

By Senator Clemens

27-00978-13

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1                   A bill to be entitled  
2           An act relating to discrimination in employment;  
3           creating s. 760.105, F.S.; providing legislative  
4           findings; prohibiting an employer, municipality, or  
5           county from inquiring into or considering an  
6           applicant's criminal history or to include any inquiry  
7           about criminal history on any initial employment  
8           application; providing that an employer, municipality,  
9           or county may consider an applicant's criminal history  
10          after the applicant's qualifications have been  
11          screened and the employer, municipality, or county has  
12          determined the applicant meets the minimum employment  
13          requirements; providing applicability; providing that  
14          the act does not require that an employer,  
15          municipality, or county conduct a criminal history  
16          background check; providing an effective date.

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

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20           Section 1. Section 760.105, Florida Statutes, is created to  
21 read:

22           760.105 Unlawful employee classification.-

23           (1) The Legislature finds and declares that reducing  
24 barriers to employment for people who have a criminal history  
25 and decreasing unemployment in communities having concentrated  
26 numbers of people who have a criminal history are matters of  
27 statewide concern. The Legislature further finds and declares  
28 that, consistent with good public policy, increasing employment  
29 opportunities for people who have a criminal history will reduce

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30 recidivism and improve economic stability in our communities.

31 (2) An employer, municipality, or county may not inquire  
32 into or consider an applicant's criminal history or include any  
33 inquiry about criminal history on any initial employment  
34 application. An employer, municipality, or county may consider  
35 an applicant's criminal history after the applicant's  
36 qualifications have been screened and the employer,  
37 municipality, or county has determined that the applicant meets  
38 the minimum employment requirements as stated in any notice  
39 issued for the position.

40 (a) This section does not apply to a position for which an  
41 employer, municipality, or county is otherwise required by law  
42 to conduct a criminal history background check.

43 (b) This section does not require that an employer,  
44 municipality, or county conduct a criminal history background  
45 check.

46 Section 2. This act shall take effect July 1, 2013.