

By Senator Wise

5-00303-11

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1                   A bill to be entitled  
2           An act relating to public employment practices;  
3           defining the terms "applicant" and "public employer";  
4           prohibiting a public employer from inquiring into or  
5           considering the criminal history record of an  
6           applicant for public employment until the applicant  
7           has been selected for an interview by the public  
8           employer; providing that the restriction does not  
9           prohibit a public employer from notifying an applicant  
10          that a law or the employer's policy may disqualify the  
11          applicant from employment in a particular position  
12          with the public employer; providing an exemption;  
13          providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

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17           Section 1. Public employment; consideration of criminal  
18 records in application process.-

19           (1) As used in this section, the term:

20           (a) "Applicant" means a person who has submitted a written  
21 application for a position with a public employer.

22           (b) "Public employer" means:

23           1. A state agency or political subdivision of the state;

24           2. An instrumentality that is wholly owned by one or more  
25 state agencies or political subdivisions of the state; or

26           3. An instrumentality that is wholly owned by one or more  
27 state agencies, political subdivisions, or instrumentalities of  
28 the state and one or more state agencies or political  
29 subdivisions of one or more other states.

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30       (2) A public employer may not inquire into or consider the  
31 criminal history record of an applicant for public employment  
32 until the applicant has been selected for an interview by the  
33 public employer.

34       (3) This section does not prohibit a public employer from  
35 notifying an applicant that a law or the public employer's  
36 policy may disqualify the applicant from employment in a  
37 particular position with the public employer.

38       (4) This section does not apply to a law enforcement agency  
39 or correctional agency.

40       Section 2. This act shall take effect July 1, 2011.