

1 A bill to be entitled
 2 An act relating to background screening; creating s.
 3 435.13, F.S.; prohibiting employers from excluding
 4 applicants 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 law, an employer may not
 16 exclude an applicant from an initial interview for employment
 17 solely because he or she has been found guilty of, regardless of
 18 adjudication, or entered a plea of nolo contendere or guilty to,
 19 or was adjudicated delinquent and the record has not been sealed
 20 or expunged for, any offense listed under s. 435.04(2).

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

23 (a) Requires an applicant to disclose on an employment
 24 application whether he or she has been found guilty of,
 25 regardless of adjudication, or entered a plea of nolo contendere

26 | or guilty to, or was adjudicated delinquent and the record has
 27 | not been sealed or expunged for, any offense listed under s.
 28 | 435.04(2);

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

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

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

45 | (4) Subsections (1) and (2) do not apply:

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

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

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

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

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

55 Section 2. This act shall take effect July 1, 2019.