

## Senate Bill No. 954

An act relating to county and municipal employees and contractors; authorizing a county or municipality to require, by ordinance, the screening of an employee, appointee, or applicant for employment or appointment to a position that is critical to security or public safety; authorizing the screening of a contractor, vendor, repair person, or delivery person who has access to public facilities that are critical to security or public safety; requiring that fingerprints of applicants and employees be submitted to the Department of Law Enforcement and the Federal Bureau of Investigation for a check of criminal history records; authorizing the county or municipality to use information obtained from a criminal history record check to determine a person's eligibility for employment or appointment; amending s. 112.011, F.S.; permitting denial of employment under certain circumstances by counties and municipalities for positions deemed to be critical to security or public safety; providing an effective date.

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

Section 1. Criminal history record checks for certain county employees and appointees.—Notwithstanding chapter 435, Florida Statutes, a county may require, by ordinance, employment screening for any position of county employment or appointment which the governing body of the county finds is critical to security or public safety, or for any private contractor, employee of a private contractor, vendor, repair person, or delivery person who has access to any public facility or publicly operated facility that the governing body of the county finds is critical to security or public safety. The ordinance must require each person applying for, or continuing employment in, any such position or having access to any such facility to be fingerprinted. The fingerprints shall be submitted to the Department of Law Enforcement for a state criminal history record check and to the Federal Bureau of Investigation for a national criminal history record check. The information obtained from the criminal history record checks conducted pursuant to the ordinance may be used by the county to determine an applicant's eligibility for employment or appointment and to determine an employee's eligibility for continued employment. This section is not intended to preempt or prevent any other background screening, including, but not limited to, criminal history record checks, which a county may lawfully undertake.

Section 2. Criminal history record checks for certain municipal employees and appointees.—Notwithstanding chapter 435, Florida Statutes, a municipality may require, by ordinance, employment screening for any position of municipal employment or appointment which the governing body of the municipality finds is critical to security or public safety, or for any private contractor, employee of a private contractor, vendor, repair person, or delivery person who has access to any public facility or publicly operated facility that the governing body of the municipality finds is critical to security or public safety. The ordinance must require each person applying for, or continuing employment in, any such position or having access to any such

facility to be fingerprinted. The fingerprints shall be submitted to the Department of Law Enforcement for a state criminal history record check and to the Federal Bureau of Investigation for a national criminal history record check. The information obtained from the criminal history record checks conducted pursuant to the ordinance may be used by the municipality to determine an applicant's eligibility for employment or appointment and to determine an employee's eligibility for continued employment. This section is not intended to preempt or prevent any other background screening, including, but not limited to, criminal history background checks, that a municipality may lawfully undertake.

Section 3. Subsection (1) of section 112.011, Florida Statutes, is reenacted to read, and paragraph (c) is added to subsection (2) of that section, to read:

112.011 Felons; removal of disqualifications for employment, exceptions.—

(1)(a) Except as provided in s. 775.16, a person shall not be disqualified from employment by the state, any of its agencies or political subdivisions, or any municipality solely because of a prior conviction for a crime. However, a person may be denied employment by the state, any of its agencies or political subdivisions, or any municipality by reason of the prior conviction for a crime if the crime was a felony or first degree misdemeanor and directly related to the position of employment sought.

(b) Except as provided in s. 775.16, a person whose civil rights have been restored shall not be disqualified to practice, pursue, or engage in any occupation, trade, vocation, profession, or business for which a license, permit, or certificate is required to be issued by the state, any of its agencies or political subdivisions, or any municipality solely because of a prior conviction for a crime. However, a person whose civil rights have been restored may be denied a license, permit, or certification to pursue, practice, or engage in an occupation, trade, vocation, profession, or business by reason of the prior conviction for a crime if the crime was a felony or first degree misdemeanor and directly related to the specific occupation, trade, vocation, profession, or business for which the license, permit, or certificate is sought.

(2)

(c) This section shall not be applicable to the employment practices of any county or municipality relating to the hiring of personnel for positions deemed to be critical to security or public safety pursuant to ss. 125.580 and 166.0442.

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor April 24, 2002.

Filed in Office Secretary of State April 24, 2002.