

STATE OF FLORIDA  
DEPARTMENT OF EDUCATION

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DEPT OF EDUCATION  
TALLAHASSEE FLA

DOLORES GIVENS,

Petitioner,

v.

DOAH CASE NO.: 20-0778

DOE CASE NO.: 2019-3878

FLORIDA DEPARTMENT OF EDUCATION,

Respondent.

2020 JUL -7 PM 2:53

DIVISION OF  
ADMINISTRATIVE HEARINGS

FILED

**FINAL ORDER**

This matter comes before Richard Corcoran, in his role as the Florida Commissioner of Education (hereinafter “the Commissioner”), for final action on an Order Denying Request for Disqualification Exemption Pursuant to Section 435.07, Florida Statutes (hereinafter “Denial”) issued in the above-styled case and herein incorporated by reference. Having considered the entirety of the record, the Commissioner now makes his findings and conclusions as follows.

**I. SUMMARY ANALYSIS**

This case arises from Petitioner’s Request for Disqualification Exemption filed September 9, 2019, and subsequent supplementary materials filed October 15 and 16, 2019 (collectively “Request”), wherein Petitioner formally requested that she be granted an exemption from the criminal background screening requirements of sections 1002.421 and 435.04, Florida Statutes. On January 9, 2020, the Commissioner issued the Denial based on Petitioner’s failure to prove rehabilitation by clear and convincing evidence, specifically noting that Petitioner’s Request failed to address the statutory factors prescribed in section 435.07, Florida Statutes.

On January 29, 2020, Petitioner, through counsel of record, filed her Petition for Formal Administrative Hearing, therein requesting a formal administrative hearing and, thereafter, issuance of the requested exemption. On February 13, 2020, counsel for the Commissioner referred

the matter to the Florida Division of Administrative Hearings, which assigned an administrative law judge to oversee the matter, and the parties commenced litigation.

On March 6, 2020, during the pendency of this matter at the Division of Administrative Hearings, counsel for Petitioner electronically submitted a letter entitled 'AMENDED Request for Disqualification Exemption' (hereinafter "Amended Request"). Therein, Petitioner discloses additional facts and requests that the Department reconsider its Denial and grant the requested exemption. Given jurisdictional concerns with the litigation at hand, the Commissioner has elected not to consider Petitioner's Amended Request until the instant matter is resolved with finality.

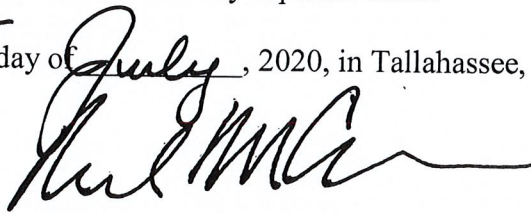
To that end, on June 2, 2020, Petitioner, through counsel of record, filed her Notice of Voluntary Dismissal Without Prejudice, therein dismissing her petition and requesting jurisdiction be returned to the Department of Education. On June 3, 2020, the judge assigned to oversee the matter issued an order closing the case file and relinquishing jurisdiction to the Department of Education for whatever action it deems appropriate pursuant thereto. With no other pending petitions for hearing, the Commissioner is now free to take final action on the matter.

## II. DISPOSITION

WHEREFORE, it is ORDERED and ADJUDGED as follows:

1. The findings and conclusions contained in the Order of Denial are ADOPTED;
2. Petitioner's Request for Disqualification Exemption is DENIED.
3. Petitioner's Amended Request will be addressed by separate order.

DONE AND ORDERED this 1<sup>st</sup> day of July, 2020, in Tallahassee, Florida.



RICHARD CORCORAN  
Commissioner of Education



### III. NOTICE OF RIGHT TO APPEAL

Unless waived, any party substantially affected by this final order may seek judicial review by filing an original Notice of Appeal with the Clerk of the Department of Education, and a copy of the notice, accompanied by the filing fees prescribed by law, with the clerk of the appropriate District Court of Appeal within thirty (30) days of rendition of this order, in accordance with Rule 9.110, Florida Rules of Appellate Procedure, and Section 120.68, Florida Statutes.

### IV. CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the above FINAL ORDER has been filed with the Agency Clerk of the Department of Education on this 2<sup>nd</sup> day of July, 2020, and that a true and correct copy has been furnished by U.S. Mail to:

Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, FL 32399-3060

Richard P. Green, Esq. (via email)  
Florida Bar No. 0119530  
Lewis, Longman & Walker, P.A.  
100 Second Ave. South, Suite 501-S  
St. Petersburg, Florida 33701  
[rgreen@llw-law.com](mailto:rgreen@llw-law.com)  
[jdavy@llw-law.com](mailto:jdavy@llw-law.com)

Jason D. Borntreger, Esq. (via email)  
Florida Department of Education  
325 West Gaines Street, Suite 1244  
Tallahassee, Florida 32399-0400  
[jason.borntreger@fldoe.org](mailto:jason.borntreger@fldoe.org)

  
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