

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; amending s. 455.213, F.S.; allowing
 6 certain rehabilitation consideration during licensing
 7 decisions; providing an effective date.

8

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

10

11 Section 1. Section 112.0111, Florida Statutes, is amended
 12 to read:

13 112.0111 Restrictions on the employment of ex-offenders;
 14 legislative intent; state agency reporting requirements.—

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

26 obligated to protect the health, safety, and welfare of the
27 general public by ~~clearly setting forth those restrictions in~~
28 keeping with statutory standards and protections determined by
29 the agencies to be in the least restrictive manner.

30 (2) Each state agency, ~~including, but not limited to,~~
31 ~~those state agencies~~ responsible for issuing licenses, permits,
32 or certifications to pursue, practice, or engage in an
33 occupation, trade, vocation, profession, or business must,
34 annually, ~~professional and occupational regulatory boards, shall~~
35 ~~ensure the appropriate restrictions necessary to protect the~~
36 ~~overall health, safety, and welfare of the general public are in~~
37 ~~place, and by starting March 1, 2025, December 31, 2011, and~~
38 ~~every 4 years thereafter, submit to the Governor, the President~~
39 ~~of the Senate, and the Speaker of the House of Representatives~~
40 post and maintain publicly, on its website, a report that
41 includes all of the following:

42 (a) The total number of applications received by the state
43 agency in the previous calendar year for a license, permit, or
44 certification where the applicant had a prior conviction, or any
45 other adjudication, for a crime. For purposes of this
46 subsection, the term "conviction" means a determination of guilt
47 that is the result of a plea or trial, regardless of whether
48 adjudication is withheld ~~A list of all agency or board statutes~~
49 ~~or rules that disqualify from employment or licensure persons~~
50 ~~who have been convicted of a crime and have completed any~~

51 ~~incarceration and restitution to which they have been sentenced~~
52 ~~for such crime.~~

53 (b) Out of the number of applications in paragraph (a),
54 the number of times it denied, withheld, or refused to grant an
55 application because of the applicant's prior conviction, or any
56 other adjudication, of a crime. The report must also specify the
57 crimes for which each decision to deny, withhold, or refuse to
58 grant an application for a license, permit, or certification was
59 based ~~A determination of whether the disqualifying statutes or~~
60 ~~rules are readily available to prospective employers and~~
61 ~~licensees.~~

62 (c) Out of the number of applications in paragraph (a),
63 the number of times the state agency granted an application
64 where the applicant had a prior conviction, or any other
65 adjudication, of a crime. The report must also specify the
66 crimes in such applications that were not used as a basis for
67 denial ~~The identification and evaluation of alternatives to the~~
68 ~~disqualifying statutes or rules which protect the health,~~
69 ~~safety, and welfare of the general public without impeding the~~
70 ~~gainful employment of ex-offenders.~~

71 (d) Information provided by the agency in accordance with
72 paragraphs (a) through (c) must be broken down by the specific
73 type of application submitted and the types of licenses,
74 permits, or certifications sought, including whether such
75 applicant was a Florida resident or an out-of-state resident.

76 (e) Any other information or data the state agency deems
 77 relevant in fulfilling its purpose under this section.

78 Section 2. Present subsection (15) is redesignated as
 79 subsection (16), and new subsection (15) is added, to section
 80 455.213, Florida Statutes, to read:

81 455.213 General licensing provisions.—

82 (15) Each applicable board, or the department when there
 83 is no board, may make a finding that an applicant for a license
 84 has been rehabilitated for a conviction, or any other
 85 adjudication, for a crime. Based on such finding, the board, or
 86 the department when there is no board, may grant a license
 87 regardless of an applicant's prior conviction, or any other
 88 adjudication, for a crime. The finding must be made based on the
 89 following factors:

90 (a) The age of the person when he or she committed the
 91 offense.

92 (b) The amount of time that has elapsed since the person
 93 committed the offense.

94 (c) The circumstances surrounding and the nature of the
 95 offense.

96 (d) If the person completed his or her criminal sentence
 97 and, if so, the amount of time that has passed since such
 98 completion.

99 (e) If the person received a certificate of rehabilitation
 100 or good conduct.

101 (f) If the person completed or is an active participant in
 102 a rehabilitative drug or alcohol program.

103 (g) Any testimonials or recommendations, including
 104 progress reports from the person's probation or parole officer.

105 (h) Any education and training the person has received.

106 (i) The person's past employment history and his or her
 107 employment aspirations.

108 (j) The person's family responsibilities.

109 (k) If the occupation, trade, vocation, profession, or
 110 business for which the person seeks employment requires him or
 111 her to be bonded.

112 (l) Any other evidence of rehabilitation or information
 113 that the person submits to the board or department.

114
 115 For purposes of this subsection, the term "conviction" means a
 116 determination of guilt that is the result of a plea or trial,
 117 regardless of whether adjudication is withheld.

118 (16) For the 2023-2024 and 2024-2025 fiscal years, the
 119 department shall waive 50 percent of the initial licensing fee
 120 for an applicant applying for an initial license for a
 121 profession under this chapter, with such waiver limited to a
 122 maximum of \$200 per year per license. The department shall waive
 123 50 percent of a licensee's license renewal fee for a profession
 124 under this chapter, with such waiver limited to a maximum of
 125 \$200 per year per license. Such fee waivers shall not include

126 | any applicable unlicensed activity or background check fees.
127 | This subsection expires July 1, 2025.
128 | Section 3. This act shall take effect July 1, 2024.