

FOR CONSIDERATION By the Committee on Criminal Justice

591-03648-08

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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 to
16 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, profession,~~
32 ~~or business for which a license, permit, or certificate is~~
33 ~~required to be issued by the state, any of its agencies or~~
34 ~~political subdivisions, or any municipality solely because of a~~
35 ~~prior conviction for a crime. However, a person whose civil~~
36 ~~rights have been restored may be denied a license, permit, or~~
37 ~~certification to pursue, practice, or engage in an occupation,~~
38 ~~trade, vocation, profession, or business by reason of the prior~~
39 ~~conviction for a crime if the crime was a felony or first degree~~
40 ~~misdemeanor and directly related to the specific occupation,~~
41 ~~trade, vocation, profession, or business for which the license,~~
42 ~~permit, or certificate is sought.~~

43 (c) Notwithstanding any law to the contrary, a person may
44 not be disqualified from receiving a license, permit, or
45 certificate or from obtaining public employment on the grounds
46 that a person's civil rights have not been restored. A person is
47 not required to secure the restoration of his or her civil rights
48 or prove that his or her civil rights have been restored in order
49 to receive a license, permit, or certificate or to obtain public
50 employment.

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

53 (b) This section does ~~shall~~ not apply ~~be applicable~~ to the
54 employment practices of any fire department relating to the
55 hiring of firefighters. An applicant for employment with any fire
56 department who has ~~with~~ a prior felony conviction shall be
57 excluded from employment for a period of 4 years after expiration

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58 | of sentence or final release by the Parole Commission unless the
59 | applicant, prior to the expiration of the 4-year period, has
60 | received a full pardon or has had his or her civil rights
61 | restored.

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

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

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