

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.

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

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 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 to prove that his or
51 her civil rights have been restored in order to be considered
52 for a license, permit, or certificate or to be considered for
53 public 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.