

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Kravitz offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Section 112.011, Florida Statutes, is amended
6 to read:

7 112.011 Disqualification for licensing and public
8 employment based on criminal conviction ~~Felons; removal of~~
9 ~~disqualifications for employment, exceptions.--~~

10 (1)(a) Except as provided in s. 775.16, a person may ~~shall~~
11 not be disqualified from employment by the state, any of its
12 agencies or political subdivisions, or any municipality solely
13 because of a prior conviction for a crime. However, a person may
14 be denied employment by the state, any of its agencies or
15 political subdivisions, or any municipality by reason of the
16 prior conviction for a crime if the crime was a felony or first

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17 degree misdemeanor and directly related to the position of
18 employment sought.

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

36 (c) Notwithstanding any law to the contrary, the status of
37 a person's civil rights may not be considered a disqualification
38 or grounds for denial of a license, permit, or certificate or
39 public employment. A person is not required to secure the
40 restoration of his or her civil rights or to prove that his or
41 her civil rights have been restored in order to be considered
42 for a license, permit, or certificate or to be considered for
43 public employment. However, this paragraph does not apply to the

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44 issuance of a license for a concealed weapon or firearm or the
45 purchasing of a firearm pursuant to chapter 790.

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

48 (b) This section does ~~shall~~ not apply ~~be applicable~~ to the
49 employment practices of any fire department relating to the
50 hiring of firefighters. An applicant for employment with any
51 fire department who has ~~with~~ a prior felony conviction shall be
52 excluded from employment for a period of 4 years after
53 expiration of sentence or final release by the Parole Commission
54 unless the applicant, prior to the expiration of the 4-year
55 period, has received a full pardon or has had his or her civil
56 rights restored.

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

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

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

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T I T L E A M E N D M E N T

67 Remove the entire title and insert:

68 A bill to be entitled

69 An act relating to disqualifications for employment;

70 amending s. 112.011, F.S.; providing that a person may not

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72 be disqualified from receiving a license, permit, or
73 certificate or from obtaining public employment on the
74 grounds that the person's civil rights have not been
75 restored; providing that a person is not required to
76 secure the restoration of his or her civil rights or prove
77 that his or her civil rights have been restored in order
78 to receive a license, permit, or certificate or to obtain
79 public employment; providing an exception for the issuance
80 of a license for a concealed weapon or firearm or the
81 purchasing of a firearm; providing an effective date.