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LEGISLATIVE ACTION

Senate

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House

Senator Clemens moved the following:

1 **Senate Amendment to Substitute Amendment (275158) (with**
2 **title amendment)**

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4 Between lines 5 and 6

5 insert:

6 Section 1. Section 448.102, Florida Statutes, is amended to
7 read:

8 448.102 Prohibitions.—

9 (1) An employer may not take any retaliatory personnel
10 action against an employee because the employee has:

11 (a)~~(1)~~ Disclosed, or threatened to disclose, to any



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12 appropriate governmental agency, under oath, in writing, an
13 activity, policy, or practice of the employer which ~~that~~ is in
14 violation of a law, rule, or regulation. However, this
15 subsection does not apply unless the employee has, in writing,
16 brought the activity, policy, or practice to the attention of a
17 supervisor or the employer and has afforded the employer a
18 reasonable opportunity to correct the activity, policy, or
19 practice.

20 (b) ~~(2)~~ Provided information to, or testified before, any
21 appropriate governmental agency, person, or entity conducting an
22 investigation, hearing, or inquiry into an alleged violation of
23 a law, rule, or regulation by the employer.

24 (c) ~~(3)~~ Objected to, or refused to participate in, any
25 activity, policy, or practice of the employer which is in
26 violation of a law, rule, or regulation.

27 (2) Unless otherwise required by law, an employer may not
28 inquire into or consider an applicant's criminal history on an
29 initial employment application until after the applicant's
30 qualifications have been screened and the employer has
31 determined that the applicant meets the minimum employment
32 requirements specified for a given position.

34 ===== T I T L E A M E N D M E N T =====
35 And the title is amended as follows:

36 Delete line 81

37 and insert:

38 An act relating to employment; amending s. 448.102,
39 F.S.; prohibiting an employer from inquiring into or
40 considering an applicant's criminal history on an



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initial employment application until a certain time;