

Amendment No.

CHAMBER ACTION

Senate

House

.

---

1 Representative Taylor offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. This act may be cited as the "Jim King Keep  
6 Florida Working Act."

7 Section 2. Restrictions on the employment of ex-offenders;  
8 legislative intent; state agency reporting requirements.-

9 (1) The Legislature declares that a goal of this state is  
10 to clearly identify the occupations from which ex-offenders are  
11 disqualified based on the nature of their offenses. The  
12 Legislature seeks to make employment opportunities available to  
13 ex-offenders in a manner that serves to preserve and protect the  
14 health, safety, and welfare of the general public, yet  
15 encourages them to become productive members of society. To this  
16 end, state agencies that exercise regulatory authority are in

558007

Approved For Filing: 4/26/2011 6:08:04 PM

Amendment No.

17 the best position to identify all restrictions on employment  
18 imposed by the agencies or by boards that regulate professions  
19 and occupations and are obligated to protect the health, safety,  
20 and welfare of the general public by clearly setting forth those  
21 restrictions in keeping with standards and protections  
22 determined by the agencies to be in the least restrictive  
23 manner.

24 (2) Each state agency, including, but not limited to,  
25 those state agencies responsible for professional and  
26 occupational regulatory boards, shall ensure the appropriate  
27 restrictions necessary to protect the overall health, safety,  
28 and welfare of the general public are in place, and by December  
29 31, 2011, and every 4 years thereafter, submit to the Governor,  
30 the President of the Senate, and the Speaker of the House of  
31 Representatives a report that includes:

32 (a) A list of all agency or board statutes or rules that  
33 disqualify from employment or licensure persons who have been  
34 convicted of a crime and have completed any incarceration and  
35 restitution to which they have been sentenced for such crime.

36 (b) A determination of whether the disqualifying statutes  
37 or rules are readily available to prospective employers and  
38 licensees.

39 (c) The identification and evaluation of alternatives to  
40 the disqualifying statutes or rules which protect the health,  
41 safety, and welfare of the general public without impeding the  
42 gainful employment of ex-offenders.

43 Section 3. Effective January 1, 2012, section 112.011,  
44 Florida Statutes, is amended to read:

558007

Approved For Filing: 4/26/2011 6:08:04 PM

Amendment No.

45 112.011 Disqualification from licensing and public  
46 employment based on criminal conviction Felons; removal of  
47 disqualifications for employment, exceptions.-

48 (1) (a) Except as provided in s. 775.16, a person may ~~shall~~  
49 not be disqualified from employment by the state, any of its  
50 agencies or political subdivisions, or any municipality solely  
51 because of a prior conviction for a crime. However, a person may  
52 be denied employment by the state, any of its agencies or  
53 political subdivisions, or any municipality by reason of the  
54 prior conviction for a crime if the crime was a felony or first  
55 degree misdemeanor and directly related to the position of  
56 employment sought.

57 (b) Except as provided in s. 775.16, a person ~~whose civil~~  
58 ~~rights have been restored shall not be disqualified to practice,~~  
59 ~~pursue, or engage in any occupation, trade, vocation,~~  
60 ~~profession, or business for which a license, permit, or~~  
61 ~~certificate is required to be issued by the state, any of its~~  
62 ~~agencies or political subdivisions, or any municipality solely~~  
63 ~~because of a prior conviction for a crime. However, a person~~  
64 ~~whose civil rights have been restored~~ may be denied a license,  
65 permit, or certification to pursue, practice, or engage in an  
66 occupation, trade, vocation, profession, or business by reason  
67 of the prior conviction for a crime if the crime was a felony or  
68 first-degree first-degree misdemeanor that is ~~and~~ directly  
69 related to the standards determined by the regulatory authority  
70 to be necessary and reasonably related to the protection of the  
71 public health, safety, and welfare for the specific occupation,

558007

Approved For Filing: 4/26/2011 6:08:04 PM

Amendment No.

72 trade, vocation, profession, or business for which the license,  
73 permit, or certificate is sought.

74 (c) Notwithstanding any law to the contrary, a state  
75 agency may not deny an application for a license, permit,  
76 certificate, or employment based solely on the applicant's lack  
77 of civil rights. However, this paragraph does not apply to  
78 applications for a license to carry a concealed weapon or  
79 firearm under chapter 790.

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

82 (b) This section does ~~shall~~ not apply ~~be applicable~~ to the  
83 employment practices of any fire department relating to the  
84 hiring of firefighters. An applicant for employment with any  
85 fire department who has ~~with~~ a prior felony conviction shall be  
86 excluded from employment for a period of 4 years after  
87 expiration of sentence or final release by the Parole Commission  
88 unless the applicant, before ~~prior to~~ the expiration of the 4-  
89 year period, has received a full pardon or has had his or her  
90 civil rights restored.

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

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

98 Section 4. Except as otherwise expressly provided in this  
99 act, this act shall take effect upon becoming a law.

558007

Approved For Filing: 4/26/2011 6:08:04 PM

Amendment No.

100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112

-----

**T I T L E   A M E N D M E N T**

Remove the entire title and insert:

A bill to be entitled

An act relating to criminal justice; providing a short title; providing legislative intent; requiring state agencies to prepare reports that identify and evaluate restrictions on licensing and employment for ex-offenders; amending s. 112.011, F.S.; prohibiting state agencies from denying an application for a license, permit, certificate, or employment based solely on a person's lack of civil rights; providing an exception; providing effective dates.