

By Senator Farmer

34-00978-18

2018702\_\_

1                   A bill to be entitled  
2       An act relating to criminal history records in  
3       applications for public employment and admission to  
4       public postsecondary educational institutions;  
5       creating s. 760.105, F.S.; prohibiting a public  
6       employer from inquiring into or considering an  
7       applicant's criminal history on an initial employment  
8       application unless required to do so by law; creating  
9       s. 1007.36, F.S.; prohibiting public postsecondary  
10      educational institutions from inquiring into or  
11      considering the criminal history of an applicant  
12      seeking admission; providing an effective date.

13  
14       WHEREAS, reducing barriers to public employment and  
15      postsecondary education for people who have a criminal history,  
16      reducing the unemployment rate, and increasing access to public  
17      postsecondary education are issues of statewide concern, and

18       WHEREAS, prohibiting a public employer or public  
19      postsecondary educational institution from inquiring into or  
20      considering an applicant's criminal history on an initial  
21      employment application or an admissions application increases  
22      employment and educational opportunities for those who have a  
23      criminal history, thereby reducing the rate of recidivism,  
24      improving economic stability, and increasing access to public  
25      postsecondary education, NOW, THEREFORE,

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

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29       Section 1. Section 760.105, Florida Statutes, is created to

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30 read:

31 760.105 Unlawful employment screening.—Unless otherwise  
32 required by law, a public employer, as defined in s. 440.102,  
33 may not inquire into or consider an applicant's criminal history  
34 on an initial employment application. A public employer may  
35 inquire into or consider an applicant's criminal history only  
36 after the applicant's qualifications have been screened and the  
37 employer has determined that the applicant meets the minimum  
38 employment requirements specified for a given position.

39 Section 2. Section 1007.36, Florida Statutes, is created to  
40 read:

41 1007.36 Unlawful admissions inquiries.—A public  
42 postsecondary educational institution may not inquire into or  
43 consider the criminal history of an applicant seeking admission  
44 to the institution.

45 Section 3. This act shall take effect July 1, 2018.