

1                   A bill to be entitled  
 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-offenders;  
 6           amending s. 112.011, F.S.; prohibiting state agencies from  
 7           denying an application for a license, permit, certificate,  
 8           or employment based solely on a person's lack of civil  
 9           rights; providing an exception; providing effective dates.

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

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

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

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

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

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

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

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

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

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

53 112.011 Disqualification from licensing and public  
 54 employment based on criminal conviction ~~Felons; removal of~~  
 55 ~~disqualifications for employment, exceptions.—~~

56 (1) (a) Except as provided in s. 775.16, a person may ~~shall~~

57 | not be disqualified from employment by the state, any of its  
 58 | agencies or political subdivisions, or any municipality solely  
 59 | because of a prior conviction for a crime. However, a person may  
 60 | be denied employment by the state, any of its agencies or  
 61 | political subdivisions, or any municipality by reason of the  
 62 | prior conviction for a crime if the crime was a felony or first  
 63 | degree misdemeanor and directly related to the position of  
 64 | employment sought.

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

82 | (c) Notwithstanding any law to the contrary, a state  
 83 | agency may not deny an application for a license, permit,  
 84 | certificate, or employment based solely on the applicant's lack

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85 of civil rights. However, this paragraph does not apply to  
86 applications for a license to carry a concealed weapon or  
87 firearm under chapter 790.

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

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

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

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

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