

# Application for Exemption – Florida Statutes §435.07

## Purpose

Allows individuals disqualified due to certain criminal offenses to request an exemption for employment or licensure in positions requiring Level 2 background screening.

## Eligibility

- All court-imposed sanctions must be completed.
- Must wait at least 3 years after completion of all sanctions (probation, fines, restitution).
- Applicant must demonstrate rehabilitation and good moral character.
- Certain serious offenses (e.g., sexual misconduct, murder) are not eligible.

## Required Documentation

- Completed application form.
- Certified copies of: Arrest report(s), Court disposition(s), Proof of sentence completion.
- Personal statement explaining circumstances and rehabilitation.
- Letters of recommendation (optional).

## Timelines

- Submission: After the 3-year waiting period following completion of all sanctions.
- Agency Review: The employing or licensing agency must grant or deny the exemption within 30 days of receiving a complete application.
- Appeal: If denied, the applicant may appeal within 21 days under Chapter 120.

## Where to Submit

Submit the application to the employing agency or licensing agency that:

- Conducted the background screening, and
- Regulates the position or license you are seeking.
- Not FDLE – FDLE provides background checks but does not process exemptions.

## Review Criteria

- Nature and seriousness of the offense.
- Time elapsed since the offense.
- Evidence of rehabilitation and current character.
- Employment history and community involvement.

## Outcome

- If granted, the exemption removes the disqualification for employment/licensure.
- If denied, the applicant remains disqualified unless successfully appealed.

## Agency Contact Information:

- [Exemption from Disqualification: | Florida Agency for Health Care Administration](#)
- [Apply for Exemption from Disqualification | Florida DCF](#)
- <https://flhealthsource.gov/background-screening/bgs-exemption/>
- [Exemption Test App.pdf](#)

## Difference from Expungement & State Attorney's Role

- The exemption process under Florida Statutes §435.07 is NOT the same as expungement or sealing of a criminal record.
- Expungement removes or seals the criminal record from public view, while an exemption only allows employment or licensure despite a disqualifying offense.
- An exemption does NOT erase or alter the criminal record; the offense remains visible in background checks.
- Exemption applications cannot be processed by the State Attorney's Office. They must be submitted to the employing or licensing agency responsible for the position or license.
- The State Attorney's Office has no authority to grant exemptions under Chapter 435.

## Exemption vs. Expungement

<b>Exemption</b>	<b>Expungement</b>
Purpose: Allows employment/licensure despite disqualifying offense.	Purpose: Removes or seals criminal record from public view.
Effect on Record: Offense remains visible in background checks.	Effect on Record: Record is sealed or erased from public access.
Processing Agency: Employing or licensing agency.	Processing Agency: Court system and FDLE.
Waiting Period: Minimum 3 years after sanctions completed.	Waiting Period: Varies by statute; often longer and requires eligibility criteria.