

By Senator Sachs

34-00968-15

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1                   A bill to be entitled  
2       An act relating to applicants to be a contractor;  
3       amending s. 489.115, F.S.; authorizing the  
4       Construction Industry Licensing Board to deny  
5       licensure to an applicant who has been convicted of  
6       specified felonies based upon the severity of the  
7       crime, the relationship of the crime to contracting,  
8       or the potential for public harm; prohibiting the  
9       board from denying licensure to an applicant based  
10      upon a conviction of a felony of the third degree, a  
11      misdemeanor, a civil penalty, or based solely upon the  
12      applicant's failure to provide proof of restoration of  
13      civil rights; amending ss. 489.511 and 489.513, F.S.;  
14      prohibiting the Electrical Contractors' Licensing  
15      Board from making a determination that an individual  
16      applying for certification is ineligible based upon a  
17      conviction of a felony of the third degree, a  
18      misdemeanor, or a civil penalty; amending s. 489.553,  
19      F.S.; prohibiting the Department of Health from  
20      considering a conviction of a felony of the third  
21      degree, a misdemeanor, or a civil penalty in its  
22      consideration of good moral character; providing an  
23      effective date.

24  
25   Be It Enacted by the Legislature of the State of Florida:

26  
27       Section 1. Subsection (6) of section 489.115, Florida  
28       Statutes, is amended to read:

29       489.115 Certification and registration; endorsement;

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30 reciprocity; renewals; continuing education.-

31 (6) An applicant for initial issuance of a certificate or  
32 registration shall submit to a statewide criminal history  
33 records check through the Department of Law Enforcement. The  
34 Department of Business and Professional Regulation shall submit  
35 the requests for the criminal history records check to the  
36 Department of Law Enforcement for state processing, and the  
37 Department of Law Enforcement shall return the results to the  
38 department to determine if the applicant meets certification or  
39 registration requirements. If the applicant has been convicted  
40 of a felony of the first degree or a felony of the second degree  
41 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
42 the board may deny licensure to the applicant based upon the  
43 severity of the crime, the relationship of the crime to  
44 contracting, or the potential for public harm. The board shall  
45 also, in denying or approving licensure, consider the length of  
46 time since the commission of the crime and the rehabilitation of  
47 the applicant. The board may not deny licensure to an applicant  
48 based ~~solely~~ upon a conviction of a felony conviction of the  
49 third degree punishable as provided in s. 775.082 or s. 775.083,  
50 a misdemeanor, a civil penalty, or based solely upon the  
51 applicant's failure to provide proof of restoration of civil  
52 rights.

53 Section 2. Paragraph (c) of subsection (3) of section  
54 489.511, Florida Statutes, is redesignated as paragraph (d), and  
55 a new paragraph (c) is added to that subsection, to read:

56 489.511 Certification; application; examinations;  
57 endorsement.-

58 (3)

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59       (c) The board may not determine that an individual applying  
60 for certification is ineligible based upon a conviction of a  
61 felony of the third degree punishable as provided in s. 775.082  
62 or s. 775.083, a misdemeanor, or a civil penalty.

63       Section 3. Paragraph (c) of subsection (1) of section  
64 489.513, Florida Statutes, is amended to read:

65       489.513 Registration; application; requirements.-

66       (1) Any person engaged in the business of contracting in  
67 the state shall be registered in the proper classification  
68 unless he or she is certified. Any person desiring to be a  
69 registered contractor shall apply to the department for  
70 registration and must:

71       (c) Meet eligibility requirements according to the  
72 following criteria:

73       1. As used in this subsection, the term "good moral  
74 character" means a personal history of honesty, fairness, and  
75 respect for the rights of others and for state and federal law.

76       2. The board may not determine that an individual applying  
77 for certification is ineligible based upon a conviction of a  
78 felony of the third degree punishable as provided in s. 775.082  
79 or s. 775.083, a misdemeanor, or a civil penalty.

80       3. The board may determine that an individual applying for  
81 registration is ineligible due to failure to satisfy the  
82 requirement of good moral character only if:

83       a. There is a substantial connection between the lack of  
84 good moral character of the individual and the professional  
85 responsibilities of a registered contractor; and

86       b. The finding by the board of lack of good moral character  
87 is supported by clear and convincing evidence.

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88       ~~4.3.~~ When an individual is found to be unqualified because  
89 of lack of good moral character, the board must furnish such  
90 individual a statement containing the findings of the board, a  
91 complete record of evidence upon which the determination was  
92 based, and a notice of the rights of the individual to a  
93 rehearing and an appeal.

94       Section 4. Paragraph (a) of subsection (4) of section  
95 489.553, Florida Statutes, is amended to read:

96       489.553 Administration of part; registration  
97 qualifications; examination.—

98       (4) To be eligible for registration by the department as a  
99 septic tank contractor, the applicant must:

100       (a) Be of good moral character. In considering good moral  
101 character, the department may consider a ~~any~~ matter that has a  
102 substantial connection between the good moral character of the  
103 applicant and the professional responsibilities of a registered  
104 contractor, including, but not limited to: the applicant being  
105 convicted or found guilty of, or entering a plea of nolo  
106 contendere to, regardless of adjudication, a crime in any  
107 jurisdiction which directly relates to the practice of  
108 contracting or the ability to practice contracting; and previous  
109 disciplinary action involving septic tank contracting, where all  
110 judicial reviews have been completed. However, in considering  
111 good moral character, the department may not consider a  
112 conviction of a felony of the third degree punishable as  
113 provided in s. 775.082 or s. 775.083, a misdemeanor, or a civil  
114 penalty.

115       Section 5. This act shall take effect July 1, 2015.