A bill to be entitled
An act relating to background screening; creating s. 435.13, F.S.; prohibiting employers from excluding an applicant from an initial interview for employment under certain conditions; providing applicability; providing exceptions; requiring the Department of Economic Opportunity to enforce the act; providing an effective date.

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

Section 1. Section 435.13, Florida Statutes, is created to read:

435.13 Unlawful employment practices.—
(1) Notwithstanding any other provision of law, an employer may not exclude an applicant from an initial interview for employment solely because he or she has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, and must not have been adjudicated delinquent and the record has not been sealed or expunged for, any offense listed under s. 435.04(2).

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

(a) Requires an applicant to disclose on an employment application whether he or she has been found guilty of,
regardless of adjudication, or entered a plea of nolo contendere or guilty to, and must not have been adjudicated delinquent and the record has not been sealed or expunged for, any offense listed under s. 435.04(2);

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

(c) Requires an applicant to disclose, before making a conditional offer of employment, whether he or she has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, and must not have been adjudicated delinquent and the record has not been sealed or expunged for, any offense listed under s. 435.04(2), if no interview is conducted.

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

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

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

(b) To an employer that is a law enforcement agency;
(c) To an employer in the criminal justice system; or

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

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

Section 2. This act shall take effect July 1, 2018.