

By the Committee on Security, Select and Representatives
Gelber, Ball, Green, Cusack, Cantens, Machek and Hart

1 A bill to be entitled
2 An act relating to county and municipal
3 employees and other employees with access to
4 county and municipal facilities; creating s.
5 125.580, F.S.; authorizing state and federal
6 criminal record checks for certain county
7 employees, contractors, and appointees;
8 creating s. 166.0442, F.S.; authorizing state
9 and federal criminal record checks for certain
10 municipal employees, contractors, and
11 appointees; amending s. 112.011, F.S.;
12 permitting denial of employment under certain
13 circumstances by counties or municipalities for
14 positions deemed to be critical to security or
15 public safety; providing an effective date.

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17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Section 125.580, Florida Statutes, is
20 created to read:

21 125.580 Criminal history record checks for certain
22 county employees, contractors, and
23 appointees.--Notwithstanding chapter 435, a county may
24 require, by ordinance, employment screening for any position
25 of county employment or appointment deemed to be critical to
26 security or public safety by the governing body of the county,
27 or for any private contractor, employee of a private
28 contractor, vendor, repair person, or delivery person who has
29 access to any public facility or publicly operated facility
30 that is deemed to have critical security or public safety
31 status by the governing body of the county. The ordinance

1 shall require each person applying for any such position to be
2 fingerprinted. These fingerprints shall be submitted to the
3 Department of Law Enforcement for a state criminal history
4 record check and to the Federal Bureau of Investigation for a
5 national criminal history record check. The information
6 obtained from the criminal history record checks conducted
7 pursuant to the ordinance may be used by the county to
8 determine the applicant's eligibility for employment.

9 Section 2. Section 166.0442, Florida Statutes, is
10 created to read:

11 166.0442 Criminal history record checks for certain
12 municipal employees, contractors, and
13 appointees.--Notwithstanding chapter 435, a municipality may
14 require, by ordinance, employment screening for any position
15 of municipal employment or appointment deemed to be critical
16 to security or public safety by the governing body of the
17 municipality, or for any private contractor, employee of a
18 private contractor, vendor, repair person, or delivery person
19 who has access to any public facility or publicly operated
20 facility that is deemed to have critical security or public
21 safety status by the governing body of the municipality. The
22 ordinance shall require each person applying for any such
23 position to be fingerprinted. These fingerprints shall be
24 submitted to the Department of Law Enforcement for a state
25 criminal history record check and to the Federal Bureau of
26 Investigation for a national criminal history record check.
27 The information obtained from the criminal history record
28 checks conducted pursuant to the ordinance may be used by the
29 municipality to determine the applicant's eligibility for
30 employment.

1 Section 3. Paragraph (c) is added to subsection (2) of
2 section 112.011, Florida Statutes, to read:

3 112.011 Felons; removal of disqualifications for
4 employment, exceptions.--

5 (1)(a) Except as provided in s. 775.16, a person shall
6 not be disqualified from employment by the state, any of its
7 agencies or political subdivisions, or any municipality solely
8 because of a prior conviction for a crime. However, a person
9 may be denied employment by the state, any of its agencies or
10 political subdivisions, or any municipality by reason of the
11 prior conviction for a crime if the crime was a felony or
12 first degree misdemeanor and directly related to the position
13 of employment sought.

14 (b) Except as provided in s. 775.16, a person whose
15 civil rights have been restored shall not be disqualified to
16 practice, pursue, or engage in any occupation, trade,
17 vocation, profession, or business for which a license, permit,
18 or certificate is required to be issued by the state, any of
19 its agencies or political subdivisions, or any municipality
20 solely because of a prior conviction for a crime. However, a
21 person whose civil rights have been restored may be denied a
22 license, permit, or certification to pursue, practice, or
23 engage in an occupation, trade, vocation, profession, or
24 business by reason of the prior conviction for a crime if the
25 crime was a felony or first degree misdemeanor and directly
26 related to the specific occupation, trade, vocation,
27 profession, or business for which the license, permit, or
28 certificate is sought.

29 (2)

30 (c) This section shall not be applicable to the
31 employment practices of any county or municipality relating to

1 the hiring of personnel for positions deemed to be critical to
2 security or public safety pursuant to ss. 125.580 and
3 166.0442.

4 Section 4. This act shall take effect upon becoming a
5 law.

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8 HOUSE SUMMARY

9
10 Authorizes state and federal criminal record checks for
11 certain county and municipal employees, contractors,
12 appointees, and persons with access to public facilities
13 under specified circumstances. Permits denial of
14 employment under certain circumstances by counties or
15 municipalities for positions deemed to be critical to
16 security or public safety.
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