

1                   A bill to be entitled  
2           An act relating to background screening; creating s.  
3           435.13, F.S.; prohibiting employers from excluding an  
4           applicant from an initial interview for employment  
5           under certain conditions; providing applicability;  
6           providing exceptions; requiring the Department of  
7           Economic Opportunity to enforce the act; providing an  
8           effective date.

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

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12           Section 1. Section 435.13, Florida Statutes, is created to  
13   read:

14           435.13 Unlawful employment practices.—

15           (1) Notwithstanding any other provision of law, an  
16   employer may not exclude an applicant from an initial interview  
17   for employment solely because he or she has been found guilty  
18   of, regardless of adjudication, or entered a plea of nolo  
19   contendere or guilty to, and must not have been adjudicated  
20   delinquent and the record has not been sealed or expunged for,  
21   any offense listed under s. 435.04(2).

22           (2) An employer excludes an applicant from an initial  
23   interview if the employer:

24           (a) Requires an applicant to disclose on an employment  
25   application whether he or she has been found guilty of,

26 regardless of adjudication, or entered a plea of nolo contendere  
27 or guilty to, and must not have been adjudicated delinquent and  
28 the record has not been sealed or expunged for, any offense  
29 listed under s. 435.04(2);

30 (b) Requires an applicant to disclose, before an initial  
31 interview, whether he or she has been found guilty of,  
32 regardless of adjudication, or entered a plea of nolo contendere  
33 or guilty to, and must not have been adjudicated delinquent and  
34 the record has not been sealed or expunged for, any offense  
35 listed under s. 435.04(2); or

36 (c) Requires an applicant to disclose, before making a  
37 conditional offer of employment, whether he or she has been  
38 found guilty of, regardless of adjudication, or entered a plea  
39 of nolo contendere or guilty to, and must not have been  
40 adjudicated delinquent and the record has not been sealed or  
41 expunged for, any offense listed under s. 435.04(2), if no  
42 interview is conducted.

43 (3) This section does not prevent an employer from  
44 considering an applicant's conviction history when making a  
45 hiring decision.

46 (4) Subsections (1) and (2) do not apply:

47 (a) If federal, state, or local law, including  
48 corresponding rules and regulations, requires the consideration  
49 of an applicant's criminal history;

50 (b) To an employer that is a law enforcement agency;

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51            (c) To an employer in the criminal justice system; or

52            (d) To an employer seeking an employee for a volunteer  
53 position.

54            (5) The Department of Economic Opportunity shall enforce  
55 this section.

56            Section 2. This act shall take effect July 1, 2018.