1	A bill to be entitled
2	An act relating to use of criminal history in
3	licensing; amending s. 112.0111, F.S.; revising
4	legislative intent; revising state agency reporting
5	requirements; defining the term "conviction"; amending
6	s. 455.213, F.S.; authorizing applicable boards or the
7	Department of Business and Professional Regulation to
8	make certain findings relating to rehabilitation
9	during licensing decisions; providing factors that
10	must be considered in making such findings; defining
11	the term "conviction"; providing an effective date.
12	
13	Be It Enacted by the Legislature of the State of Florida:
14	
15	Section 1. Section 112.0111, Florida Statutes, is amended
16	to read:
17	112.0111 Restrictions on the employment of ex-offenders;
18	legislative intent; state agency reporting requirements
19	(1) The Legislature declares that a goal of this state is
20	to clearly identify the occupations from which ex-offenders are
21	disqualified based on the nature of their offenses. The
22	Legislature seeks to make employment opportunities available to
23	ex-offenders in a manner that <u>preserves and protects</u> serves to
24	preserve and protect the health, safety, and welfare of the
25	general public, yet encourages <u>ex-offenders</u> them to become
	Page 1 of 5

CODING: Words stricken are deletions; words underlined are additions.

2024

26	productive members of society. To this end, state agencies that
27	exercise regulatory authority are in the best position to
28	identify all restrictions on employment imposed by the agencies
29	or by boards that regulate professions and occupations and are
30	obligated to protect the health, safety, and welfare of the
31	general public by clearly setting forth those restrictions in
32	keeping with statutory standards and protections determined by
33	the agencies to be in the least restrictive manner.
34	(2) <u>Beginning March 1, 2025, and annually thereafter,</u> each
35	state agency , including, but not limited to, those state
36	agencies responsible for issuing licenses, permits, or
37	certifications to pursue, practice, or engage in an occupation,
38	trade, vocation, profession, or business must post and maintain
39	publicly on its website professional and occupational regulatory
40	boards, shall ensure the appropriate restrictions necessary to
41	protect the overall health, safety, and welfare of the general
42	public are in place, and by December 31, 2011, and every 4 years
43	thereafter, submit to the Governor, the President of the Senate,
44	and the Speaker of the House of Representatives a report that
45	includes all of the following:
46	(a) The total number of applications received by the state
47	agency in the previous calendar year for a license, permit, or
48	certification for which the applicant had a prior conviction, or
49	any other adjudication, for a crime A list of all agency or
50	board statutes or rules that disqualify from employment or
ļ	Page 2 of 5

CODING: Words stricken are deletions; words underlined are additions.

51 licensure persons who have been convicted of a crime and have completed any incarceration and restitution to which they have 52 53 been sentenced for such crime. 54 (b) Out of the number of applications received in 55 paragraph (a), the number of times the state agency denied, 56 withheld, or refused to grant an application because of the 57 applicant's prior conviction, or any other adjudication, of a crime. The report must also specify the crimes for which each 58 59 decision to deny, withhold, or refuse to grant an application for a license, permit, or certification was based A 60 determination of whether the disqualifying statutes or rules are 61 readily available to prospective employers and licensees. 62 Out of the number of applications received in 63 (C) 64 paragraph (a), the number of times the state agency granted an 65 application in which the applicant had a prior conviction, or 66 any other adjudication, of a crime. The report must also specify 67 the crimes in such applications which were not used as a basis 68 for denial The identification and evaluation of alternatives to 69 the disqualifying statutes or rules which protect the health, 70 safety, and welfare of the general public without impeding the 71 gainful employment of ex-offenders. 72 (d) The information provided by the state agency under paragraphs (a), (b), and (c), broken down by the specific type 73 74 of application submitted and the types of licenses, permits, or 75 certifications sought, including if the applicant is a resident

Page 3 of 5

CODING: Words stricken are deletions; words underlined are additions.

76 of the state or an out-of-state resident. 77 (e) Any other information or data the state agency deems 78 relevant in fulfilling its purpose under this section. (3) For purposes of this section, the term "conviction" 79 means a determination of quilt that is the result of a plea or 80 trial, regardless of whether adjudication is withheld. 81 82 Section 2. Subsection (15) of section 455.213, Florida 83 Statutes, is renumbered as subsection (16), and a new subsection 84 (15) is added to that section, to read: 85 455.213 General licensing provisions.-(15) Each applicable board, or the <u>department if there is</u> 86 87 no board, may make a finding that an applicant for a license has been rehabilitated after a conviction, or any other 88 89 adjudication, for a crime. Based on such finding, the board, or 90 the department if there is no board, may grant a license 91 regardless of an applicant's prior conviction, or any other 92 adjudication, for a crime. Such finding must be made based on 93 the following factors: 94 The age of the person when he or she committed the (a) 95 crime. (b) 96 The amount of time that has elapsed since the person 97 committed the crime. 98 (C) The circumstances surrounding and the nature of the crime. 99 (d) If the person completed his or her criminal sentence 100 Page 4 of 5

CODING: Words stricken are deletions; words underlined are additions.

101	and, if so, the amount of time that has passed since such
102	completion.
103	(e) If the person received a certificate of rehabilitation
104	or good conduct.
105	(f) If the person completed or is an active participant in
106	a rehabilitative drug or alcohol program.
107	(g) Any testimonials or recommendations, including
108	progress reports from the person's probation or parole officer.
109	(h) Any education and training the person has received.
110	(i) The person's past employment history and his or her
111	employment aspirations.
112	(j) The person's family responsibilities.
113	(k) If the occupation, trade, vocation, profession, or
114	business for which the person seeks employment requires him or
115	her to be bonded.
116	(1) Any other evidence of rehabilitation or information
117	that the person submits to the board or department.
118	
119	For purposes of this subsection, the term "conviction" means a
120	determination of guilt that is the result of a plea or trial,
121	regardless of whether adjudication is withheld.
122	Section 3. This act shall take effect July 1, 2024.

Page 5 of 5

CODING: Words stricken are deletions; words underlined are additions.