

HB 389

2012

1                   A bill to be entitled  
2           An act relating to background screening; amending s.  
3           408.809, F.S.; prohibiting a person from being  
4           disqualified from employment providing personal  
5           treatment, counseling, or other services to persons  
6           who have been convicted of a criminal offense solely  
7           on the basis of inability to qualify due to prior  
8           criminal history; amending s. 435.07, F.S.; providing  
9           that certain persons with a criminal record who are  
10          employed or apply for employment to provide specified  
11          services to persons who have been convicted of a  
12          criminal offense may apply for an exemption from  
13          disqualification from employment without being subject  
14          to an otherwise applicable waiting period; providing  
15          an effective date.

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

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19           Section 1. Subsection (9) is added to section 408.809,  
20   Florida Statutes, to read:

21           408.809 Background screening; prohibited offenses.—

22           (9) A person who is employed for the purpose of providing  
23           personal treatment, counseling, or other services to persons who  
24           have been convicted of a criminal offense may not be denied  
25           employment solely on the basis of an inability to qualify  
26           pursuant to the provisions of this section.

27           Section 2. Subsection (6) is added to section 435.07,  
28   Florida Statutes, to read:

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29           435.07 Exemptions from disqualification.—Unless otherwise  
30 provided by law, the provisions of this section apply to  
31 exemptions from disqualification for disqualifying offenses  
32 revealed pursuant to background screenings required under this  
33 chapter, regardless of whether those disqualifying offenses are  
34 listed in this chapter or other laws.

35           (6) Persons employed, or applicants for employment, by  
36 organizations that provide personal treatment, counseling, or  
37 other services to persons who have been convicted of a criminal  
38 offense and who are disqualified from employment solely because  
39 of their own criminal record may be exempted from  
40 disqualification from employment pursuant to this chapter  
41 without application of the waiting period in paragraph (1)(a).

42           Section 3. This act shall take effect July 1, 2012.