



COLLEGE OF CENTRAL FLORIDA
ADMINISTRATIVE PROCEDURE

Title: Limited Access Programs Admission: Criminal Background Restrictions	
Page 1 of 4	Implementing Procedure for Policy #: 7.00
Date Approved: 8/16/06 Date Revised: 10/8/10 Date Revised: 12/13/11 Date Revised: 05/29/14	Division: Academic Affairs

Criminal Justice Programs

An applicant would be denied admission to the Criminal Justice Programs if he or she fails to have the minimum qualifications established in Section 943.13(4) Fla. Stats., which states as follows:

943.13 Officers' minimum qualifications for employment or appointment.

On or after October 1, 1984, any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer or correctional officer; on or after October 1, 1986, any person employed as a full-time, part-time, or auxiliary correctional probation officer; and on or after October 1, 1986, any person employed as a full-time, part-time, or auxiliary correctional officer by a private entity under contract to the Department of Corrections, to a county commission, or to the Department of Management Sciences shall:

- (4) Not have been convicted of any felony or of a misdemeanor involving perjury or a false statement, or have received a dishonorable discharge from any of the Armed Forces of the United States. Any person who, after July 1, 1981, pleads guilty or nolo contendere to or is found guilty of any felony or of a misdemeanor involving perjury or a false statement is not eligible for employment or appointment as an officer, notwithstanding suspension of sentence or withholding of adjudication. Notwithstanding this subsection, any person who has pled nolo contendere to a misdemeanor involving a false statement, prior to December 1, 1985, and has had such record sealed or expunged shall not be deemed ineligible for employment or appointment as an officer.

Chapter 790.23, Fla. Stats., prohibits the possession of a firearm or ammunition by a person who as a juvenile was found to have committed a delinquent act that would be a felony if committed by an adult until the person is 24 years of age. This would require the applicant to wait until they are 24 to attend the basic recruit training.

In addition, Federal Statute 18 U.S.C. 922 prohibits the possession of a firearm for any person who has been adjudicated as a mental defective or committed to a mental institution, or is subject to a court order that restrains the person from harassing, stalking or threatening an intimate partner or child of such intimate partner, or has been convicted of a misdemeanor crime of domestic violence.

Health Sciences and Teacher Education Programs

An applicant would be denied admission to the Health Sciences or Teacher Education Programs if he or she has “been found guilty of, regardless of adjudication, or entered a plea of

Limited Access Programs Admission: Criminal Background Restrictions Page 2

nolo contendere or guilty to any offense prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction.”

Section 393.135	Sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct
Section 394.4593	Sexual misconduct with certain mental health patients and reporting of such sexual misconduct
Section 415.111	Adult abuse, neglect, or exploitation of aged persons or disabled adults or failure to report of such abuse
Section 741.28	Criminal offenses that constitute domestic violence, whether committed in Florida or another jurisdiction
Section 782.04	Murder
Section 782.07	Manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child
Section 782.071	Vehicular homicide
Section 782.09	Killing an unborn quick child by injury to the mother
Chapter 784	Assault, battery, and culpable negligence, if the offense was a felony
Section 784.011	Assault, if the victim of offense was a minor
Section 784.03	Battery, if the victim of offense was a minor
Section 787.01	Kidnapping
Section 787.02	False imprisonment
Section 787.025	Luring or enticing a child
Section 787.04(2)	Taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceeding
Section 787.04(3)	Carrying a child beyond the state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person
Section 790.115(1)	Exhibiting firearms or weapons within 1,000 feet of a school
Section 790.115(2) (b)	Possessing an electric weapon or device, destructive device, or other weapon on school property
Section 794.011	Sexual battery
Former Section 794.041	Prohibited acts of persons in familial or custodial authority
Section 794.05	Unlawful sexual activity with certain minors
Chapter 796	Prostitution
Section 798.02	Lewd and lascivious behavior
Chapter 800	Lewdness and indecent exposure
Section 806.01	Arson
Section 810.02	Burglary

Limited Access Programs Admission: Criminal Background Restrictions Page 3

Section 810.14	Voyeurism, if the offense is a felony
Section 810.145	Video voyeurism, if the offense is a felony
Chapter 812	Theft and/or robbery and related crimes, if a felony offense
Section 817.563	Fraudulent sale of controlled substances, if the offense was a felony
Section 825.102	Abuse, aggravated abuse, or neglect of an elderly person or disabled adult
Section 825.1025	Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult
Section 825.103	Exploitation of disabled adults or elderly persons, if the offense was a felony
Section 826.04	Incest
Section 827.03	Child abuse, aggravated child abuse, or neglect of a child
Section 827.04	Contributing to the delinquency or dependency of a child
Former Section 827.05	Negligent treatment of children
Section 827.071	Sexual performance by a child
Section 843.01	Resisting arrest with violence
Section 843.025	Depriving a law enforcement, correctional, or correctional probation officer means of protection or communication
Section 843.12	Aiding in an escape
Section 843.13	Aiding in the escape of juvenile inmates in correctional institution
Chapter 847	Obscene literature
Section 874.05(1)	Encouraging or recruiting another to join a criminal gang
Chapter 893	Drug abuse prevention and control only if the offense was a felony or if any other person involved in the offense was a minor
Section 916.1075	Sexual misconduct with certain forensic clients and reporting of such sexual conduct
Section 944.35(3)	Inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm
Section 944.40	Escape
Section 944.46	Harboring, concealing, or aiding an escaped prisoner
Section 944.47	Introduction of contraband into a correctional facility
Section 985.701	Sexual misconduct in juvenile justice programs
Section 985.711	contraband introduced into detention facilities

The aforementioned crimes are a part of the level 2 screening (§435.04 Fla. Stats.) standards and are subject to change.

The Following Only Apply to Health Sciences Programs

If convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a felony under Florida Statutes in chapter 409, chapter 817, chapter 831, or Federal Statute in 21

U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396, unless the sentence ended more than 15 years prior to the date of the application; or terminated for cause from the Florida Medicaid program pursuant to s. 409.913, unless the applicant has been in good standing with the Florida Medicaid program for the most recent 5 years may be denied admission in a Health Sciences Program. The college may also consider battery and DUI offenses when considering a candidate for admission. The additional offenses will apply to Health Sciences Programs pursuant to Section 408.809.

Chapter 408	Felony offenses contained in Chapter 408
Section 408.8065(3)	Offers service or skilled service without valid license when licensure is required, or knowingly files a false or misleading license or license renewal application, or submits false or misleading information related to application
Section 409.920	Medicaid provider fraud
Section 409.9201	Medicaid fraud
Section 817.034	Fraudulent acts through mail, wire, radio, electromagnetic, photoelectronic, or photooptical systems
Section 817.234	False and fraudulent insurance claims
Section 817.505	Patient brokering
Section 817.568	Criminal use of personal identification information
Section 817.60	Obtaining a credit card through fraudulent means
Section 817.61	Fraudulent use of credit cards, if the offense was a felony
Section 831.01	Forgery
Section 831.02	Uttering forged instruments
Section 831.07	Forging bank bills, checks, drafts or promissory notes
Section 831.09	Uttering forged bank bills, checks, drafts, or promissory notes
Section 831.30	Fraud in obtaining medicinal drugs
Section 831.31	The sale, manufacture, delivery, or possession with the intent to sell, manufacture, deliver any counterfeit controlled substance, if the offense was a felony

Applicant Appeal

In the event the student is not satisfied with the denial of admission in either the Criminal Justice, Health Sciences or Teacher Education Programs, the student has the right to present the concern to the Vice President for Academic Affairs. If the student wishes to exercise this right, then, within five (5) working days after being denied admission, the student must deliver a copy of the Admission of Students with Criminal Background Appeal Form, with the appropriate documentation, to the Vice President for Academic Affairs. The Vice President for Academic

Limited Access Programs Admission: Criminal Background Restrictions Page 5

Affairs (VPAA) may appoint an appeals panel of no more than three (3) individuals to make a recommendation on the appeal.

If the VPAA appoints a panel, the panel will meet and render a recommendation to the VPAA within 30 working days of receiving the appeal request. The panel will base this recommendation on the required documentation listed below and an interview with the student, should they deem that necessary. Within 5 working days of receipt of the panel's recommendation, the VPAA may reject or accept the recommendation. The decision of the Vice President for Academic Affairs is final and binding to all parties.

If an appeal is granted, then, as a condition of admission, the student will sign a waiver indicating that he or she will hold the college harmless should a State certificate or license not be granted by the relevant State board or licensing agency based upon the applicant's criminal background.

Necessary Documentation (must be attached to the appeal form)

- Written statement from the candidate stating reason for seeking program admission.
- Letter of explanation from the candidate of criminal activity and rehabilitation.
- Court documentation indicating the crime and adjudication of the crime.
- Proof of satisfaction of all court-imposed judgments.
- Proof of restoration of civil rights, if applicable.
- If applicable, provide a previously issued Exemption from Disqualification from the board or licensing agency which previously issued the student a certificate or license should the student have been awarded a certificate or license after the date of the criminal activity or dishonorable discharge which is the subject of the appeal. Example: a licensed practical nurse applying to the Associate Degree Nursing program must provide the previously issued written "Exemption from Disqualification" from the State Board of Nursing or licensing agency if his or her license was issued before the date of the criminal activity in question.

Vice President for Academic Affairs

Date

Approved by President

Date