



# How to Seek an Exemption from Disqualification

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A handbook for lawyers assisting clients with convictions that preclude employment by DCF, APD, and AHCA

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## I. INTRODUCTION

**Some employment positions like teachers, nurses, and other positions of trust are subject to mandatory background screens. This packet is a guide for applicants or employees who have been disqualified from employment for Level 1 or Level 2 employment. Depending on the nature of the disqualifying event, the applicant may be able to apply for a waiver of disqualification, and if so, it gives guidance on how to apply for the waiver.**

## II. APPLICABLE LAW

### A. General Employment Screening Information.

Employees seeking employment in certain positions of special trust involving minors, the elderly, the disabled, special needs individuals, healthcare, counseling, or risk management must undergo significant pre-employment screening under Chapter 435 of the Florida Statutes. Most commonly, individuals seeking employment in most healthcare related fields or those seeking to work with vulnerable minors as defined by Fla. Stat § 1.01 or vulnerable adults as defined by Fla. Stat. § 415.102 will be subject to screening. Employment screening will always be required by statute and will dictate whether the screening will be a “Level 1” or “Level 2” screening which are defined under Fla. Stat. § 435.03 and Fla. Stat. § 435.04 respectively. An employee working in or applying for a position of responsibility or trust will undergo a Level 2 screening. The main difference between a Level 1 and Level 2 screening is that a Level 1 screening is a state only *name*-based check for criminal disqualification and an employment history check whereas a Level 2 screening is a state and national *fingerprint* based check. Therefore, an easy way to tell which level will be applied is to see whether an employee is statutorily required to be fingerprinted. Both Level 1 and Level 2 screenings are subject to the same disqualifying offenses enumerated in Fla. Stat. § 435.04(2). Additionally, Fla. Stat. § 408.809(4) and adds additional offenses to the list of prohibited offenses under Fla. Stat. § 435.04 when screening healthcare providers.

If, upon screening, a potential employee is found have ever been “arrested for and are awaiting final disposition of, have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or have been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under” Fla. Stat § 435.04(2), then that potential employee is disqualified from employment in this or any field requiring statutory background screening. Fla. Stat. § 435.04(2). At this time, the agency that conducted the screening will send notice of disqualification to the potential employee and the company providing employment. However, this does not necessarily mean that the individual is permanently barred from employment. Fla. Stat § 435.07 allows the head of the appropriate

agency to grant an exemption. Instructions for requesting an exemption shall be included in the notice of disqualification.

## **B. Exemption from Disqualification**

### **1. Who may be exempt?**

Fla. Stat. § 435.07 provides for several exemptions. Exemptions from disqualifications are granted by the head of the agency responsible for executing the background screening as determined by statute. Please note that exemptions are discretionary, not mandatory. Exemptions *may* be granted for otherwise disqualified individuals if that individual was disqualified for a “felony for which at least 3 years have elapsed since the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court for the disqualifying felony” or “[m]isdemeanors prohibited under any of the statutes cited in this chapter or under similar statutes of other jurisdictions for which the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court” or “[o]ffenses that were felonies when committed but that are now misdemeanors and for which the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court” or findings of delinquency. Fla. Stat. § 435.07(1)(a)(3), Fla. Stat. §435.07(1)(a)(4) However, if the finding of delinquency was for a crime that would have been a felony if committed by an adult, three years must have passed since the applicant completed or was released from confinement, supervision, or nonmonetary condition imposed by the court for the disqualifying offense. Additionally, individuals seeking exemption for employment by a treatment provider who treats adolescents thirteen years old or older may apply for exemption regardless of the three-year waiting period if they were disqualified solely for prostitution related acts under Fla. Stat. § 796.072(e), burglary under Fla. Stat. § 810.02(4), or drug related felonies under Fla. Stat. § 817.563, Fla. Stat. § 893.13, or Fla. Stat. § 893.147. Additionally, a "person applying for exemption who was who was ordered to pay any amount for any fee, fine, fund, lien, civil judgment, application, costs of prosecution, trust, or restitution as part of the judgment and sentence for any disqualifying felony or misdemeanor must pay the court-ordered amount in full before he or she is eligible for the exemption." Fla. Stat. 435.07(1)(b).

Additionally, it is important to note that disqualification may not be removed by pardon, executive clemency, or restoration of rights. Fla. Stat. 435.07(4)(a) Therefore, if an individual who has been granted a pardon, executive clemency, or gained the restoration of their rights seeks employment in a position that requires screening, they will still be disqualified and a § 435.07 exemption will be the only method to bypass the disqualification.

### **2. Who may never be exempt?**

Career criminals and sexual offenders or predators may never seek an exemption. The legislature concluded that these individuals were too dangerous to be placed in positions of special trust, such as with vulnerable minors or vulnerable adults. Fla. Stat. § 435.07. This exclusion is permanent and cannot be lifted by pardon, clemency, or restoration of rights. Fla. Stat. § 435.07(4)(a) The particular offences excluded are sexual predator under Fla. Stat. § 775.21, career offender under Fla. Stat. § 775.261, and sexual offender under Fla. Stat. § 943.0435 (unless the requirement to register as a sexual offender has been removed pursuant to Fla. Stat. § 943.04354).

An exemption cannot be granted for current or prospective child care personnel who have been a sex offender, or has been arrested or convicted, regardless of adjudication for domestic violence, murder, manslaughter, aggravated assault, aggravated battery, kidnapping, luring a child, removing or concealing a child, sexual battery, sexual activity with a minor, arson, incest, child abuse, child pornography, drug abuse prevention offense (within the last 5 years), sexual misconduct in juvenile justice programs, battery of a minor. See Fla. Stat. 435.07(4)(c)(1)(a)-(u) for the precise list of crimes with the statutory criminal definition of the crime.

### **3. What is required in a request for exemption?**

Fla. Stat. § 435.07(3) sets forth the particular exemption requirements and the standard of review. Employees have the burden to prove by clear and convincing evidence that they should not be disqualified from employment in a position of special trust and responsibility. To prove that the employee should not be disqualified, they must present evidence of rehabilitation. Verifiable evidence of rehabilitation can be, but is not limited to, personal references, letters from employers or professionals, successful completion of a rehabilitation program, further education and training, community involvement, special awards, military service, and parenting or caregiving experience. CFOP 50-1, 11-5

The evidence may include anything that may help prove rehabilitation but at a minimum should include an explanation of the circumstances surrounding the criminal incident that caused the disqualification, how long has passed since the incident occurred, what harm the victim suffered, and any history since the incident or other evidence indicating to the agency that the employee does not “present a danger” if an exemption is granted. Fla. Stat. § 435.07(3)(a).

If the exemption package is missing information, the Exemption Coordinator will notify the applicant in writing by mail and email. The Exemption Coordinator will also search for available data on the applicant through FDLE, court records, FBI and local police records. CFOP 50-1, 11-8. An applicant will be notified no later than 30 days following receipt of the complete exemption request.

Each agency will also have its own form and set procedure for seeking an initial request for exemption. These forms will lay out additional requirements such as detailed reports of the crime, arrest reports from the disqualifying offense and any subsequent offenses, State Attorney’s petition for the disqualifying crime and the Court’s Final Disposition, reports from probation department detailing any probation served.

Unfortunately for the individual seeking the exemption, even if he/she can prove by clear and convincing evidence that he/she qualifies for an exemption, the agency is under little to no obligation to grant the exemption. Phillips v. Department of Juvenile Justice, 736 So. 2d 118 (Fla. Dist. Ct. App. 4th Dist. 1999). Further, an exemption by one agency is not binding on any other agency though they may be considered as evidence of rehabilitation. Fla. Stat. § 435.07(5)

## **C. Procedure for Applying for an Exemption**

### **1. Initial application for exemption**

Upon receipt of a notice of disqualification from the responsible agency, an employee may request from the responsible agency a packet including all materials related to a Request for Exemption if the materials have not already been provided. Some agencies provide this material on their websites while others do not. Examples of the necessary forms for the Department of

Children and Families (“DCF”), Agency for Persons with Disabilities (“APD”), and Agency for Healthcare Administration (“AHCA”) may be found in the appendix.

**a) AHCA application for exemption**

The Application for Exemption is AHCA for #3110-0019. This form must be completed along with all required documents on the Exemption Checklist which is included with the application. This form may be found in the appendix or at [BGS\\_Exempt\\_ApplicForm.pdf \(myflorida.com\)](#) In seeking an exemption, the employee must prove by clear and convincing evidence that the employee will not present a danger to patients or their property if employed in the healthcare field. To prove this the employee must submit with the application:

1. A completed level 2 screening.
2. Arrest reports for all arrests and if not available, a Signed Statement of why you were arrested
3. Court dispositions for all arrests.
4. A letter from parole or probation regarding the employee’s current status.
5. Three to five letters of recommendation with at least one from a recent employer.
6. Any information regarding counseling, technical training, education, employment history, community involvement, and awards or recognitions or other proof of rehabilitation.

In examining this information, the agency will weigh the information relating to the crime (including the circumstances of the incident, the time since the incident, and the nature of the harm caused) against the history and positive lifestyle of the employee since the incident.

Once Form #3110-0019 is completed and all documentation gathered, the complete packet must be sent to the appropriate division. As of August 2023, Applications for Exemption should be sent to the following divisions:

- If unlicensed and seeking employment in a healthcare provider as a facility owner, administrator, chief financial officer, or uncertified or unlicensed staff member.

Send to:

**Background Screening Unit**

Agency for Healthcare Administration  
2727 Mahan Drive MS #40  
Tallahassee, FL 32308  
(850) 412-4503

- If you are a licensed and certified healthcare professional seeking employment in a healthcare provider as a CNA with state certification, RN, ARNP, or LPN

Use the Board of Nursing specific Application for Exemption form.

Send to:

**Board of Nursing**

Department of Health  
4052 Bald Cypress Way Bin BSU-01  
Tallahassee, FL 32399-3252  
(850) 488-0595

**Or you can** scan and email all documents to [mqa.backgroundscreening@flhealth.gov](mailto:mqa.backgroundscreening@flhealth.gov)

- If you are a licensed and certified healthcare professional seeking employment in a healthcare provider as a Physical Therapist, Respiratory Therapist, or an Occupational Therapist

Send to:

**Medical Therapies Unit/OT/PT/RT**  
Department of Health  
4052 Bald Cypress Way BIN C-05  
Tallahassee, FL 32399-3255  
(850) 245-4373

**Or you can** scan and email all documents to [mqa.backgroundscreening@flhealth.gov](mailto:mqa.backgroundscreening@flhealth.gov)

- If you are seeking employment through a Crisis Stabilization Unit, Residential Treatment Facility for Adolescents and Children, a Residential Treatment Facility, or a Short-Term Residential Program then you may seek an exemption either through the Agency for Healthcare Administration at the following address or the Department of Children and Families.

Send to:

**Background Screening Unit**  
Agency for Healthcare Administration  
2727 Mahan Drive MS #40  
Tallahassee, FL 32308  
(850) 412-4503

***b) DCF & APD application for exemption***

CFOP 50-1, included in the appendix provides comprehensive instructions to both agency personnel and to those seeking an exemption. The online application for Exemption From Disqualification In completing these forms, the applicant must be mindful that DCF shall provide administrative support to APD in reviewing Applications for Exemption but APD shall make their own determination as to whether to grant an exemption.

When an applicant for employment screening is disqualified because of an offense for which exemption may be granted, the Background Screening Coordinator (“BSC”) shall notify the employee of their disqualification and of their eligibility to apply for an exemption. The BSC shall be responsible for the original background screening as well as the exemption review. An address for the return of all documents shall be provided by the BSC.

An applicant has the burden to prove by clear and convincing evidence that he/she should not be disqualified and to support a reasonable belief that the employee has good moral character and poses no danger to the health and safety of children, persons with developmental disabilities, or vulnerable adults. The goal is to present evidence that creates a firm belief and conviction of the truth of the facts presented. Additionally, the evidence presented must be credible and verifiable and the memories of witnesses must be clear and without confusion.

An Application for Exemption must include the following information in addition to any forms contained in CFOP 50-1, 11-5:

1. Personal references including a date, original signature, explanation of how the reference knows the employee, any time lapse from the date of the recommendation to the date of application, and a valid contact phone number.
2. Letters from employers and other professionals on business letterhead with a date, original signature, and contact information including telephone number.
3. All evidence of rehabilitation.
4. Evidence of further education and training.
5. Evidence of community involvement.
6. Evidence of special awards or recognition.
7. Evidence of military service and should include the DD214
8. Parenting or caregiver experiences.
9. All criminal background history (See 11-7) for specific documents required
10. Information describing how the employee became involved in the incident and assurances that the incident shall not reoccur including
  - a. Documentation of any imposed condition as a result of the incident
  - b. The length of time between the disqualifying incident and the application as well as any subsequent arrests.
  - c. The severity of the harm caused to the victim.
  - d. Any other history or circumstances indicating that employment may be continued without risk of harm.

Once the above documentation has been sent to the BSC, DCF or APD shall render their decision and notify the employee in 30 days Exemptions from other agencies or departments shall be taken into consideration in making a decision but shall not be binding on any other agency or department. If the exemption is granted, APD or DCF shall send a letter to the employer and employee informing them of the exemption. If an exemption is denied, then the applicant shall receive a letter informing them that they may apply for an Administrative Hearing to review the decision but must submit the request within 21 days of the receipt

## **2. Administrative hearing**

If the responsible agency issues an exemption, then the employee is cleared for employment and the process stops here. But should the responsible agency deny the request for exemption, the next step is to seek an administrative hearing under Florida Statute § § 120.569 – 120.57 and Rules 28-106 of the Florida Administrative Code. Additionally, mediation may or may not be available. A decision to mediate shall not adversely affect the right to administrative proceedings in the event that mediation does not result in a settlement. 28.106.111 F.A.C.

The applicant/petitioner may represent himself (though this is not recommended), be represented by an attorney admitted to the Florida Bar or a law student certified pursuant to Chapter 11 of the Rules Regulating the Florida Bar or by a “qualified representative.” Any representation shall be at the expense of the petitioner. A qualified representative must be approved by the presiding officer. The rules for getting a qualified representative approved are in Rule 28-106.106, F.A.C.

Fla. Stat. § 120.569 is triggered whenever an agency makes a determination which effects “substantial interests” of a party. Here the substantial interests are the right to work in a person’s chosen field. The applicant must receive notice of any order by the agency and notice of the

right to request an administrative hearing must be contained in the denial letter sent to the applicant from the agency. This may or may not contain a preferred form for petition but will include the procedure to follow and the date by which the petition must be filed. Unless the law provides otherwise, 28-106.111 F.A.C. states that petitions shall be filed within 21 days of receipt of notice of the decision affecting substantial interests.

Proceedings involving an issue of disputed material facts will then proceed under Fla. Stat. § 120.57(1) while all others will proceed under Fla. Stat. § 120.57(2). Fla. Stat. § 120.57(1) outlines a hearing similar to a civil trial. However, this hearing shall be conducted with relaxed rules of evidence. For instance, hearsay is admissible for the purpose of supplementing or explaining other evidence but cannot alone support a finding unless otherwise admissible in a civil action and specific similar acts are admissible to prove a fact in the case but not to prove bad character.

Most hearings will involve at least some issue of material fact, but if a hearing were to arise under Fla. Stat. § 120.57(2), it is a more summary procedure. Parties or their counsel are given an opportunity to present to the hearing officer or agency “written or oral evidence in opposition to the action of the agency or its refusal to act, or a written statement challenging the grounds upon which the agency has chosen to justify its action or inaction.” Fla. Stat. § 120.57(2)(a)(2). The agency may then rule and must provide a detailed explanation of why the parties were overruled within seven(7) days.

The petition to request an administrative hearing must have several parts defined by Fla. Admin. Code 28-106.104(2), “All pleadings filed with the agency shall contain the following: The style of the proceeding involved; the docket, case or file number, if any; the name of the party on whose behalf the pleading is filed; the name, address, and telephone number of the person filing the pleading; the signature of the person filing the pleading; and a certificate of service that copies have been furnished to all other parties as required by subsection (4) of this rule.” Subsection (4) requires service on all other parties of the proceeding whenever a party serves a pleading or other document on the agency. Additionally, the rule requires certificates of service for all documents and pleadings.

Fla. Admin. Code 28-106.104 also contains the formatting requirements for a petition. All papers shall be titled to indicate clearly the subject matter and the party requesting relief. Original pleadings must be on white 8 ½ by 11-inch paper and have margins of one(1) inch. Handwritten pleadings are not allowed.

Further, when requesting a proceeding involving issues of disputed material fact, the petition must also contain: The name and address of the agency affected and each file or identification number if known; a statement of how and when the petitioner received notice of the agency decision; a statement of all disputed issues of material fact; a concise statement of the ultimate facts alleged, including the specifics the petitioner contends warrant reversal or modification of the agency’s proposed action; a statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency’s proposed action, including an explanation of how the alleged facts relate to the specific ruled or statutes; and a statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency’s proposed action. Fla. Admin. Code 28-206.201(2) Upon receipt, the agency shall either grant or deny the petition. If granted the petition shall be forwarded to the Division of Administrative hearing with a request that an administrative law judge be assigned. The burden to establish the ultimate facts, identify facts in dispute, and to identify facts that warrant reversal



falls on the petitioner. Once a hearing is requested, all parties shall be afforded reasonable notice of the hearing of not less than 14 days. Fla. Stat. § 120.569(2)(b)

Once the hearing has concluded and the hearing officer, agency head, or administrative law judge shall render an opinion. Unfortunately, the opinion is merely a recommended order. Fla. Stat. § 435.07. The agency has broad discretion to grant or deny exemption. *K.J.S. v. Department of Children and Family Services*, 974 So. 2d 1106, 1109 (Fla. 1<sup>st</sup> Dist. Ct. App. 2007). However, the agency must still be reasonable in its determinations. *Id.* “The agency may not reject or modify the findings of fact unless the agency first determines from a review of the entire record, and states with particularity in the order, that the findings of fact were not based upon competent substantial evidence or that the proceedings on which the findings were based did not comply with essential requirements of law. The weight or credibility of testimony is a factual finding to be made by the hearing officer. *Id.* Thus, an agency may modify or reject the recommended order of a hearing officer or administrative law judge but only by reviewing the entire record and making findings with particularity that the administrative law judge’s findings were made based on insufficient or incompetent evidence not by reweighing the credibility or weight given to the testimony by the fact finder. For more cases detailing competent and sufficient evidence, reviewing the entire record, abuse of discretion or other related matters, see the following cases:

- *Astral Liquors, Inc. v. Dep't of Bus. Regulation*, 463 So. 2d 1130, 1132 (Fla. 1985).
- *Strickland v. Fla. A & M Univ.*, 799 So. 2d 276 (Fla. 1st DCA 2001)
- *Tuveson v. Fla. Governor's Council on Indian Affairs, Inc.*, 495 So. 2d 790, 793 (Fla. 1st DCA 1986).
- *Pillsbury v. Dep't of Health & Rehabilitative Servs.*, 744 So. 2d 1040, 1041 (Fla. 2d DCA 1999)
- *Nest v. Dep't of Prof'l Regulation, Bd. of Med. Examiners*, 490 So. 2d 987, 989-90 (Fla. 1st DCA 1986).

**a) Sample petition for administrative hearings**

STATE OF FLORIDA

AGENCY FOR HEALTHCARE ADMINISTRATION

MRS. JANE DOE

Petitioner,

vs.

FLORIDA AGENCY FOR HEALTHCARE

ADMINISTRATION

Respondent.

Docket No: *(Place docket number here if known)*

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JANE DOE’S PETITION FOR FORMAL ADMINISTRATIVE PROCEEDING FOR  
EXEMPTION FROM BACKGROUND SCREENING REQUIREMENTS

Petitioner, Mrs. Jane Doe, (hereinafter “Mrs. Doe” or “Petitioner”), by and through her undersigned counsel, and pursuant to Sections 120.569 and 120.57(1), Florida Statutes, and Rule 28-106, Florida Administrative Code, hereby petitions Respondent, State of Florida, Agency for Healthcare Administration (hereinafter “AHCA” or “Respondent”) for a formal administrative proceeding challenging the denial of Petitioner’s application for an Exemption from Disqualification from employment under Fla. Stat. § 435.07.

1. Petitioner, Mrs. Doe, is an applicant seeking authority to work as a staff member in a crisis stabilization unit. *(What sort of work is petitioner looking to perform?)*

2. In order to perform the activities described above, Mrs. Doe has filed or had filed on her behalf: *(here put the specific forms that the petitioner has filed to request an exemption)*

A. Request for Exemption pursuant to chapters 408 and 435, Florida Statutes.

B. A certified copy from the court file of the State Attorney’s Petition, and Final Disposition for each of Petitioner’s disqualifying criminal offenses.

C. A copy of the arrest report for each of Petitioner’s disqualifying criminal offenses.

D. A letter from the probation department documenting release from probation.

E. Three (3) *(preferably more)* letters of reference attesting to petitioner’s good moral character.

F. Letters, documents, affidavits, certificates, and other evidence proving rehabilitation.

G. An employment history record with letters of recommendation from employers and pay stubs and/or IRS W-2 forms documenting employment.

H. A statement explaining the history of the event causing disqualification, Petitioner’s personal history, current home life, family history, education/training, goals, and community involvement.

I. Other evidence establishing by clear and convincing evidence that Petitioner has been rehabilitated and poses no present danger in a position of special trust *(such as completion of treatment or counseling programs.)*

3. The address of the Petitioner, is *123 Petitioner’s Street City, Fl. 12345*. Her telephone number thereat is *(555) 555-5555*. For purposes of this proceeding, Petitioner’s address and telephone number should be considered those of her undersigned attorneys.

4. AHCA is the state agency responsible for the administration of the statutes and rules set forth in paragraph 2(A), above, and all other statutes and rules relevant hereto, either directly or through Operating Agreements executed between it and other federal, state, regional, and/or local governmental agencies and departments. Thus, AHCA is the only state agency affected by this Petition. The Agency’s address is *2727 Mahan Drive MS #40, Tallahassee, Florida 32308*. The AHCA file number is *11-1111111*.

5. On January 1, 2012, AHCA denied Petitioner's Request for Exemption from Disqualification. Said Notice was received by applicant's representatives(*or by the applicant if not represented at the time*) on January 3<sup>rd</sup>, 2012 by U.S. mail.

6. Ms. Doe's interests have been personally, directly, substantially, and adversely impacted by the AHCA's proposed denial in that she will be unable to seek employment in her chosen field for which she is properly trained and qualified. Therefore, Petitioner qualifies as a substantially affected person and as a party pursuant to § 120.569, Florida Statutes.

7. Disputed issues of material fact include, but are not limited to, the following: (*here you need to include and rebut the SPECIFIC reasons that the agency denied the petition. These will be in the letter denying the Petitioner's Request for Exemption. Below are a few general examples.*)

A. Whether Petitioner showed remorse for the actions leading to the arrest.

B. Whether Petitioner has been sufficiently rehabilitated.

C. Whether Petitioner is of good moral character.

D. Whether Petitioner has demonstrated by clear and convincing evidence that she is of no present danger to healthcare patients or their property.

E. Whether the Petitioner satisfied the applicable provisions of law;

F. Whether the decision of AHCA was based on correct factual assumptions.

G. Whether AHCA acted legally, properly, and within its discretion in determining that Petitioner's applications were to be denied.

H. Whether Ms. Doe is entitled to the Exemption from Disqualification she requested based upon a balanced review of all relevant statutory, rule, and/or constitutional criteria.

8. Ms. Doe alleges that she has been rehabilitated, is of good moral character, and poses no danger to healthcare patients or their property because: (*This is a concise statement of the ultimate facts alleged including SPECIFIC facts that warrant reversal of the decision.*)

A. Ms. Doe was arrested for theft more than ten (10) years prior to the application for exemption.

B. Ms. Doe served 13 months in prison and was released early for good behavior. She has also completed her parole without incident

C. While in prison, Ms. Doe completed her GED and began nursing school which she finished *Cum Laude* upon her release from prison.

D. Since her release, Ms. Doe has dedicated her time to helping the elderly and has received a service award for her efforts.

E. Ms. Doe has also gathered eight letters of reference from individuals that she has worked for and helped through her service testifying to her good moral character.

F. Ms. Doe is also very involved at her church, St. Elizabeth Ann Seton where she helps minister to the homeless at the soup kitchen and outreach ministry.

9. Because Ms. Doe has demonstrated through her community outreach and her faith-based ministries that she has been rehabilitated as well as her education and good behavior, Petitioner has established by clear and convincing evidence that she is of good moral character and poses no danger to healthcare patients or their property thus requiring reversal of AHCA's decision to reject Ms. Doe's Application for Exemption from Disqualification.

10. Ms. Doe alleges that, because she is of good moral character and is of no danger to healthcare patients or their property, the denial was the product of either factual and/or legal error by AHCA.

11. Petitioner alleges that her application satisfies the statutory, rule, and constitutional criteria set forth in paragraph 2, above, and all criteria set forth by AHCA in justification of its denial of her Application for Exemption from Disqualification.

ACCORDINGLY, Mrs. Irwin Kramer requests that Respondent, State of Florida, Agency for Healthcare Administration:

A. Forward this matter to the Division of Administrative Hearings for the assignment of an administrative law judge to conduct formal administrative proceedings;

B. That Recommended and Final Orders be entered granting an Exemption from Disqualification; and

C. That such further relief be granted as is justified under the circumstances.

I HEREBY CERTIFY that the original and one copy of the foregoing have been furnished by FedEx to Background Screening Unit of the State of Florida Agency for Healthcare Administration, 2727 Mahan Drive MS #40, Tallahassee, Florida 32308, this

15<sup>th</sup> day of June, 2012.

Respectfully submitted

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*Attorney Name*

Florida Bar No. 12345

*Law Firm Name*

*Address*

*Phone*

Attorney for Petitioner, Mrs. Jane Doe

copy: *Who sent to*

*Title*

Agency for Healthcare Administration

2727 Mahan Drive MS #40,

Tallahassee, Fl. 32308

#### **D. Agency Forms and Documents**

The link to apply for exemption from Disqualification forms for APD, DCF, DOH is <https://www.myflfamilies.com/services/background-screening/apply-exemption-disqualification>. The Form for Exemption for ACHA exemption is below as Appendix A. The APD exemption

application is below as Appendix B. The forms for an administrative hearing will be included in a written denial, should your application for exemption be denied. Please be sure to confirm that these forms are the most up to date.