

FORMAL HEARING INFORMATION SHEET

A candidate may petition for a formal hearing before the Division of Administrative Hearings pursuant to Section 120.569 and 120.57, Florida Statutes and pursuant to the uniform rules in Chapter 28-106, Florida Administrative Code. Except as noted below, the petition shall be filed with the Department, no later than twenty-one (21) days from the date on the Department's original grade notification.

If you wish to initiate the formal hearing procedure pertinent information is outlined below:

- ♦ If a candidate has exercised his/her right to a post-examination review **for the purpose of submitting challenges**, the request for a hearing must be filed with the Department no later than **twenty-one (21) days** after the date on the letter notifying the candidate of the Department's evaluation decision regarding his/her challenges.
- ♦ If a candidate has exercised his/her right to a post-examination review, **for the purpose of reviewing the test questions, but is prohibited from submitting challenges, as maybe the case of candidates reviewing a national examination**, the request for a hearing must be filled with the Department no later than **twenty-one (21) days** after the post-examination review date.

A candidate, who wishes to **review the examination to prepare for an administrative hearing**, but did not elect to exercise his/her right to a post-examination review, must pay the applicable review fee.

The petition must state all disputed facts pertaining to the examination questions or procedure objected to. Please submit the petition to:

Department of Business and Professional Regulation
Bureau of Education and Testing
1940 North Monroe Street, Suite 42
Tallahassee, Florida 32399-1047
ATTENTION: Gus Ashoo, Chief

The administrative hearing process is at times lengthy. Once the Bureau of Testing receives your appeal request, a period of **fifteen (15) days** is allowed for file preparation before forwarding to the General Counsel's office. The General Counsel's office reviews the file and forwards the request to the Department of Administrative Hearings (DOAH). The hearing date is then scheduled based upon the caseload of the administrative law judge to which the appeal is assigned. The hearing is normally scheduled within **eight (8) to ten (10) weeks** of the date the appeal is received by DOAH. After the hearing is held, the administrative law judge has **thirty (30) to ninety (90) days** in which to render a recommended order to the Board. The recommended order must be received by the Board at least **four (4) to six (6) weeks** prior to the next Board meeting to reserve a listing on the Board's agenda. The Board, with advice and assistance from its legal counsel, then makes the final decision to accept or reject the administrative law judge's recommended order and must enter a final order within **ninety (90) days** after receipt of the recommended order.

This hearing is much like a trial and you will have the responsibility of presenting witnesses to any facts that prove the unfairness or invalidity of the examination. This is an adversary hearing and an attorney will represent the Department. It would be to your advantage to consult an attorney regarding your case.