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LEGISLATIVE ACTION

Senate

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House

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Floor: NC/2R

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05/01/2019 04:34 PM

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Senator Rodriguez moved the following:

Senate Amendment (with title amendment)

Delete lines 1553 -1558

and insert:

Section 21. Subsection (8) is added to section 476.144,
Florida Statutes, to read:

476.144 Licensure.—

(8) A person who has had his or her voting rights restored
pursuant to s. 4, Art. VI of the State Constitution upon
completion of all terms of sentence for a felony conviction for
an offense other than murder or a felony sexual offense is



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12 eligible for licensure so long as he or she meets all other
13 requirements established under this section.

14 Section 22. Subsection (2) of section 477.019, Florida
15 Statutes, is amended to read:

16 477.019 Cosmetologists; qualifications; licensure;
17 supervised practice; license renewal; endorsement; continuing
18 education.-

19 (2) An applicant is ~~shall be~~ eligible for licensure by
20 examination to practice cosmetology if the applicant:

21 (a) Is at least 16 years of age or has received a high
22 school diploma;

23 (b) Pays the required application fee, which is not
24 refundable, and the required examination fee, which is
25 refundable if the applicant is determined to not be eligible for
26 licensure for any reason other than failure to successfully
27 complete the licensure examination; and

28 (c)1. Is authorized to practice cosmetology in another
29 state or country, has been so authorized for at least 1 year,
30 and does not qualify for licensure by endorsement as provided
31 for in subsection (5); or

32 2. Has received a minimum of 1,200 hours of training as
33 established by the board, which shall include, but shall not be
34 limited to, the equivalent of completion of services directly
35 related to the practice of cosmetology at one of the following:

36 a. A school of cosmetology licensed pursuant to chapter
37 1005.

38 b. A cosmetology program within the public school system.

39 c. The Cosmetology Division of the Florida School for the
40 Deaf and the Blind, provided the division meets the standards of



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41 this chapter.

42 d. A government-operated cosmetology program in this state.

43

44 The board shall establish by rule procedures whereby the school
45 or program may certify that a person is qualified to take the
46 required examination after the completion of a minimum of 1,000
47 actual school hours. If the person then passes the examination,
48 he or she shall have satisfied this requirement; but if the
49 person fails the examination, he or she shall not be qualified
50 to take the examination again until the completion of the full
51 requirements provided by this section. A person who has had his
52 or her voting rights restored pursuant to s. 4, Art. VI of the
53 State Constitution upon completion of all terms of sentence for
54 a felony conviction for an offense other than murder or a felony
55 sexual offense is eligible for licensure so long as he or she
56 meets all other requirements established under this section.

57 Section 23. Subsection (6) of section 489.115, Florida
58 Statutes, is amended to read:

59 489.115 Certification and registration; endorsement;
60 reciprocity; renewals; continuing education.—

61 (6) An applicant for initial issuance of a certificate or
62 registration shall submit to a statewide criminal history
63 records check through the Department of Law Enforcement. The
64 Department of Business and Professional Regulation shall submit
65 the requests for the criminal history records check to the
66 Department of Law Enforcement for state processing, and the
67 Department of Law Enforcement shall return the results to the
68 department to determine if the applicant meets certification or
69 registration requirements. If the applicant has been convicted



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70 of a felony, the board may deny licensure to the applicant based
71 upon the severity of the crime, the relationship of the crime to
72 contracting, or the potential for public harm. The board shall
73 also, in denying or approving licensure, consider the length of
74 time since the commission of the crime and the rehabilitation of
75 the applicant. The board may not deny licensure to an applicant
76 based solely upon a felony conviction or the applicant's failure
77 to provide proof of restoration of civil rights or voting
78 rights. A person who has had his or her voting rights restored
79 pursuant to s. 4, Art. VI of the State Constitution upon
80 completion of all terms of sentence for a felony conviction for
81 an offense other than murder or a felony sexual offense is
82 eligible for licensure so long as he or she meets all other
83 requirements established under this section.

84 Section 24. Subsection (1) of section 489.513, Florida
85 Statutes, is amended to read:

86 489.513 Registration; application; requirements.-

87 (1) Any person engaged in the business of contracting in
88 the state shall be registered in the proper classification
89 unless he or she is certified. Any person desiring to be a
90 registered contractor shall apply to the department for
91 registration and must:

92 (a) Be at least 18 years old;

93 (b) Be of good moral character; and

94 (c) Meet eligibility requirements according to the
95 following criteria:

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



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99 2. The board may determine that an individual applying for
100 registration is ineligible due to failure to satisfy the
101 requirement of good moral character only if:

102 a. There is a substantial connection between the lack of
103 good moral character of the individual and the professional
104 responsibilities of a registered contractor; and

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

107 3. When an individual is found to be unqualified because of
108 lack of good moral character, the board must furnish such
109 individual a statement containing the findings of the board, a
110 complete record of evidence upon which the determination was
111 based, and a notice of the rights of the individual to a
112 rehearing and an appeal.

113 4. A person who has had his or her voting rights restored
114 pursuant to s. 4, Art. VI of the State Constitution upon
115 completion of all terms of sentence for a felony conviction for
116 an offense other than murder or a felony sexual offense is
117 eligible for licensure as an electrical contractor so long as he
118 or she meets all other requirements established under this
119 section.

120 Section 25. If any provision of this act or an act passed
121 by the Legislature relating to the implementation of s. 4,
122 Article VI of the State Constitution is held to be invalid, the
123 invalidity does not affect the provisions of this act which can
124 be given effect without the invalid provision or application,
125 and to this end this act is severable.

126 Section 26. Present subsection (6) of section 489.553,
127 Florida Statutes, is redesignated as subsection (10), a new



128 subsection (6) and subsections (7), (8), and (9) are added to
129 that section, and paragraph (a) of subsection (4) of that
130 section is amended, to read:

131 489.553 Administration of part; registration
132 qualifications; examination.-

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

135 (a) Be of good moral character. In considering good moral
136 character, the department may consider any matter that has a
137 substantial connection between the good moral character of the
138 applicant and the professional responsibilities of a registered
139 contractor, including, but not limited to: the applicant being
140 convicted or found guilty of, or entering a plea of nolo
141 contendere to, regardless of adjudication, a crime in any
142 jurisdiction which directly relates to the practice of
143 contracting or the ability to practice contracting; and previous
144 disciplinary action involving septic tank contracting, where all
145 judicial reviews have been completed. A person who has had his
146 or her voting rights restored pursuant to s. 4, Art. VI of the
147 State Constitution upon completion of all terms of sentence for
148 a felony conviction for an offense other than murder or a felony
149 sexual offense is eligible for licensure so long as he or she
150 meets all other requirements established under this section.

151
152 ===== T I T L E A M E N D M E N T =====

153 And the title is amended as follows:

154 Delete line 132

155 and insert:

156 contractor offenses; amending ss. 476.144, 477.019,



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157 489.115, and 489.513, F.S.; specifying eligibility for
158 licensure for barbering, cosmetology, and contracting
159 for persons who have had voting rights restored
160 pursuant to s. 4, Art. VI of the State Constitution;
161 providing for severability; amending s. 489.553, F.S.;
162 specifying eligibility for licensure for contracting
163 for persons who have had voting rights restored
164 pursuant to s. 4, Art. VI of the State Constitution;