

1                   A bill to be entitled  
2           An act relating to professional regulation; amending  
3           s. 455.213, F.S.; conforming a cross-reference;  
4           requiring the board to use a specified process for the  
5           review of an applicant's criminal record to determine  
6           the applicant's eligibility for certain licenses;  
7           prohibiting the conviction of a crime before a  
8           specified date from being grounds for the denial of  
9           certain licenses; defining the term "conviction";  
10          authorizing a person to apply for a license before his  
11          or her lawful release from confinement or supervision;  
12          prohibiting additional fees for an applicant confined  
13          or under supervision; prohibiting the board from  
14          basing a denial of a license application solely on the  
15          applicant's current confinement or supervision;  
16          authorizing the board to stay the issuance of an  
17          approved license under certain circumstances;  
18          requiring the board to verify an applicant's release  
19          with the Department of Corrections; providing  
20          requirements for the appearance of certain applicants  
21          at certain meetings; requiring the board to provide a  
22          list on its website specifying how certain crimes  
23          affect an applicant's eligibility for licensure;  
24          amending s. 464.203, F.S.; prohibiting the conviction  
25          of a crime before a specified date from being grounds

26 | for the denial of a certification under certain  
27 | circumstances; prohibiting the conviction of a crime  
28 | before a specified date from being grounds for the  
29 | failure of a background screening; defining the term  
30 | "conviction"; authorizing a person to apply for  
31 | certification before his or her lawful release from  
32 | confinement or supervision; prohibiting additional  
33 | fees for an applicant confined or under supervision;  
34 | prohibiting the board from basing the denial of a  
35 | certification solely on the applicant's current  
36 | confinement or supervision; authorizing the board to  
37 | stay the issuance of an approved certificate under  
38 | certain circumstances; requiring the board to verify  
39 | an applicant's release with the Department of  
40 | Corrections; providing requirements for the appearance  
41 | of certain applicants at certain meetings; requiring  
42 | the board provide a list on its website specifying how  
43 | certain crimes may affect an applicant's eligibility  
44 | for certification; amending s. 400.211, F.S. ;  
45 | conforming a cross-reference; providing an effective  
46 | date.

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48 | Be It Enacted by the Legislature of the State of Florida:

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50 | Section 1. Subsections (3) through (12) of section

51 455.213, Florida Statutes, are renumbered as subsections (4)  
52 through (13), respectively, subsection (2) of that section is  
53 amended, and a new subsection (3) is added to that section, to  
54 read:

55 455.213 General licensing provisions.—

56 (2) Before the issuance of any license, the department may  
57 charge an initial license fee as determined by rule of the  
58 applicable board or, if no such board exists, by rule of the  
59 department. Upon receipt of the appropriate license fee, except  
60 as provided in subsection (4) ~~(3)~~, the department shall issue a  
61 license to any person certified by the appropriate board, or its  
62 designee, or the department when there is no board, as having  
63 met the applicable requirements imposed by law or rule. However,  
64 an applicant who is not otherwise qualified for licensure is not  
65 entitled to licensure solely based on a passing score on a  
66 required examination. Upon a determination by the department  
67 that it erroneously issued a license, or upon the revocation of  
68 a license by the applicable board, or by the department when  
69 there is no board, the licensee must surrender his or her  
70 license to the department.

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

75 1. Barber under chapter 476;

76           2. Cosmetologist or cosmetology specialist under chapter  
 77 477; or  
 78           3. Any of the following construction professions under  
 79 chapter 489:  
 80           a. Air-conditioning contractor;  
 81           b. Electrical contractor;  
 82           c. Mechanical contractor;  
 83           d. Plumbing contractor;  
 84           e. Pollutant storage systems contractor;  
 85           f. Roofing contractor;  
 86           g. Septic tank contractor;  
 87           h. Sheet metal contractor;  
 88           i. Solar contractor;  
 89           j. Swimming pool and spa contractor;  
 90           k. Underground utility and excavation contractor; and  
 91           l. Other specialty contractors.  
 92           (b) A conviction, or any other adjudication, for a crime  
 93 more than 5 years before the date of the application may not be  
 94 grounds for denial of a license specified in paragraph (a). For  
 95 purposes of this paragraph, the term "conviction" means a  
 96 determination of guilt that is the result of a plea or trial,  
 97 regardless of whether adjudication is withheld.  
 98           (c)1. A person may apply for a license before his or her  
 99 lawful release from confinement or supervision. The department  
 100 may not charge an applicant an additional fee for being confined

101 or under supervision. The board may not deny an application for  
102 a license solely on the basis of the applicant's current  
103 confinement or supervision.

104 2. After a license application is approved, the board may  
105 stay the issuance of a license until the applicant is lawfully  
106 released from confinement or supervision and the applicant  
107 notifies the board of such release. The board must verify the  
108 applicant's release with the Department of Corrections before it  
109 issues a license.

110 3. If an applicant is unable to appear in person due to  
111 his or her confinement or supervision, the board must permit the  
112 applicant to appear by teleconference or video conference, as  
113 appropriate, at any meeting of the board or other hearing by the  
114 agency concerning his or her application.

115 4. If an applicant is confined or under supervision, the  
116 Department of Corrections and the board shall cooperate and  
117 coordinate to facilitate the appearance of the applicant at a  
118 board meeting or agency hearing in person, by teleconference, or  
119 by video conference, as appropriate.

120 (d) Each board shall compile a list of crimes that, if  
121 committed and regardless of adjudication, do not relate to the  
122 practice of the profession or the ability to practice the  
123 profession and do not constitute grounds for denial of a  
124 license. This list shall be made available on the department's  
125 website and be updated annually. Beginning October 1, 2018, each

126 board shall compile a list of crimes that although reported by  
127 an applicant for licensure, were not used as a basis for denial.  
128 The list must identify the crime reported and the date of  
129 conviction, finding of guilt, plea, or adjudication entered or  
130 the date of sentencing for each such license application.

131 (e) Each board shall compile a list of crimes that have  
132 been used as a basis for denial of a license in the past 2  
133 years, which shall be made available on the department's  
134 website. Beginning October 1, 2018, and updated quarterly  
135 thereafter, the applicable board shall compile a list indicating  
136 each crime used as a basis for denial. For each crime listed,  
137 the board must identify the date of conviction, finding of  
138 guilt, plea, or adjudication entered, or date of sentencing.  
139 Such denials shall be available to the public upon request.

140 Section 2. Subsections (2) through (8) of section 464.203,  
141 Florida Statutes, are renumbered as subsections (3) through (9),  
142 respectively, and a new subsection (2) is added to that section,  
143 to read:

144 464.203 Certified nursing assistants; certification  
145 requirement.—

146 (2) (a) 1. Except as provided in s. 435.07(4) and s.  
147 456.0635, a conviction, or any other adjudication, for a crime  
148 more than 7 years before the date of the application may not be  
149 grounds for denial of a certificate to practice as a certified  
150 nursing assistant.

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

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

158 (b)1. A person may apply for a certificate to practice as  
159 a certified nursing assistant before his or her lawful release  
160 from confinement or supervision. The department may not charge  
161 an applicant an additional fee for being confined or under  
162 supervision. The board may not deny an application for a  
163 certificate solely on the basis of the person's current  
164 confinement or supervision.

165 2. After a certification application is approved, the  
166 board may stay the issuance of a certificate until the applicant  
167 notifies the board of his or her lawful release from confinement  
168 or supervision. The board must verify the applicant's release  
169 with the Department of Corrections before it issues a  
170 certificate.

171 3. If an applicant is unable to appear in person due to  
172 his or her confinement or supervision, the board must permit the  
173 applicant to appear by teleconference or video conference, as  
174 appropriate, at any meeting of the board or other hearing by the  
175 agency concerning his or her application.

176 4. If an applicant is confined or under supervision, the  
177 Department of Corrections and the board shall cooperate and  
178 coordinate to facilitate the appearance of the applicant at a  
179 board meeting or agency hearing in person, by teleconference, or  
180 by video conference, as appropriate.

181 (c) The board shall compile a list of crimes that, if  
182 committed and regardless of adjudication, do not relate to the  
183 practice of the profession or the ability to practice the  
184 profession and do not constitute grounds for denial of a  
185 license. This list shall be made available on the department's  
186 website and be updated annually. Beginning October 1, 2018, the  
187 board shall compile a list of crimes that although reported by  
188 an applicant for licensure were not used as a basis for denial.  
189 The list must identify the crime reported and the date of  
190 conviction, finding of guilt, plea, or adjudication entered or  
191 the date of sentencing for each such license application.

192 (d) The board shall compile a list of crimes that have  
193 been used as a basis for denial of a license in the past 2  
194 years, which shall be made available on the department's  
195 website. Beginning October 1, 2018, and updated quarterly  
196 thereafter, the board shall compile a list indicating each crime  
197 used as a basis for denial. For each crime listed the board must  
198 identify the date of conviction, finding of guilt, plea, or  
199 adjudication entered, or date of sentencing. Such denials shall  
200 be available to the public upon request.



201 Section 3. Subsection (4) of section 400.211, Florida  
 202 Statutes, is amended to read:

203 400.211 Persons employed as nursing assistants;  
 204 certification requirement.—

205 (4) When employed by a nursing home facility for a 12-  
 206 month period or longer, a nursing assistant, to maintain  
 207 certification, shall submit to a performance review every 12  
 208 months and must receive regular inservice education based on the  
 209 outcome of such reviews. The inservice training must meet all of  
 210 the following requirements:

211 (a) Be sufficient to ensure the continuing competence of  
 212 nursing assistants and must meet the standard specified in s.  
 213 464.203(8). ~~s. 464.203(7);~~

214 (b) Include, at a minimum:

215 1. Techniques for assisting with eating and proper  
 216 feeding;

217 2. Principles of adequate nutrition and hydration;

218 3. Techniques for assisting and responding to the  
 219 cognitively impaired resident or the resident with difficult  
 220 behaviors;

221 4. Techniques for caring for the resident at the end-of-  
 222 life; and

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

225 (c) Address areas of weakness as determined in nursing

226 | assistant performance reviews and may address the special needs  
227 | of residents as determined by the nursing home facility staff.

228 |

229 | Costs associated with this training may not be reimbursed from  
230 | additional Medicaid funding through interim rate adjustments.

231 | Section 4. This act shall take effect October 1, 2018.