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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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05/01/2019 02:33 PM

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Senator Rodriguez moved the following:

**Senate Amendment (with title amendment)**

Delete lines 1148 - 1152

and insert:

Section 16. 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



736906

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

14 Section 17. 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



736906

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 18. 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



736906

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 19. 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.



736906

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 20. 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 21. Present subsection (6) of section 489.553,  
127 Florida Statutes, is redesignated as subsection (10), a new



736906

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 90

155 and insert:

156 offenses; amending ss. 476.144, 477.019, 489.115, and



736906

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