



404156

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/09/2010	.	
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The Committee on Children, Families, and Elder Affairs (Storms) recommended the following:

**Senate Amendment**

Delete lines 1757 - 1778  
and insert:

(4) There is no unemployment compensation or other monetary liability on the part of, and no cause of action for damages arising against, an employer that, upon notice of a conviction or arrest for a disqualifying offense listed under this chapter, terminates the person against whom the report was issued or who was arrested, regardless of whether or not that person has filed for an exemption pursuant to this chapter.

Section 37. Section 435.07, Florida Statutes, is amended to



404156

13 read:

14 435.07 Exemptions from disqualification.—Unless otherwise  
15 provided by law, the provisions of this section shall apply to  
16 exemptions from disqualification for disqualifying offenses  
17 revealed pursuant to background screenings required by law to be  
18 conducted pursuant to this chapter, regardless of whether those  
19 disqualifying offenses are listed in this chapter or are  
20 codified in other statutes.

21 (1) The head of the appropriate ~~licensing~~ agency may grant  
22 to any employee otherwise disqualified from employment an  
23 exemption from disqualification for:

24 (a) Felonies for which at least 3 years have elapsed since  
25 the applicant for the exemption has completed or been lawfully  
26 released from confinement, supervision, or sanction for the  
27 disqualifying felony committed more than 3 years prior to the  
28 date of disqualification;

29 (b) Misdemeanors prohibited under any of the Florida  
30 Statutes cited in this chapter or under similar statutes of  
31 other jurisdictions for which the applicant for the exemption  
32 has completed or been lawfully released from confinement,  
33 supervision, or sanction;

34 (c) Offenses that were felonies when committed but are now  
35 misdemeanors and for which the applicant for the exemption has  
36 completed or been lawfully released from confinement,  
37 supervision, or sanction; or

38 (d) Findings of delinquency. For offenses that would be  
39 felonies if committed by an adult and the record has not been  
40 sealed or expunged, then the exemption may not be granted until  
41 at least 3 years have elapsed since the applicant for the



404156

42 exemption has completed or been lawfully released from  
43 confinement, supervision, or sanction for the disqualifying  
44 offense; ~~or~~  
45 ~~(e) Commissions of acts of domestic violence as defined in~~  
46 ~~s. 741.30.~~