

Background Screening Program

Exemption from Disqualification Process

For Applicants who are Disqualified from Employment

The Department of Children and Families, Background Screening Program performs a Level II background screening on individuals employed with, volunteering with, or seeking employment with facilities or entities licensed or regulated by DCF.

Section 435.04, Florida Statutes outlines the Level II screening standards and lists criminal offenses that prohibit employment for positions that are required to be screened for employment. Individuals who have a criminal record that contains a disqualifying offense are rendered “not eligible” for employment or licensure. The Department may grant an individual that has been deemed not eligible for employment an exemption from disqualification. Individuals whose offense is considered permanently disqualifying may not be considered for an exemption by the department.

Eligibility requirements and statutory guidelines for evaluating an applicant’s request are found in s. 435.07, Florida Statutes. Each eligible applicant must show by clear and convincing evidence that he or she has been successfully rehabilitated and would not pose a danger to vulnerable populations. The Department reviews exemption requests for DCF employment, employment for contracted service providers, child care, foster care or group care homes, summer camps, substance abuse and mental health programs.

Steps to Process an Exemption from Disqualification



Applicants who are eligible to apply for an exemption under statutory consideration:

- **For Disqualifying Felony Offenses:**
 - a) At least 3 years have passed since the individual was incarcerated or was under supervision or completed all non-monetary court ordered sanctions.
 - b) All monetary obligations in the form of court fines or fees, restitution, civil liens or other monetary penalties have been satisfied.

- **For Disqualifying Misdemeanor Offense:**
 - a) No longer incarcerated, under supervision or other incomplete non-monetary court ordered sanctions.
 - b) All monetary obligations in the form of court fines or fees, restitution, civil liens or other monetary penalties have been satisfied.

Applicants who are not eligible to apply for an exemption under statutory consideration:

- **Permanently Disqualifying Offense:**
 - a) For individuals found guilty of an offense considered permanently disqualifying, the individual is not eligible to apply for an exemption from disqualification. Under ss. 120.569 and 120.57, F.S., the applicant may request an administrative hearing to contest the decision.

Documentation Review

Background Screening Coordinators process an exemption review by assessing documentation provided by the applicant to demonstrate clear and convincing evidence of rehabilitation, including, but not limited to:

- 1) The circumstances surrounding the criminal incident for which an exemption is sought
- 2) The time period that has elapsed since the incident
- 3) The nature of the harm caused to the victim
- 4) The history of the employee since the incident
- 5) Any other evidence or circumstances indicating that the employee will not present a danger if employment or continued employment is allowed.

The following documentation is required and supports the applicant's ability to demonstrate clear and convincing evidence of rehabilitation:

- 1) Local Law Enforcement Check
- 2) Arrest reports for all criminal offenses from the arresting agency
- 3) Original certified court dispositions for all criminal offenses from the clerk of court
- 4) Proof of termination of probation or supervision, if applicable, for all disqualifying criminal offenses*
- 5) Proof that all monetary obligations in the form of court fines or fees, restitution, civil liens or other monetary penalties have been satisfied
- 6) Proof of rehabilitation
 - a. Counseling
 - b. Education
 - c. Training
 - d. Court Mandated Rehabilitation
 - e. Letters of Recommendation
 - f. Personal Statement
- 7) Written explanation of all criminal offenses

Background Screening Coordinators work with the exemption applicant to ensure all documentation received meets legal sufficiency. Once all documentation is received, an exemption summary is prepared for review by an exemption review panel.

DCF has forged a recent partnership with Florida Department of Corrections (DOC) whereby DCF developed a form for applicants to use to request information about their own past community supervision.

Review and Recommendation

The exemption panel consists of Background Screening Assistant Director and representatives from Human Resources and the Substance Abuse and Mental Health Program. Panel members review an individual's exemption summary and make a recommendation to approve or deny the request for exemption from disqualification.

Department's Exemption Decision

The Chief of Staff reviews all panel recommendations and makes a final recommendation to grant or deny.

If an applicant's request for an exemption from disqualification is approved, the individual is sent a letter indicating they are permitted to work with the facility or program in the capacity for which the exemption was approved.

If the applicant's request for an exemption from disqualification is denied, the individual is sent a letter indicating they are not permitted to work with the facility or entity. Pursuant to ss. 120.569 and 120.57, F.S., the individual may request an Administrative Hearing to contest the Department's decision to deny.