

By Senator Wise

5-00061-12

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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 about 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.

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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 about 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, 2012.