

BILL

ORIGINAL

YEAR

1 A bill to be entitled
 2 An act relating to disqualifications for employment;
 3 amending s. 112.011, F.S.; providing that a person may not
 4 be disqualified from receiving a license, permit, or
 5 certificate or from obtaining public employment on the
 6 grounds that the person's civil rights have not been
 7 restored; providing that a person is not required to
 8 secure the restoration of his or her civil rights or prove
 9 that his or her civil rights have been restored in order
 10 to receive a license, permit, or certificate or to obtain
 11 public employment; providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Section 112.011, Florida Statutes, is amended
 16 to read:

17 112.011 Disqualification for licensing and public
 18 employment based on criminal conviction ~~Felons; removal of~~
 19 ~~disqualifications for employment, exceptions.--~~

20 (1) (a) Except as provided in s. 775.16, a person may ~~shall~~
 21 not be disqualified from employment by the state, any of its
 22 agencies or political subdivisions, or any municipality solely
 23 because of a prior conviction for a crime. However, a person may
 24 be denied employment by the state, any of its agencies or
 25 political subdivisions, or any municipality by reason of the
 26 prior conviction for a crime if the crime was a felony or first
 27 degree misdemeanor and directly related to the position of
 28 employment sought.

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29 (b) Except as provided in s. 775.16, a person ~~whose civil~~
 30 ~~rights have been restored shall not be disqualified to practice,~~
 31 ~~pursue, or engage in any occupation, trade, vocation,~~
 32 ~~profession, or business for which a license, permit, or~~
 33 ~~certificate is required to be issued by the state, any of its~~
 34 ~~agencies or political subdivisions, or any municipality solely~~
 35 ~~because of a prior conviction for a crime. However, a person~~
 36 ~~whose civil rights have been restored~~ may be denied a license,
 37 permit, or certification to pursue, practice, or engage in an
 38 occupation, trade, vocation, profession, or business by reason
 39 of the prior conviction for a crime if the crime was a felony or
 40 first degree misdemeanor ~~and~~ directly related to or relevant to
 41 the standards normally associated with, or determined by the
 42 regulatory authority to be necessary for the protection of the
 43 public or other parties with relationships with, the specific
 44 occupation, trade, vocation, profession, or business for which
 45 the license, permit, or certificate is sought.

46 (c) Notwithstanding any law to the contrary, the status of
 47 a person's civil rights may not be considered a disqualification
 48 or grounds for denial of a license, permit, or certificate, or
 49 public employment. A person is not required to secure the
 50 restoration of his or her civil rights or prove that his or her
 51 civil rights have been restored in order to be considered for a
 52 license, permit, or certificate, or to be considered for public
 53 employment.

54 (2) (a) This section does ~~shall~~ not apply ~~be applicable~~ to
 55 any law enforcement or correctional agency.

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56 (b) This section does ~~shall~~ not apply ~~be applicable~~ to the
 57 employment practices of any fire department relating to the
 58 hiring of firefighters. An applicant for employment with any
 59 fire department who has ~~with~~ a prior felony conviction shall be
 60 excluded from employment for a period of 4 years after
 61 expiration of sentence or final release by the Parole Commission
 62 unless the applicant, prior to the expiration of the 4-year
 63 period, has received a full pardon or has had his or her civil
 64 rights restored.

65 (c) This section does ~~shall~~ not apply ~~be applicable~~ to the
 66 employment practices of any county or municipality relating to
 67 the hiring of personnel for positions deemed to be critical to
 68 security or public safety pursuant to ss. 125.5801 and 166.0442.

69 (3) Any complaint concerning the violation of this section
 70 shall be adjudicated in accordance with the procedures set forth
 71 in chapter 120 for administrative and judicial review.

72 Section 2. This act shall take effect July 1, 2008.