

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 an
22 annually updated list on its website specifying how
23 certain crimes affect an applicant's eligibility for
24 licensure; providing that certain information be
25 identified for each crime on the list; requiring such

26 | list be available to the public upon request; amending
27 | s. 489.107, F.S.; revising the membership of the
28 | Construction Industry Licensing Board; conforming
29 | provisions to changes made by the act; amending s.
30 | 489.553, F.S.; prohibiting the conviction of a crime
31 | before a specified date from being grounds for the
32 | denial of registration under certain circumstances;
33 | defining the term "conviction"; authorizing a person
34 | to apply for registration before his or her lawful
35 | release from confinement or supervision; prohibiting
36 | the department from charging an applicant who is
37 | confined or under supervision additional fees;
38 | prohibiting the board from basing the denial of
39 | registration solely on the applicant's current
40 | confinement or supervision; authorizing the board to
41 | stay the issuance of an approved registration under
42 | certain circumstances; requiring the board to verify
43 | an applicant's release with the Department of
44 | Corrections; providing requirements for the appearance
45 | of certain applicants at certain meetings; requiring
46 | the board to provide a quarterly updated list on its
47 | website specifying how certain crimes may affect an
48 | applicant's eligibility for registration; providing
49 | that certain information be identified for each crime
50 | on the list; requiring such list be available to the

51 public upon request; providing an effective date.

52

53 Be It Enacted by the Legislature of the State of Florida:

54

55 Section 1. Subsections (3) through (12) of section
 56 455.213, Florida Statutes, are renumbered as subsections (4)
 57 through (13), respectively, subsection (2) of that section is
 58 amended, and a new subsection (3) is added to that section, to
 59 read:

60 455.213 General licensing provisions.—

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

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

80 1. A barber under chapter 476;

81 2. A cosmetologist or cosmetology specialist under chapter
82 477; or

83 3. Any of the following construction professions under
84 chapter 489:

85 a. Air-conditioning contractor;

86 b. Electrical contractor;

87 c. Mechanical contractor;

88 d. Plumbing contractor;

89 e. Pollutant storage systems contractor;

90 f. Roofing contractor;

91 g. Sheet metal contractor;

92 h. Solar contractor;

93 i. Swimming pool and spa contractor;

94 j. Underground utility and excavation contractor; and

95 k. Other specialty contractors.

96 (b)1. A conviction, or any other adjudication, for a crime
97 more than 5 years before the date the application is received by
98 the applicable board may not be grounds for denial of a license
99 specified in paragraph (a). For purposes of this paragraph, the
100 term "conviction" means a determination of guilt that is the

101 result of a plea or trial, regardless of whether adjudication is
102 withheld. This paragraph does not limit the applicable board
103 from considering an applicant's criminal history that includes a
104 crime listed in s. 775.21(4) (a)1. or s. 776.08 at any time only
105 if such criminal history has been found to relate to the
106 practice of the applicable profession.

107 2. The applicable board may consider the criminal history
108 of an applicant for licensure under subparagraph (a)3. if such
109 criminal history has been found to relate to good moral
110 character.

111 (c)1. A person may apply for a license before his or her
112 lawful release from confinement or supervision. The department
113 may not charge an applicant an additional fee for being confined
114 or under supervision. The applicable board may not deny an
115 application for a license solely on the basis of the applicant's
116 current confinement or supervision.

117 2. After a license application is approved, the applicable
118 board may stay the issuance of a license until the applicant is
119 lawfully released from confinement or supervision and the
120 applicant notifies the applicable board of such release. The
121 applicable board must verify the applicant's release with the
122 Department of Corrections before it issues a license.

123 3. If an applicant is unable to appear in person due to
124 his or her confinement or supervision, the applicable board must
125 permit the applicant to appear by teleconference or video

126 conference, as appropriate, at any meeting of the applicable
127 board or other hearing by the agency concerning his or her
128 application.

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

134 (d) Each applicable board shall compile a list of crimes
135 that, if committed and regardless of adjudication, do not relate
136 to the practice of the profession or the ability to practice the
137 profession and do not constitute grounds for denial of a
138 license. This list shall be made available on the department's
139 website and be updated annually. Beginning October 1, 2019, each
140 applicable board shall compile a list of crimes that although
141 reported by an applicant for licensure, were not used as a basis
142 for denial. The list must identify the crime reported and the
143 date of conviction, finding of guilt, plea, or adjudication
144 entered or the date of sentencing for each such license
145 application.

146 (e) Each applicable board shall compile a list of crimes
147 that have been used as a basis for denial of a license in the
148 past 2 years, which shall be made available on the department's
149 website. Starting October 1, 2019, and updated quarterly
150 thereafter, the applicable board shall compile a list indicating

151 each crime used as a basis for denial. For each crime listed,
152 the applicable board must identify the date of conviction,
153 finding of guilt, plea, or adjudication entered, or date of
154 sentencing. Such denials shall be available to the public upon
155 request.

156 Section 2. Section 489.107, Florida Statutes, is amended
157 to read:

158 489.107 Construction Industry Licensing Board.—

159 (1) To carry out the provisions of this part, there is
160 created within the department the Construction Industry
161 Licensing Board. Members shall be appointed by the Governor,
162 subject to confirmation by the Senate. Members shall be
163 appointed for 4-year terms. A vacancy on the board shall be
164 filled for the unexpired portion of the term in the same manner
165 as the original appointment. No member shall serve more than two
166 consecutive 4-year terms or more than 11 years on the board.

167 (2) The board shall consist of 10 ~~18~~ members, of whom:

168 (a) Two ~~Four~~ are primarily engaged in business as general
169 contractors;

170 (b) Two ~~Three~~ are primarily engaged in business as
171 building contractors or residential contractors, however, at
172 least one building contractor and one residential contractor
173 shall be appointed;

174 (c) One is primarily engaged in business as a roofing
175 contractor;

176 ~~(d) One is primarily engaged in business as a sheet metal~~
 177 ~~contractor;~~

178 ~~(e) One is primarily engaged in business as an air-~~
 179 ~~conditioning contractor;~~

180 (d)~~(f)~~ One is primarily engaged in business as a
 181 mechanical contractor;

182 (e)~~(g)~~ One is primarily engaged in business as a pool
 183 contractor;

184 (f)~~(h)~~ One is primarily engaged in business as a plumbing
 185 contractor;

186 (g)~~(i)~~ One is primarily engaged in business as an
 187 underground utility and excavation contractor; and

188 (h) One is a building official of a municipality or
 189 county.

190 ~~(j) Two are consumer members who are not, and have never~~
 191 ~~been, members or practitioners of a profession regulated by the~~
 192 ~~board or members of any closely related profession; and~~

193 ~~(k) Two are building officials of a municipality or~~
 194 ~~county.~~

195 (3) To be eligible to serve, each contractor member must
 196 have been certified by the board to operate as a contractor in
 197 the category with respect to which the member is appointed, be
 198 actively engaged in the construction business, and have been so
 199 engaged for a period of not less than 5 consecutive years before
 200 the date of appointment. Each appointee must be a citizen and

201 resident of the state.

202 (4) The board shall be divided into two divisions,
203 Division I and Division II.

204 (a) Division I is comprised of the general contractor,
205 building contractor, and residential contractor members of the
206 board; ~~one of the members appointed pursuant to paragraph~~
207 ~~(2)(j); and one of the members appointed pursuant to paragraph~~
208 ~~(2)(k)~~. Division I has jurisdiction over the regulation of
209 general contractors, building contractors, and residential
210 contractors.

211 (b) Division II is comprised of the roofing contractor,
212 ~~sheet metal contractor, air-conditioning contractor,~~ mechanical
213 contractor, pool contractor, plumbing contractor, and
214 underground utility and excavation contractor members of the
215 board; ~~one of the members appointed pursuant to paragraph~~
216 ~~(2)(j); and one of the members appointed pursuant to paragraph~~
217 ~~(2)(k)~~. Division II has jurisdiction over the regulation of
218 contractors defined in s. 489.105(3)(d)-(p).

219 (c) Jurisdiction for the regulation of specialty
220 contractors defined in s. 489.105(3)(q) shall lie with the
221 division having jurisdiction over the scope of work of the
222 specialty contractor as defined by board rule.

223 (5) Three ~~Five~~ members of Division I constitute a quorum,
224 and three ~~five~~ members of Division II constitute a quorum. The
225 combined divisions shall meet together at such times as the

226 board deems necessary, but neither division, nor any committee
227 thereof, shall take action on any matter under the jurisdiction
228 of the other division. However, if either division is unable to
229 obtain a quorum for the purpose of conducting disciplinary
230 proceedings, it may request members of the other division, who
231 are otherwise qualified to serve on the division unable to
232 obtain a quorum, to join in its deliberations. Such additional
233 members shall vote and count toward a quorum only during those
234 disciplinary proceedings.

235 (6) The Construction Industry Licensing Board and the
236 Electrical Contractors' Licensing Board shall each appoint a
237 committee to meet jointly at least twice a year.

238 Section 3. Subsections (7) through (10) are added to
239 section 489.553, Florida Statutes, to read:

240 489.553 Administration of part; registration
241 qualifications; examination.—

242 (7) Notwithstanding any other provision of law, a
243 conviction, or any other adjudication, for a crime more than 5
244 years before the date the application is received by the
245 department may not be grounds for denial of registration. For
246 purposes of this subsection, the term "conviction" means a
247 determination of guilt that is the result of a plea or trial,
248 regardless of whether adjudication is withheld. This subsection
249 does not limit a board from considering an applicant's criminal
250 history that includes any crime listed in s. 775.21(4)(a)1. or

251 s. 776.08 at any time only if such criminal history has been
252 found to relate to the practice of the applicable profession, or
253 any crime if it has been found to relate to good moral
254 character.

255 (8) (a) A person may apply to be registered before his or
256 her lawful release from confinement or supervision. The
257 department may not charge an applicant an additional fee for
258 being confined or under supervision. The department may not deny
259 an application for registration solely on the basis of the
260 applicant's current confinement or supervision.

261 (b) After a registration application is approved, the
262 department may stay the issuance of registration until the
263 applicant is lawfully released from confinement or supervision
264 and the applicant notifies the board of such release. The
265 department must verify the applicant's release with the
266 Department of Corrections before it registers such applicant.

267 (c) If an applicant is unable to appear in person due to
268 his or her confinement or supervision, the department must
269 permit the applicant to appear by teleconference or video
270 conference, as appropriate, at any meeting or hearing by the
271 department concerning his or her application.

272 (d) If an applicant is confined or under supervision, the
273 Department of Corrections and the department shall cooperate and
274 coordinate to facilitate the appearance of the applicant at a
275 meeting or hearing in person, by teleconference, or by video

276 conference, as appropriate.

277 (9) The department shall compile a list of crimes that, if
278 committed and regardless of adjudication, do not relate to the
279 practice of the profession or the ability to practice the
280 profession and do not constitute grounds for denial of
281 registration. This list shall be made available on the
282 department's website and be updated annually. Beginning October
283 1, 2019, and updated quarterly thereafter, the department shall
284 add to this list such crimes that although reported by an
285 applicant for registration, were not used as a basis for denial
286 in the past 2 years. The list must identify the crime reported
287 and the date of conviction, plea, adjudication, or sentencing
288 for each such registration application.

289 (10) The department shall compile a list of crimes that
290 have been used as a basis for denial of registration in the past
291 2 years, which shall be made available on the department's
292 website. Beginning October 1, 2019, and updated quarterly
293 thereafter, the department shall add to this list each crime
294 used as a basis for denial. For each crime listed, the
295 department must identify the date of conviction, plea,
296 adjudication, or sentencing. Such denials shall be available to
297 the public upon request.

298 Section 4. This act shall take effect October 1, 2019.