



236046

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/12/2012	.	
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The Committee on Criminal Justice (Smith) recommended the following:

Senate Amendment

Delete lines 32 - 92
and insert:

(a) Has been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a felony under chapter 409, chapter 817, or chapter 893, or a similar felony offense committed in another state or jurisdiction, unless the candidate or applicant has successfully completed a drug court program for that felony and provides proof that the plea has been withdrawn or the charges have been dismissed. Any such conviction or plea shall exclude the applicant or candidate from



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13 licensure, examination, certification, or registration 21 U.S.C.
14 ss. 801-970, or 42 U.S.C. ss. 1395-1396, unless the sentence and
15 any subsequent period of probation for such conviction or plea
16 pleas ended: more than 15 years prior to the date of the
17 application;

18 1. For felonies of the first or second degree, more than 15
19 years before the date of application.

20 2. For felonies of the third degree, more than 10 years
21 before the date of application, except for felonies of the third
22 degree under s. 893.13(6) (a).

23 3. For felonies of the third degree under s. 893.13(6) (a),
24 more than 5 years before the date of application;

25 (b) Has been convicted of, or entered a plea of guilty or
26 nolo contendere to, regardless of adjudication, a felony under
27 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396, unless the
28 sentence and any subsequent period of probation for such
29 conviction or plea ended more than 15 years before the date of
30 the application;

31 (c) ~~(b)~~ Has been terminated for cause from the Florida
32 Medicaid program pursuant to s. 409.913, unless the candidate or
33 applicant has been in good standing with the Florida Medicaid
34 program for the most recent 5 years;

35 (d) ~~(c)~~ Has been terminated for cause, pursuant to the
36 appeals procedures established by the state ~~or Federal~~
37 Government, from any other state Medicaid program ~~or the federal~~
38 Medicare program, unless the candidate or applicant has been in
39 good standing with a state Medicaid program ~~or the federal~~
40 Medicare program for the most recent 5 years and the termination
41 occurred at least 20 years before ~~prior to~~ the date of the



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42 application; or-

43 (e) Is currently listed on the United States Department of
44 Health and Human Services Office of Inspector General's List of
45 Excluded Individuals and Entities.

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47 This subsection does not apply to candidates or applicants for
48 initial licensure or certification who were enrolled in an
49 educational or training program on or before July 1, 2009, which
50 was recognized by a board or, if there is no board, recognized
51 by the department, and who applied for licensure after July 1,
52 2012.

53 (3) The department shall refuse to renew a license,
54 certificate, or registration of any applicant if the applicant
55 or any principal, officer, agent, managing employee, or
56 affiliated person of the applicant:

57 (a) Has been convicted of, or entered a plea of guilty or
58 nolo contendere to, regardless of adjudication, a felony under
59 chapter 409, chapter 817, or chapter 893, or a similar felony
60 offense committed in another state or jurisdiction, unless the
61 applicant is currently enrolled in a drug court program that
62 allows the withdrawal of the plea for that felony upon
63 successful completion of that program. Any such conviction or
64 plea excludes the applicant or candidate from licensure,
65 examination, certification, or registration unless the sentence
66 and any subsequent period of probation for such conviction or
67 plea ended: