

69K-1.008 Applicants with Criminal Records Disclosures and Procedures.

(1) ~~This rule implements section 497.141(5)(a), F.S., regarding evaluation of whether an applicant for license who has a criminal record has demonstrated that issuance of the license applied for would not create a danger to the public.~~

(2) An applicant for licensure or for licensure renewal with new or renewal license that has a criminal record required to be disclosed under section 497.142(10), F.S., shall not be approved unless the applicant demonstrates that issuance of the license will not create a danger to the public. ~~Such applicant shall complete and submit with the application a form DFS-N1-1716, "Criminal History Form" (Oct. 2006), which is incorporated by reference in rule 69K-1.001, F.A.C.~~

(2)(3) An applicant for licensure or for licensure renewal shall disclose criminal records by submitting the Criminal History Form, DFS-N1-1716, effective MM/YY, which is hereby incorporated by reference and available on the Department's website at <https://www.myfloridacfo.com/Division/funeralcemetery> or <https://www.flrules.org/Gateway>, with the application for licensure or for licensure renewal.

(3)(4) Applicant shall also make a written presentation to the Board, in the form of a letter to the Board, dated and signed by the applicant and attached to the application, addressing therein the factors listed below.

- (a) A detailed explanation of the facts and circumstances of the criminal conduct.
- (b) If applicant was not the sole perpetrator of the crime, a description in detail of applicant's role on the crime.
- (c) If there are multiple crimes on different dates, applicant's explanation of why the multiple crimes should not be found to indicate inability or unwillingness to comply with applicable laws.
- (d) The age of the applicant when the crime(s) was committed.
- (e) Whether the crime involved physical violence, and the nature, amount and circumstances of the violence.
- (f) A detailed description of the type and amount of personal or property harm, injury or damage suffered by any victim or innocent bystander as a result of the crime(s).
- (g) Whether all legally required restitution has been made. If all legally required restitution has not been made, applicant shall provide an explanation of why it has not been made.
- (h) If applicant initially denied or failed to disclose the criminal record on the application for license, an explanation for such denial or failure to disclose.
- (i) Identification and description of any evidence that applicant is remorseful concerning the crime.
- (j) Whether applicant believes they had a drug or alcohol abuse problem in the time frame the crime was committed and if so, identification and description of any evidence that applicant has been successfully treated, or has otherwise overcome or is in remission concerning such drug or alcohol abuse.
- (k) Whether the applicant has successfully completed and complied with, or is completing or complying with, all requirements imposed by the court in the criminal proceedings, including but not limited to probation, and identification and description of any evidence in support of applicant's assertion in that regard.
- (l) Whether applicant has, since the criminal court proceeding, engaged in any activity in the nature of community service, apart from and in addition to any criminal sentencing requirements, and if so, identification and description of any evidence in support of applicant's assertion in that regard.
- (m) Any other argument by applicant as to why applicant would not be a danger to the public if the licensed applied for is granted, and identification and description of any evidence in support of such argument and not previously identified and described in applicant's presentation to the Board.

(4)(3) Letters of References. An applicant subject to this rule should submit with their application any letters of reference they can obtain in support of their assertion that if licensed they would not be a danger to the public. Letters of reference may be from current or past employers, clergy, business associates, persons the applicant does or has done business with, law enforcement personnel, or any other persons. Letters of reference shall be given weight by the Board in accordance with the following factors:

- (a) Letters of reference that are not signed shall be given no weight.
- (b) A letter of reference that is not dated, or does not provide the writer's full mailing address and phone number, will be given reduced weight.
- (c) A letter of reference that does not indicate how well, how long, and in what capacity the writer has known the

applicant, will be given reduced weight.

(d) A letter of reference that indicates that the writer is aware of applicant's criminal conduct shall be given substantially more weight than a letter of reference that does not so indicate.

(5) When renewing a license, a licensee is only required to disclose criminal offenses that occurred since initial licensure or the most recent licensure renewal, whichever is more recent. Any criminal record disclosed to the Department when applying for initial licensure or licensure renewal, is not required to be disclosed again at a subsequent renewal. Traffic infractions that are not criminal offenses are not required to be disclosed. For Applicants for renewing licensure renewal shall file, the Criminal History Form, Form DFS-N1-1716, shall be filed with the Department prior to the expiration date of the license to which the disclosure relates.

Rulemaking Authority 497.103(5), 497.141(5)(a), 497.142 FS. Law Implemented 497.141, 497.142 FS. History—New 6-25-13.