

1 A bill to be entitled
2 An act relating to county and municipal
3 employees and contractors; authorizing a county
4 or municipality to require, by ordinance, the
5 screening of an employee, appointee, or
6 applicant for employment or appointment to a
7 position that is critical to security or public
8 safety; authorizing the screening of a
9 contractor, vendor, repair person, or delivery
10 person who has access to public facilities that
11 are critical to security or public safety;
12 requiring that fingerprints of applicants and
13 employees be submitted to the Department of Law
14 Enforcement and the Federal Bureau of
15 Investigation for a check of criminal history
16 records; authorizing the county or municipality
17 to use information obtained from a criminal
18 history record check to determine a person's
19 eligibility for employment or appointment;
20 amending s. 112.011, F.S.; permitting denial of
21 employment under certain circumstances by
22 counties and municipalities for positions
23 deemed to be critical to security or public
24 safety; providing an effective date.

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

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28 Section 1. Criminal history record checks for certain
29 county employees and appointees.--Notwithstanding chapter 435,
30 Florida Statutes, a county may require, by ordinance,
31 employment screening for any position of county employment or

1 appointment which the governing body of the county finds is
2 critical to security or public safety, or for any private
3 contractor, employee of a private contractor, vendor, repair
4 person, or delivery person who has access to any public
5 facility or publicly operated facility that the governing body
6 of the county finds is critical to security or public safety.
7 The ordinance must require each person applying for, or
8 continuing employment in, any such position or having access
9 to any such facility to be fingerprinted. The fingerprints
10 shall be submitted to the Department of Law Enforcement for a
11 state criminal history record check and to the Federal Bureau
12 of Investigation for a national criminal history record check.
13 The information obtained from the criminal history record
14 checks conducted pursuant to the ordinance may be used by the
15 county to determine an applicant's eligibility for employment
16 or appointment and to determine an employee's eligibility for
17 continued employment. This section is not intended to preempt
18 or prevent any other background screening, including, but not
19 limited to, criminal history record checks, which a county may
20 lawfully undertake.

21 Section 2. Criminal history record checks for certain
22 municipal employees and appointees.--Notwithstanding chapter
23 435, Florida Statutes, a municipality may require, by
24 ordinance, employment screening for any position of municipal
25 employment or appointment which the governing body of the
26 municipality finds is critical to security or public safety,
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 the governing body of the municipality finds is critical
31 to security or public safety. The ordinance must require each

1 person applying for, or continuing employment in, any such
2 position or having access to any such facility to be
3 fingerprinted. The fingerprints shall be submitted to the
4 Department of Law Enforcement for a state criminal history
5 record check and to the Federal Bureau of Investigation for a
6 national criminal history record check. The information
7 obtained from the criminal history record checks conducted
8 pursuant to the ordinance may be used by the municipality to
9 determine an applicant's eligibility for employment or
10 appointment and to determine an employee's eligibility for
11 continued employment. This section is not intended to preempt
12 or prevent any other background screening, including, but not
13 limited to, criminal history background checks, that a
14 municipality may lawfully undertake.

15 Section 3. Subsection (1) of section 112.011, Florida
16 Statutes, is reenacted to read, and paragraph (c) is added to
17 subsection (2) of that section, to read:

18 112.011 Felons; removal of disqualifications for
19 employment, exceptions.--

20 (1)(a) Except as provided in s. 775.16, a person 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
24 may 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
27 first degree misdemeanor and directly related to the position
28 of employment sought.

29 (b) Except as provided in s. 775.16, a person whose
30 civil rights have been restored shall not be disqualified to
31 practice, pursue, or engage in any occupation, trade,

1 vocation, profession, or business for which a license, permit,
2 or certificate is required to be issued by the state, any of
3 its agencies or political subdivisions, or any municipality
4 solely because of a prior conviction for a crime. However, a
5 person whose civil rights have been restored may be denied a
6 license, permit, or certification to pursue, practice, or
7 engage in an occupation, trade, vocation, profession, or
8 business by reason of the prior conviction for a crime if the
9 crime was a felony or first degree misdemeanor and directly
10 related to the specific occupation, trade, vocation,
11 profession, or business for which the license, permit, or
12 certificate is sought.

13 (2)

14 (c) This section shall not be applicable to the
15 employment practices of any county or municipality relating to
16 the hiring of personnel for positions deemed to be critical to
17 security or public safety pursuant to ss. 125.580 and
18 166.0442.

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

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