



568010

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/18/2022	.	
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The Committee on Regulated Industries (Burgess) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 46 - 162

and insert:

(3) (a) Notwithstanding any other law, the applicable board, or the department if there is no board, shall use the process in this subsection for review of an applicant's criminal record to determine his or her eligibility for licensure. ~~as:~~

(b) The applicable board, or the department if there is no board, may not inquire into or consider the conviction history



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11 of an applicant for licensure until the applicant is determined  
12 to be otherwise qualified for licensure.

- 13 ~~1. A barber under chapter 476;~~  
14 ~~2. A cosmetologist or cosmetology specialist under chapter~~  
15 ~~477;~~  
16 ~~3. Any of the following construction professions under~~  
17 ~~chapter 489:~~  
18 ~~a. Air-conditioning contractor;~~  
19 ~~b. Electrical contractor;~~  
20 ~~c. Mechanical contractor;~~  
21 ~~d. Plumbing contractor;~~  
22 ~~e. Pollutant storage systems contractor;~~  
23 ~~f. Roofing contractor;~~  
24 ~~g. Sheet metal contractor;~~  
25 ~~h. Solar contractor;~~  
26 ~~i. Swimming pool and spa contractor;~~  
27 ~~j. Underground utility and excavation contractor; or~~  
28 ~~k. Other specialty contractors; or~~  
29 ~~4. Any other profession for which the department issues a~~  
30 ~~license, provided the profession is offered to inmates in any~~  
31 ~~correctional institution or correctional facility as vocational~~  
32 ~~training or through an industry certification program.~~

33 (c)1.(b)1. A conviction, or any other adjudication, for a  
34 crime ~~more than 5 years~~ before the date the application is  
35 received by the applicable board, or the department if there is  
36 no board, may not be grounds for denial of a license ~~specified~~  
37 ~~in paragraph (a).~~ For purposes of this subsection ~~paragraph,~~ the  
38 term "conviction" means a determination of guilt that is the  
39 result of a plea or trial, regardless of whether adjudication is



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40 withheld. This subparagraph ~~paragraph~~ does not limit the  
41 applicable board, or the department if there is no board, from  
42 considering an applicant's criminal history that includes a  
43 crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time, but  
44 only if such criminal history has been found to directly relate  
45 to the practice of the applicable profession.

46 2. Notwithstanding subparagraph 1., the following criminal  
47 history may not be used, distributed, or disseminated by the  
48 department or a board or its agents in connection with an  
49 application for licensure:

50 a. An arrest without a valid conviction.

51 b. Convictions that have been sealed, dismissed, or  
52 expunged.

53 c. Misdemeanor convictions without incarceration.

54 d. Noncriminal infractions.

55 (g) The applicable board, or the department if there is no  
56 board, may not deny an application for a license solely or in  
57 part on the basis of an applicant's criminal history unless the  
58 criminal history directly relates to the practice of the  
59 applicable profession for which the license is sought or held.

60 1. In determining if a criminal history directly relates to  
61 the practice of the applicable profession for which the license  
62 is sought or held, the applicable board, or the department if  
63 there is no board, shall consider:

64 a. The nature and seriousness of the conviction.

65 b. Whether the conviction directly relates to the practice  
66 of the applicable profession for which the license is sought or  
67 held.

68 c. Whether the duties and responsibilities of the



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69 profession provide the opportunity for the same or a similar  
70 offense to occur.

71 d. Whether circumstances leading to the offense for which  
72 the person was convicted will recur in the profession.

73 e. The age of the person at the time the felony was  
74 committed.

75 f. The length of time since the conviction.

76 g. All circumstances relative to the felony, including  
77 mitigating circumstances or social conditions surrounding the  
78 commission of the felony.

79 h. Evidence of mitigation or rehabilitation and the  
80 applicant's current ability to practice the profession  
81 competently in accordance with the actual practice of the  
82 profession.

83 2. If the applicable board, or the department if there is  
84 no board, intends to deny an application for a license solely or  
85 in part on the basis of the applicant's criminal history, it  
86 must notify the applicant in writing of its intent before making  
87 a final decision. Such notice must do all of the following:

88 a. Identify the reasons for the potential denial.

89 b. Provide a copy of any criminal history record.

90 c. Provide examples of evidence of mitigation or  
91 rehabilitation and the current ability to practice the  
92 profession competently in accordance with the actual practice of  
93 the profession, which the applicant may voluntarily provide.

94 (I) An applicant who has been convicted of an offense that  
95 directly relates to the practice of the applicable profession  
96 for which a license is sought may not be denied the license if  
97 he or she can show evidence of mitigation or rehabilitation and



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98 the current ability to practice the profession competently in  
99 accordance with the actual practice of the profession.

100 (II) The applicant shall have 10 business days after  
101 issuance of the notice to respond with any information,  
102 including challenging the accuracy of the information and  
103 submitting evidence of mitigation or rehabilitation and his or  
104 her current ability to practice the profession competently in  
105 accordance with the actual practice of the profession.

106 (III) Evidence of mitigation or rehabilitation and the  
107 applicant's current ability to practice the profession  
108 competently in accordance with the actual practice of the  
109 profession may be established by:

110 (A) Proof of compliance with the terms and conditions of  
111 probation or parole; or

112 (B) Other evidence, including, but not limited to, letters  
113 of reference or program or education certificates.

114 (IV) If an applicable board, or the department if there is  
115 no board, denies an application for a license solely or in part  
116 on the basis of the applicant's criminal history, it must notify  
117 the applicant in writing of all of the following:

118 (A) Final denial.

119 (B) Appeal process.

120 ~~2. The applicable board may consider the criminal history~~  
121 ~~of an applicant for licensure under subparagraph (a)3. if such~~  
122 ~~criminal history has been found to relate to good moral~~  
123 ~~character.~~

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125 ===== T I T L E A M E N D M E N T =====

126 And the title is amended as follows:



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127           Delete lines 4 - 28  
128 and insert:  
129           board, or the Department of Business and Professional  
130           Regulation if there is no such board, from inquiring  
131           into or considering the conviction history of an  
132           applicant for licensure until it is determined that  
133           the applicant is otherwise qualified; revising  
134           professions for licensure eligibility; removing a  
135           provision relating to licensure of other professions  
136           offered to certain inmates under certain  
137           circumstances; prohibiting the use of a conviction, or  
138           other adjudication, for a crime before the date an  
139           application is received as being grounds for denial of  
140           a license; authorizing an applicable board, or the  
141           department if there is no board, to consider an  
142           applicant's criminal history only if such criminal  
143           history directly relates to the practice of the  
144           applicable profession; prohibiting the use,  
145           distribution, and dissemination of specified criminal  
146           records; removing a provision authorizing an  
147           applicable board to consider an applicant's criminal  
148           history if the history has been found to relate to  
149           good moral character; prohibiting the applicable  
150           board, or the department if there is no board, from  
151           denying an application for licensure of a person based  
152           solely or in part on an applicant's criminal history;  
153           providing an exception; providing requirements for  
154           determining if such criminal history directly relates  
155           to the practice of the applicable profession;



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providing requirements if the applicable board, or the  
department if there is no board, intends