

By Senator Smith

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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.

16
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:

29 435.07 Exemptions from disqualification.—Unless otherwise

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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.