

**Florida Department of Education
Division of Vocational Rehabilitation
BACKGROUND SCREENING
Important Information for the Application for Exemption**

Who must apply for an exemption?

Any individual subject to the background screening requirements of section 413.208, Florida Statutes, that has been notified that they are disqualified because they have 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 sections 435.04 and 413.208(2)(e), Florida Statutes, or similar law of another jurisdiction.

NOTE: *Even if you have received an exemption from disqualification from another state agency, you are still required to apply for an exemption through the Department of Education. Proof of exemption must be provided with the application. The Department of Education will take into consideration any exemption that is granted through another state agency when making a decision.*

Who is eligible for an exemption?

A person may be eligible for an exemption from disqualification under section 413.208 for:

- Felonies 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;
- Misdemeanors prohibited under any of the statutes cited in chapter 435, section 413.208(2)(e), 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;
- Offenses 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. For offenses that would be felonies if committed by an adult and the record has not been sealed or expunged, the exemption may not be granted until 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 offense.

A person applying for an exemption 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.

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

exemption from disqualification.

You must demonstrate by clear and convincing evidence that you should not be disqualified from being employed or otherwise engaged by a Vocational Rehabilitation (VR) service provider registered under section 413.208.

Types of information that must be submitted with your application include:

- Arrest reports for all arrests
- Court dispositions for all arrests
- A letter from parole or probation regarding your current status
- 3-5 letters of reference (at least one must be from a current or recent employer on the employer's letterhead)
- Any information regarding successful participation in a rehabilitation program, counseling, education, technical training, employment history, community involvement, awards or special recognition

What will be considered when granting an exemption?

- 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;
- the history of the applicant since the incident; and
- any other evidence or circumstances indicating that the applicant will not present a danger if employed by a VR service provider.

How to apply for an exemption:

An "Application for Exemption" form must be completed and returned along with ALL required documents noted on the Checklist that is included with the application. You may download the application from VR's website at: <http://www.rehabworks.org/providers/providers-background-screening.html> or send a request for a copy by email to VRBackgroundChecks@vr.fldoe.org; be sure to include your name and the address where you would like the application mailed.

When you submit the application, be sure to include all the required documents or a statement as to why a document is not included with the application. **AN INCOMPLETE APPLICATION WILL RESULT IN A DELAY IN THE PROCESSING AND FINAL DECISION OF THE CASE.**

How long does the process take?

An Application for Exemption will not be reviewed until ALL the required documents are received by the Agency.

If there is missing information on the application or required documents:

You will receive an **Incomplete Notice** by certified mail. You have 30 days from receipt of that notice to send the missing information to the Agency. If it will take longer than 30 days, contact the analyst
September 25, 2014

reviewing your case (name is on the incomplete notice) to request an extension. If all the information is not received within 30 days, your case will be CLOSED and you will have to send in a new application.

Once the application and all documentation are complete you will receive one of the following:

Grant Letter - The issuance of a grant letter provides eligibility for engagement with a provider. *The granting of an exemption by the Department of Education does not change the results of a background screening or clear your criminal history. The exemption only provides eligibility for employment despite the presence of a disqualifying offense(s).* The applicant must provide a copy of the grant letter to each potential employer/provider.

If you receive a judgment for a disqualifying criminal offense after the date exemption is granted, the exemption will be voided and the provider will be notified that you are no longer eligible.

Denial Letter - is issued when:

- The requirements of section 435.07 Florida Statutes have not been met **OR**
- The head of the Department of Education has determined that the safety of the individuals served by VR may be at risk. Under the provisions of Chapter 120, Florida Statutes, you may appeal the Department's decision. The information for appealing the decision will be included with your letter. You have 21 days from receipt of the denial letter to request an appeal.

Where to send the application:

The Department of Education reviews applications and makes decisions regarding exemptions for individuals who must be screened pursuant to the requirements of section 413.208, Florida Statutes.

Send your application to:

Background Screening Unit
Division of Vocational Rehabilitation
325 W. Gaines St., Suite 1144
Tallahassee, FL 32399-0400

The Florida Department of Education, Division of Vocational Rehabilitation (VR) is an equal opportunity employer. It is against the law for VR as a recipient of Federal financial assistance to discriminate against any individual in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief. The application process used by VR to determine eligibility for services, any subsequent services and the entire VR process are subject to these non-discrimination requirements. Auxiliary aids and services are available upon request to individuals with disabilities. VR program receives 78.7 percent of its funding through a grant from the U.S. Department of Education. For the 2020 Federal fiscal year, the total amount of grant funds awarded were \$153,000,001. The remaining 21.3 percent of the costs (\$41,409,148) were funded by Florida State Appropriations. Revised October 2020.

September 25, 2014