

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Business & Professions
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 1. Subsections (3) through (12) of section 455.213,
8 Florida Statutes, are renumbered as subsections (4) through
9 (13), respectively, subsection (2) of that section is amended,
10 and a new subsection (3) is added to that section, to read:

11 455.213 General licensing provisions.-

12 (2) Before the issuance of any license, the department may
13 charge an initial license fee as determined by rule of the
14 applicable board or, if no such board exists, by rule of the
15 department. Upon receipt of the appropriate license fee, except
16 as provided in subsection (4) ~~(3)~~, the department shall issue a

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

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

31 1. A barber under chapter 476;

32 2. A cosmetologist or cosmetology specialist under chapter
33 477; or

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

36 a. Air-conditioning contractor;

37 b. Electrical contractor;

38 c. Mechanical contractor;

39 d. Plumbing contractor;

40 e. Pollutant storage systems contractor;

41 f. Roofing contractor;

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42 g. Sheet metal contractor;

43 h. Solar contractor;

44 i. Swimming pool and spa contractor;

45 j. Underground utility and excavation contractor; and

46 k. Other specialty contractors.

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

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

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

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

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

76 (d) Each board shall compile a list of crimes that, if
77 committed and regardless of adjudication, do not relate to the
78 practice of the profession or the ability to practice the
79 profession and do not constitute grounds for denial of a
80 license. This list shall be made available on the department's
81 website and be updated annually. Beginning October 1, 2019, each
82 board shall compile a list of crimes that although reported by
83 an applicant for licensure, were not used as a basis for denial.
84 The list must identify the crime reported and the date of
85 conviction, finding of guilt, plea, or adjudication entered or
86 the date of sentencing for each such license application.

87 (e) Each board shall compile a list of crimes that have
88 been used as a basis for denial of a license in the past 2
89 years, which shall be made available on the department's
90 website. Starting October 1, 2019, and updated quarterly

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

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

100 464.203 Certified nursing assistants; certification
101 requirement.—

102 (2) (a) 1. Except as provided in ss. 435.04 and 456.0635, a
103 conviction, or any other adjudication, for a crime more than 7
104 years before the date the application is received by the board
105 may not be grounds for denial of a certificate to practice as a
106 certified nursing assistant.

107 2. Except as provided in ss. 435.04 and 456.0635, a
108 conviction, or any other adjudication, for a crime more than 7
109 years before the date the application is received by the board
110 may not be grounds for failure of a required background
111 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.

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

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140 practice of the profession or the ability to practice the
141 profession and do not constitute grounds for denial of a
142 license. This list shall be made available on the department's
143 website and be updated annually. Beginning October 1, 2019, 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, 2019, 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 3. 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

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165 months and must receive regular inservice education based on the
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 Costs associated with this training may not be reimbursed from
186 additional Medicaid funding through interim rate adjustments.

187 Section 4. Subsections (7) through (10) are added to
188 section 489.553, Florida Statutes, to read:

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189 489.553 Administration of part; registration
190 qualifications; examination.—

191 (7) Notwithstanding any other provision of law, the
192 criminal history of an applicant may not be used as grounds for
193 denial of a license if the date of conviction, plea,
194 adjudication, or sentencing, is more than 5 years before the
195 date the application is received by the department. For purposes
196 of this subsection, the term "conviction" means a determination
197 of guilt that is the result of a plea or trial, regardless of
198 whether adjudication is withheld.

199 (8) (a) A person may apply for a license before his or her
200 lawful release from confinement or supervision. The department
201 may not charge an applicant an additional fee for being confined
202 or under supervision. The department may not deny an application
203 for a license solely on the basis of the applicant's current
204 confinement or supervision.

205 (b) After a license application is approved, the
206 department may stay the issuance of a license until the
207 applicant is lawfully released from confinement or supervision
208 and the applicant notifies the board of such release. The
209 department must verify the applicant's release with the
210 Department of Corrections before it issues a license.

211 (c) If an applicant is unable to appear in person due to
212 his or her confinement or supervision, the department must
213 permit the applicant to appear by teleconference or video

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214 conference, as appropriate, at any meeting or hearing by the
215 department concerning his or her application.

216 (d) If an applicant is confined or under supervision, the
217 Department of Corrections and the department shall cooperate and
218 coordinate to facilitate the appearance of the applicant at a
219 meeting or hearing in person, by teleconference, or by video
220 conference, as appropriate.

221 (9) The department shall compile a list of crimes that, if
222 committed and regardless of adjudication, do not relate to the
223 practice of the profession or the ability to practice the
224 profession and do not constitute grounds for denial of a
225 license. This list shall be made available on the department's
226 website and be updated annually. Beginning October 1, 2019, and
227 updated quarterly thereafter, the department shall add to this
228 list such crimes that although reported by an applicant for
229 licensure, were not used as a basis for denial in the past 2
230 years. The list must identify the crime reported and the date of
231 conviction, plea, adjudication, or sentencing for each such
232 license application.

233 (10) The department shall compile a list of crimes that
234 have been used as a basis for denial of a license in the past 2
235 years, which shall be made available on the department's
236 website. Beginning October 1, 2019, and updated quarterly
237 thereafter, the department shall add to this list each crime
238 used as a basis for denial. For each crime listed, the

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239 department must identify the date of conviction, plea,
240 adjudication, or sentencing. Such denials shall be available to
241 the public upon request.

242 Section 5. This act shall take effect October 1, 2019.

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246 **T I T L E A M E N D M E N T**

247 Remove line 50 and insert:

248 public upon request; amending s. 489.553, F.S.; prohibiting the
249 conviction of a crime before a specified date from being grounds
250 for the denial of a certification under certain circumstances;
251 prohibiting the conviction of a crime before a specified date
252 from being grounds for the failure of a background screening;
253 defining the term "conviction"; authorizing a person to apply
254 for certification before his or her lawful release from
255 confinement or supervision; prohibiting additional fees for an
256 applicant confined or under supervision; prohibiting the board
257 from basing the denial of a certification solely on the
258 applicant's current confinement or supervision; authorizing the
259 board to stay the issuance of an approved certificate under
260 certain circumstances; requiring the board to verify an
261 applicant's release with the Department of Corrections;
262 providing requirements for the appearance of certain applicants
263 at certain meetings; requiring the board to provide a quarterly

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264 updated list on its website specifying how certain crimes may
265 affect an applicant's eligibility for certification; providing
266 that certain information be identified for each crime on the
267 list; requiring such list be available to the public upon
268 request; amending s. 400.211, F.S.;