Affidavit of Good Moral Character to complete.

2. What are the requirements to request an Exemption from Disqualification?

In accordance with section 435.07, Florida Statutes, persons disqualified from employment may be granted an exemption from disqualification. An individual seeking an exemption must demonstrate by clear and convincing evidence that an exemption from disqualification should be granted. The application will be reviewed, and a decision made once all relevant documentation, listed in the Exemption Form Instructions below, has been received. A person is not eligible to apply for an Exemption from Disqualification until:

At least 3 years have elapsed since the applicant for exemption has completed or been lawfully released from confinement, supervision or nonmonetary condition imposed by the court for **all disqualifying felonies**.

The applicant for the exemption has completed or been lawfully released from confinement, supervision or nonmonetary condition imposed by the court for **all misdemeanors prohibited under any of the statutes cited in this chapter or under similar statutes of other jurisdictions**.

The applicant has **paid the court-ordered amount in full** for any fee, fine, fund, lien, civil judgment, application, cost of prosecution, trust or restitution as part of the judgment and sentence for any disqualifying felony or misdemeanor.

Persons designated as sexual predators, sexual offenders or career offenders are **not eligible for an Exemption from Disqualification**

3. Can the requirements to qualify to request an exemption be waived?

No, they are specific in s.435.07, F.S. and the Department does not have the authority to waive a requirement.

4. Can I apply for the exemption while I am paying off my court ordered fines or fees on a payment plan?

No. Section 435.07, F.S. is very specific that all court ordered fines, fees, funds, liens, civil judgments, cost of probation or prosecution or restitution **must be paid in full** before you are eligible to apply.

5. Why am I disqualified when I wasn't found guilty, but I had Adjudication Withheld?

Section 435.04, F.S. outlines disqualifying offenses. It also indicates that it can be disqualified regardless of the adjudication. Which means both Adjudicated Guilty and Adjudication Withheld for those specific offenses are disqualifying.

6. What information is considered when evaluating an application for granting of the exemption?

For the head of an agency to grant an exemption to any employee, the employee must demonstrate by clear and convincing evidence that the employee should not be disqualified from employment. Employees seeking an exemption have the burden of setting forth clear and convincing evidence of rehabilitation, including, but not limited to, the circumstances surrounding the criminal incident for which an exemption is sought, the time period that has elapsed since the incident, the nature of the harm caused to the victim, and the history of the employee since the incident, or any other evidence or circumstances indicating that the employee will not present a danger if employment or continued employment is allowed.

7. Can non-disqualifying offenses be considered?

Yes. They are considered if they occurred after the initial disqualifying offense pursuant to s.435.07 F.S.

8. How long does the process take for a decision to be made?

The Department has 45 days to make a decision once all required or relevant documentation has been received deeming the application complete. However, decisions will be made as soon as possible.

9. Why does the “not eligible” letter only list my disqualifying offense(s)?

The “not eligible” letter will only list the offense(s) that disqualifies an individual. However, to be considered for an exemption, information for all offenses on your criminal history is required.

10. What if I cannot obtain all of the arrest reports, court dispositions, probation information and/or other information required?

You must attempt to obtain this documentation from the Clerk of Courts office, probation office or arresting agency. Documentation from the Clerk of Court and/or the arresting agency must be provided on their letterhead indicating the document(s) are no longer available. You must also provide a notarized statement explaining the details of the arrest and the outcome, to include probation or sentencing information, court fees/fines and restitution for each offense for which you are unable to obtain complete documentation.

11. What is rehabilitation?

Rehabilitation includes successful completion of court-ordered treatment, counseling program, education, and training certificates; proof of participation in community activities; and special recognition or awards received. Rehabilitation can also be demonstrated by voluntary participation, as well.

12. What is required to be included in the Letter of Recommendation?

One reference letter is requested to be from a current or most recent employer (if possible) on the employer’s letterhead. Other good examples include letters from individuals you have known for at least two years through contact at the workplace, community activities, education or training centers. Individuals providing a Letter of Recommendation should include their name, address and telephone number for verification and notarized.

13. How do I appeal if I am denied the exemption?

A certified letter is mailed to the address on the exemption application. You have 21 days from the date you sign for the certified letter to request an appeal. Pursuant to Section 120.569, F.S., you have the right to request an administrative hearing within 21 days of your receipt of this letter. To obtain a formal proceeding

before the Division of Administrative Hearings under Section 120.57(1), F.S., your request for an administrative hearing must conform to the requirements in Section 28-106.201, Florida Administrative Code, and must state the material facts you dispute. Pursuant to Florida law, you have the right to re-apply for an exemption at any time. There are no limits as to the number of times you may apply for an exemption. However, waiting a period of time after a denial and providing additional evidence of rehabilitation for consideration of a new exemption request is recommended.

14. Can an exemption from another Florida state agency be considered?

Each agency makes their own decisions regarding exemptions. If you have received an exemption from another state agency you may submit a copy with your application.

15. Why do I need an exemption if I have had my rights restored through Clemency?

An exemption cannot be granted, nor have the disqualifying offenses removed based solely on executive clemency. It can be considered as a part of the deliberations. The granting of an exemption does not change an individual's criminal history. It only provides eligibility for employment in a licensed setting.