

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

---

1 Committee/Subcommittee hearing bill: Careers & Competition  
2 Subcommittee

3 Representative Plakon offered the following:

4  
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 2. Present subsections (3) through (12) of section  
8 455.213, Florida Statutes, are redesignated as subsections (4)  
9 through (13), respectively, subsection (2) of that section is  
10 amended, and a new subsection (3) is added to that section, to  
11 read:

12 455.213 General licensing provisions.—

13 (2) Before the issuance of any license, the department may  
14 charge an initial license fee as determined by rule of the  
15 applicable board or, if no such board exists, by rule of the  
16 department. Upon receipt of the appropriate license fee, except

## Amendment No. 1

17 as provided in subsection (4) ~~(3)~~, the department shall issue a  
18 license to any person certified by the appropriate board, or its  
19 designee, or the department when there is no board, as having  
20 met the applicable requirements imposed by law or rule. However,  
21 an applicant who is not otherwise qualified for licensure is not  
22 entitled to licensure solely based on a passing score on a  
23 required examination. Upon a determination by the department  
24 that it erroneously issued a license, or upon the revocation of  
25 a license by the applicable board, or by the department when  
26 there is no board, the licensee must surrender his or her  
27 license to the department.

28 (3) (a) Notwithstanding any other provision of law, the  
29 board shall use the process in this subsection for review of an  
30 applicant's criminal record to determine his or her eligibility  
31 for licensure as a:

32 1. Barber under chapter 476;

33 2. Cosmetologist or cosmetology specialist under chapter  
34 477; or

35 3. Any of the following construction professions under  
36 chapter 489:

37 a. Air-conditioning contractor;

38 b. Electrical contractor;

39 c. Mechanical contractor;

40 d. Plumbing contractor;

41 e. Pollutant storage systems contractor;

## Amendment No. 1

42 f. Roofing contractor;

43 g. Septic tank contractor;

44 h. Sheet metal contractor;

45 i. Solar contractor;

46 j. Swimming pool and spa contractor;

47 k. Underground utility and excavation contractor; and

48 l. Other specialty contractors.

49 (b) A conviction, or any other adjudication, for a crime  
50 more than 5 years before the date of the application may not be  
51 grounds for denial of a license specified in paragraph (a). For  
52 purposes of this paragraph, the term "conviction" means a  
53 determination of guilt that is the result of a plea or trial,  
54 regardless of whether adjudication is withheld.

55 (c)1. A person may apply for a license before his or her  
56 lawful release from confinement or supervision. The department  
57 may not charge an applicant an additional fee for being confined  
58 or under supervision. The board may not deny an application for  
59 a license solely on the basis of the applicant's current  
60 confinement or supervision.

61 2. After a license application is approved, the board may  
62 stay the issuance of a license until the applicant is lawfully  
63 released from confinement or supervision and the applicant  
64 notifies the board of such release. The board must verify the  
65 applicant's release with the Department of Corrections before it  
66 issues a license.

Amendment No. 1

67 3. If an applicant is unable to appear in person due to  
68 his or her confinement or supervision, the board must permit the  
69 applicant to appear by teleconference or video conference, as  
70 appropriate, at any meeting of the board or other hearing by the  
71 agency concerning his or her application.

72 4. If an applicant is confined or under supervision, the  
73 Department of Corrections and the board shall cooperate and  
74 coordinate to facilitate the appearance of the applicant at a  
75 board meeting or agency hearing in person, by teleconference, or  
76 by video conference, as appropriate.

77 (d) Each board shall compile a list of crimes that, if  
78 committed and regardless of adjudication, do not relate to the  
79 practice of the profession or the ability to practice the  
80 profession and do not constitute grounds for denial of a  
81 license. This list shall be made available on the department's  
82 website and be updated annually. Beginning October 1, 2018, each  
83 board shall compile a list of crimes that although reported by  
84 an applicant for licensure, were not used as a basis for denial.  
85 The list must identify the crime reported and the date of  
86 conviction, finding of guilt, plea, or adjudication entered or  
87 the date of sentencing for each such license application.

88 (e) Each board shall compile a list of crimes that have  
89 been used as a basis for denial of a license in the past 2  
90 years, which shall be made available on the department's  
91 website. Starting October 1, 2018, and updated quarterly

804067 - h1041-strike.docx

Published On: 1/29/2018 6:45:29 PM

Amendment No. 1

92 thereafter, the applicable board shall compile a list indicating  
93 each crime used as a basis for denial. For each crime listed,  
94 the board must identify the date of conviction, finding of  
95 guilt, plea, or adjudication entered, or date of sentencing.  
96 Such denials shall be available to the public upon request.

97 Section 3. Present subsections (2) through (8) of section  
98 464.203, Florida Statutes, are redesignated as subsections (3)  
99 through (9), respectively, and a new subsection (2) is added to  
100 that section, to read:

101 464.203 Certified nursing assistants; certification  
102 requirement.—

103 (2) (a) 1. Except as provided in s. 435.07(4) and s.  
104 456.0635, a conviction, or any other adjudication, for a crime  
105 more than 7 years before the date of the application may not be  
106 grounds for denial of a certificate to practice as a certified  
107 nursing assistant.

108 2. Except as provided in s. 435.07(4) and s. 456.0635, a  
109 conviction, or any other adjudication, for a crime more than 7  
110 years before the date of the application may not be grounds for  
111 failure of a required background screening.

112 3. For purposes of this paragraph, the term "conviction"  
113 means a determination of guilt that is the result of a plea or  
114 trial, regardless of whether adjudication is withheld.

115 (b) 1. A person may apply for a certificate to practice as  
116 a certified nursing assistant before his or her lawful release

Amendment No. 1

117 from confinement or supervision. The department may not charge  
118 an applicant an additional fee for being confined or under  
119 supervision. The board may not deny an application for a  
120 certificate solely on the basis of the person's current  
121 confinement or supervision.

122 2. After a certification application is approved, the  
123 board may stay the issuance of a certificate until the applicant  
124 notifies the board of his or her lawful release from confinement  
125 or supervision. The board must verify the applicant's release  
126 with the Department of Corrections before it issues a  
127 certificate.

128 3. If an applicant is unable to appear in person due to  
129 his or her confinement or supervision, the board must permit the  
130 applicant to appear by teleconference or video conference, as  
131 appropriate, at any meeting of the board or other hearing by the  
132 agency concerning his or her application.

133 4. If an applicant is confined or under supervision, the  
134 Department of Corrections and the board shall cooperate and  
135 coordinate to facilitate the appearance of the applicant at a  
136 board meeting or agency hearing in person, by teleconference, or  
137 by video conference, as appropriate.

138 (c) The board shall compile a list of crimes that, if  
139 committed and regardless of adjudication, do not relate to the  
140 practice of the profession or the ability to practice the  
141 profession and do not constitute grounds for denial of a

804067 - h1041-strike.docx

Published On: 1/29/2018 6:45:29 PM

Amendment No. 1

142 license. This list shall be made available on the department's  
143 website and be updated annually. Beginning October 1, 2018, the  
144 board shall compile a list of crimes that although reported by  
145 an applicant for licensure were not used as a basis for denial.  
146 The list must identify the crime reported and the date of  
147 conviction, finding of guilt, plea, or adjudication entered or  
148 the date of sentencing for each such license application.

149 (d) The board shall compile a list of crimes that have been  
150 used as a basis for denial of a license in the past 2 years,  
151 which shall be made available on the department's website.  
152 Starting October 1, 2018, and updated quarterly thereafter, the  
153 board shall compile a list indicating each crime used as a basis  
154 for denial. For each crime listed the board must identify the  
155 date of conviction, finding of guilt, plea, or adjudication  
156 entered, or date of sentencing. Such denials shall be available  
157 to the public upon request.

158 Section 4. Subsection (4) of section 400.211, Florida  
159 Statutes, is amended to read:

160 400.211 Persons employed as nursing assistants;  
161 certification requirement.—

162 (4) When employed by a nursing home facility for a 12-  
163 month period or longer, a nursing assistant, to maintain  
164 certification, shall submit to a performance review every 12  
165 months and must receive regular inservice education based on the

Amendment No. 1

166 outcome of such reviews. The inservice training must meet all of  
167 the following requirements:

168 (a) Be sufficient to ensure the continuing competence of  
169 nursing assistants and must meet the standard specified in s.  
170 464.203(8). ~~s. 464.203(7);~~

171 (b) Include, at a minimum:

172 1. Techniques for assisting with eating and proper  
173 feeding;

174 2. Principles of adequate nutrition and hydration;

175 3. Techniques for assisting and responding to the  
176 cognitively impaired resident or the resident with difficult  
177 behaviors;

178 4. Techniques for caring for the resident at the end-of-  
179 life; and

180 5. Recognizing changes that place a resident at risk for  
181 pressure ulcers and falls. ~~;~~ ~~and~~

182 (c) Address areas of weakness as determined in nursing  
183 assistant performance reviews and may address the special needs  
184 of residents as determined by the nursing home facility staff.

185  
186 Costs associated with this training may not be reimbursed from  
187 additional Medicaid funding through interim rate adjustments.

188 Section 5. This act shall take effect October 1, 2018.

189  
190 -----



Amendment No. 1

**T I T L E   A M E N D M E N T**

Remove everything before the enacting clause and insert:  
An act relating to professional regulation; amending s. 455.213, F.S.; conforming a cross-reference; requiring the board to use a specified process for the review of an applicant's criminal record to determine the applicant's eligibility for certain licenses; prohibiting the conviction of a crime before a specified date from being grounds for the denial of certain licenses; defining the term "conviction"; authorizing a person to apply for a license before his or her lawful release from confinement or supervision; prohibiting additional fees for an applicant confined or under supervision; prohibiting the board from basing a denial of a license application solely on the applicant's current confinement or supervision; authorizing the board to stay the issuance of an approved license under certain circumstances; requiring the board to verify an applicant's release with the Department of Corrections; providing requirements for the appearance of certain applicants at certain meetings; requiring the board to provide a list on its website specifying how certain crimes affect an applicant's eligibility for licensure; amending s. 464.203, F.S.; prohibiting the conviction of a crime before a specified date from being grounds for the denial of a certification under certain circumstances; prohibiting the conviction of a crime before a specified date from being grounds for the failure of a background screening;

804067 - h1041-strike.docx

Published On: 1/29/2018 6:45:29 PM

Amendment No. 1

216 defining the term "conviction"; authorizing a person to apply  
217 for certification before his or her lawful release from  
218 confinement or supervision; prohibiting additional fees for an  
219 applicant confined or under supervision; prohibiting the board  
220 from basing the denial of a certification solely on the  
221 applicant's current confinement or supervision; authorizing the  
222 board to stay the issuance of an approved certificate under  
223 certain circumstances; requiring the board to verify an  
224 applicant's release with the Department of Corrections;  
225 providing requirements for the appearance of certain applicants  
226 at certain meetings; requiring the board provide a list on its  
227 website specifying how certain crimes may affect an applicant's  
228 eligibility for certification; amending s. 400.211, F.S.;

229 conforming a cross-reference; providing an effective date.