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1
2 An act relating to criminal justice; providing a short
3 title; providing legislative intent; requiring state
4 agencies to prepare reports that identify and evaluate
5 restrictions on licensing and employment for ex-
6 offenders; amending s. 112.011, F.S.; prohibiting
7 state agencies from denying an application for a
8 license, permit, certificate, or employment based
9 solely on a person's lack of civil rights; providing
10 an exception; providing effective dates.

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

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

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

18 (1) The Legislature declares that a goal of this state is
19 to clearly identify the occupations from which ex-offenders are
20 disqualified based on the nature of their offenses. The
21 Legislature seeks to make employment opportunities available to
22 ex-offenders in a manner that serves to preserve and protect the
23 health, safety, and welfare of the general public, yet
24 encourages them to become productive members of society. To this
25 end, state agencies that exercise regulatory authority are in
26 the best position to identify all restrictions on employment
27 imposed by the agencies or by boards that regulate professions
28 and occupations and are obligated to protect the health, safety,
29 and welfare of the general public by clearly setting forth those

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30 restrictions in keeping with standards and protections
31 determined by the agencies to be in the least restrictive
32 manner.

33 (2) Each state agency, including, but not limited to, those
34 state agencies responsible for professional and occupational
35 regulatory boards, shall ensure the appropriate restrictions
36 necessary to protect the overall health, safety, and welfare of
37 the general public are in place, and by December 31, 2011, and
38 every 4 years thereafter, submit to the Governor, the President
39 of the Senate, and the Speaker of the House of Representatives a
40 report that includes:

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

45 (b) A determination of whether the disqualifying statutes
46 or rules are readily available to prospective employers and
47 licensees.

48 (c) The identification and evaluation of alternatives to
49 the disqualifying statutes or rules which protect the health,
50 safety, and welfare of the general public without impeding the
51 gainful employment of ex-offenders.

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

54 112.011 Disqualification from licensing and public
55 employment based on criminal conviction ~~Felons; removal of~~
56 ~~disqualifications for employment, exceptions.~~—

57 (1) (a) Except as provided in s. 775.16, a person may ~~shall~~
58 not be disqualified from employment by the state, any of its

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59 agencies or political subdivisions, or any municipality solely
60 because of a prior conviction for a crime. However, a person may
61 be denied employment by the state, any of its agencies or
62 political subdivisions, or any municipality by reason of the
63 prior conviction for a crime if the crime was a felony or first
64 degree misdemeanor and directly related to the position of
65 employment sought.

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

83 (c) Notwithstanding any law to the contrary, a state agency
84 may not deny an application for a license, permit, certificate,
85 or employment based solely on the applicant's lack of civil
86 rights. However, this paragraph does not apply to applications
87 for a license to carry a concealed weapon or firearm under

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88 chapter 790.

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

91 (b) This section does ~~shall~~ not apply ~~be applicable~~ to the
92 employment practices of any fire department relating to the
93 hiring of firefighters. An applicant for employment with any
94 fire department who has ~~with~~ a prior felony conviction shall be
95 excluded from employment for a period of 4 years after
96 expiration of sentence or final release by the Parole Commission
97 unless the applicant, before ~~prior to~~ the expiration of the 4-
98 year period, has received a full pardon or has had his or her
99 civil rights restored.

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

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

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