

By Senator Farmer

34-00717-19

2019394__

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

11
12 WHEREAS, reducing barriers to public employment and
13 postsecondary education for people who have a criminal history,
14 reducing the unemployment rate, and increasing access to public
15 postsecondary education are issues of statewide concern, and

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

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Section 760.105, Florida Statutes, is created to
28 read:

29 760.105 Unlawful employment screening.—Unless otherwise

34-00717-19

2019394__

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

37 Section 2. Section 1007.36, Florida Statutes, is created to
38 read:

39 1007.36 Unlawful admissions inquiries.—A public
40 postsecondary educational institution may not inquire into or
41 consider the criminal history of an applicant seeking admission
42 to the institution.

43 Section 3. This act shall take effect July 1, 2019.