

1 A bill to be entitled
 2 An act relating to criminal justice; providing a short
 3 title; providing legislative intent; requiring state
 4 agencies to prepare reports that identify and evaluate
 5 restrictions on licensing and employment for ex-offenders;
 6 amending s. 112.011, F.S.; prohibiting state agencies from
 7 denying an application for a license, permit, certificate,
 8 or employment based solely on a person's lack of civil
 9 rights; providing an exception; providing effective dates.

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

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 13 Section 1. This act may be cited as the "Jim King Keep
 14 Florida Working Act."

15 Section 2. Restrictions on the employment of ex-offenders;
 16 legislative intent; state agency reporting requirements.-

17 (1) The Legislature declares that a goal of this state is
 18 to clearly identify the occupations from which ex-offenders are
 19 disqualified based on the nature of their offenses. The
 20 Legislature seeks to make employment opportunities available to
 21 ex-offenders in a manner that serves to preserve and protect the
 22 health, safety, and welfare of the general public, yet
 23 encourages them to become productive members of society. To this
 24 end, state agencies that exercise regulatory authority are in
 25 the best position to identify all restrictions on employment
 26 imposed by the agencies or by boards that regulate professions
 27 and occupations and are obligated to protect the health, safety,
 28 and welfare of the general public by clearly setting forth those

29 restrictions in keeping with standards and protections
 30 determined by the agencies to be in the least restrictive
 31 manner.

32 (2) Each state agency, including, but not limited to,
 33 those state agencies responsible for professional and
 34 occupational regulatory boards, shall ensure the appropriate
 35 restrictions necessary to protect the overall health, safety,
 36 and welfare of the general public are in place, and by December
 37 31, 2011, and every 4 years thereafter, submit to the Governor,
 38 the President of the Senate, and the Speaker of the House of
 39 Representatives a report that includes:

40 (a) A list of all agency or board statutes or rules that
 41 disqualify from employment or licensure persons who have been
 42 convicted of a crime and have completed any incarceration and
 43 restitution to which they have been sentenced for such crime.

44 (b) A determination of whether the disqualifying statutes
 45 or rules are readily available to prospective employers and
 46 licensees.

47 (c) The identification and evaluation of alternatives to
 48 the disqualifying statutes or rules which protect the health,
 49 safety, and welfare of the general public without impeding the
 50 gainful employment of ex-offenders.

51 Section 3. Effective January 1, 2012, section 112.011,
 52 Florida Statutes, is amended to read:

53 112.011 Disqualification from licensing and public
 54 employment based on criminal conviction ~~Felons; removal of~~
 55 ~~disqualifications for employment, exceptions.-~~

56 (1) (a) Except as provided in s. 775.16, a person may ~~shall~~

57 | not be disqualified from employment by the state, any of its
 58 | agencies or political subdivisions, or any municipality solely
 59 | because of a prior conviction for a crime. However, a person may
 60 | be denied employment by the state, any of its agencies or
 61 | political subdivisions, or any municipality by reason of the
 62 | prior conviction for a crime if the crime was a felony or first
 63 | degree misdemeanor and directly related to the position of
 64 | employment sought.

65 | (b) Except as provided in s. 775.16, a person ~~whose civil~~
 66 | ~~rights have been restored shall not be disqualified to practice,~~
 67 | ~~pursue, or engage in any occupation, trade, vocation,~~
 68 | ~~profession, or business for which a license, permit, or~~
 69 | ~~certificate is required to be issued by the state, any of its~~
 70 | ~~agencies or political subdivisions, or any municipality solely~~
 71 | ~~because of a prior conviction for a crime. However, a person~~
 72 | ~~whose civil rights have been restored~~ may be denied a license,
 73 | permit, or certification to pursue, practice, or engage in an
 74 | occupation, trade, vocation, profession, or business by reason
 75 | of the prior conviction for a crime if the crime was a felony or
 76 | first-degree ~~first-degree~~ misdemeanor that is ~~and~~ directly
 77 | related to the standards determined by the regulatory authority
 78 | to be necessary and reasonably related to the protection of the
 79 | public health, safety, and welfare for the specific occupation,
 80 | trade, vocation, profession, or business for which the license,
 81 | permit, or certificate is sought.

82 | (c) Notwithstanding any law to the contrary, a state
 83 | agency may not deny an application for a license, permit,
 84 | certificate, or employment based solely on the applicant's lack

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85 of civil rights. However, this paragraph does not apply to
86 applications for a license to carry a concealed weapon or
87 firearm under chapter 790.

88 (2) (a) This section does ~~shall~~ not apply ~~be applicable~~ to
89 any law enforcement or correctional agency.

90 (b) This section does ~~shall~~ not apply ~~be applicable~~ to the
91 employment practices of any fire department relating to the
92 hiring of firefighters. An applicant for employment with any
93 fire department who has ~~with~~ a prior felony conviction shall be
94 excluded from employment for a period of 4 years after
95 expiration of sentence or final release by the Parole Commission
96 unless the applicant, before ~~prior to~~ the expiration of the 4-
97 year period, has received a full pardon or has had his or her
98 civil rights restored.

99 (c) This section does ~~shall~~ not apply ~~be applicable~~ to the
100 employment practices of any county or municipality relating to
101 the hiring of personnel for positions deemed to be critical to
102 security or public safety pursuant to ss. 125.5801 and 166.0442.

103 (3) Any complaint concerning the violation of this section
104 shall be adjudicated in accordance with the procedures set forth
105 in chapter 120 for administrative and judicial review.

106 Section 4. Except as otherwise expressly provided in this
107 act, this act shall take effect upon becoming a law.