

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

51 prohibiting the conviction of a crime before a
52 specified date from being grounds for the denial of
53 registration under certain circumstances; defining the
54 term "conviction"; authorizing a person to apply for
55 registration before his or her lawful release from
56 confinement or supervision; prohibiting the department
57 from charging an applicant who is confined or under
58 supervision additional fees; prohibiting the board
59 from basing the denial of registration solely on the
60 applicant's current confinement or supervision;
61 authorizing the board to stay the issuance of an
62 approved registration under certain circumstances;
63 requiring the board to verify an applicant's release
64 with the Department of Corrections; providing
65 requirements for the appearance of certain applicants
66 at certain meetings; requiring the board to provide a
67 quarterly updated list on its website specifying how
68 certain crimes may affect an applicant's eligibility
69 for registration; providing that certain information
70 be identified for each crime on the list; requiring
71 such list be available to the public upon request;
72 amending s. 400.211, F.S.; conforming a cross-
73 reference; providing an effective date.

74
75 Be It Enacted by the Legislature of the State of Florida:

76

77 Section 1. Subsections (3) through (12) of section
78 455.213, Florida Statutes, are renumbered as subsections (4)
79 through (13), respectively, subsection (2) of that section is
80 amended, and a new subsection (3) is added to that section, to
81 read:

82 455.213 General licensing provisions.—

83 (2) Before the issuance of any license, the department may
84 charge an initial license fee as determined by rule of the
85 applicable board or, if no such board exists, by rule of the
86 department. Upon receipt of the appropriate license fee, except
87 as provided in subsection (4) ~~(3)~~, the department shall issue a
88 license to any person certified by the appropriate board, or its
89 designee, or the department when there is no board, as having
90 met the applicable requirements imposed by law or rule. However,
91 an applicant who is not otherwise qualified for licensure is not
92 entitled to licensure solely based on a passing score on a
93 required examination. Upon a determination by the department
94 that it erroneously issued a license, or upon the revocation of
95 a license by the applicable board, or by the department when
96 there is no board, the licensee must surrender his or her
97 license to the department.

98 (3) (a) Notwithstanding any other provision of law, the
99 board shall use the process in this subsection for review of an
100 applicant's criminal record to determine his or her eligibility

101 for licensure as:

102 1. A barber under chapter 476;

103 2. A cosmetologist or cosmetology specialist under chapter
104 477; or

105 3. Any of the following construction professions under
106 chapter 489:

107 a. Air-conditioning contractor;

108 b. Electrical contractor;

109 c. Mechanical contractor;

110 d. Plumbing contractor;

111 e. Pollutant storage systems contractor;

112 f. Roofing contractor;

113 g. Sheet metal contractor;

114 h. Solar contractor;

115 i. Swimming pool and spa contractor;

116 j. Underground utility and excavation contractor; and

117 k. Other specialty contractors.

118 (b) A conviction, or any other adjudication, for a crime
119 more than 5 years before the date the application is received by
120 the applicable board may not be grounds for denial of a license
121 specified in paragraph (a). For purposes of this paragraph, the
122 term "conviction" means a determination of guilt that is the
123 result of a plea or trial, regardless of whether adjudication is
124 withheld.

125 (c)1. A person may apply for a license before his or her

126 lawful release from confinement or supervision. The department
127 may not charge an applicant an additional fee for being confined
128 or under supervision. The board may not deny an application for
129 a license solely on the basis of the applicant's current
130 confinement or supervision.

131 2. After a license application is approved, the board may
132 stay the issuance of a license until the applicant is lawfully
133 released from confinement or supervision and the applicant
134 notifies the board of such release. The board must verify the
135 applicant's release with the Department of Corrections before it
136 issues a license.

137 3. If an applicant is unable to appear in person due to
138 his or her confinement or supervision, the board must permit the
139 applicant to appear by teleconference or video conference, as
140 appropriate, at any meeting of the board or other hearing by the
141 agency concerning his or her application.

142 4. If an applicant is confined or under supervision, the
143 Department of Corrections and the board shall cooperate and
144 coordinate to facilitate the appearance of the applicant at a
145 board meeting or agency hearing in person, by teleconference, or
146 by video conference, as appropriate.

147 (d) Each board shall compile a list of crimes that, if
148 committed and regardless of adjudication, do not relate to the
149 practice of the profession or the ability to practice the
150 profession and do not constitute grounds for denial of a

151 license. This list shall be made available on the department's
152 website and be updated annually. Beginning October 1, 2019, each
153 board shall compile a list of crimes that although reported by
154 an applicant for licensure, were not used as a basis for denial.
155 The list must identify the crime reported and the date of
156 conviction, finding of guilt, plea, or adjudication entered or
157 the date of sentencing for each such license application.

158 (e) Each board shall compile a list of crimes that have
159 been used as a basis for denial of a license in the past 2
160 years, which shall be made available on the department's
161 website. Starting October 1, 2019, and updated quarterly
162 thereafter, the applicable board shall compile a list indicating
163 each crime used as a basis for denial. For each crime listed,
164 the board must identify the date of conviction, finding of
165 guilt, plea, or adjudication entered, or date of sentencing.
166 Such denials shall be available to the public upon request.

167 Section 2. Subsections (2) through (8) of section 464.203,
168 Florida Statutes, are renumbered as subsections (3) through (9),
169 respectively, and a new subsection (2) is added to that section,
170 to read:

171 464.203 Certified nursing assistants; certification
172 requirement.—

173 (2) (a) 1. Except as provided in ss. 435.04 and 456.0635, a
174 conviction, or any other adjudication, for a crime more than 7
175 years before the date the application is received by the board

176 may not be grounds for denial of a certificate to practice as a
177 certified nursing assistant.

178 2. Except as provided in ss. 435.04 and 456.0635, a
179 conviction, or any other adjudication, for a crime more than 7
180 years before the date the application is received by the board
181 may not be grounds for failure of a required background
182 screening.

183 3. For purposes of this paragraph, the term "conviction"
184 means a determination of guilt that is the result of a plea or
185 trial, regardless of whether adjudication is withheld.

186 (b)1. A person may apply for a certificate to practice as
187 a certified nursing assistant before his or her lawful release
188 from confinement or supervision. The department may not charge
189 an applicant an additional fee for being confined or under
190 supervision. The board may not deny an application for a
191 certificate solely on the basis of the person's current
192 confinement or supervision.

193 2. After a certification application is approved, the
194 board may stay the issuance of a certificate until the applicant
195 notifies the board of his or her lawful release from confinement
196 or supervision. The board must verify the applicant's release
197 with the Department of Corrections before it issues a
198 certificate.

199 3. If an applicant is unable to appear in person due to
200 his or her confinement or supervision, the board must permit the

201 applicant to appear by teleconference or video conference, as
202 appropriate, at any meeting of the board or other hearing by the
203 agency concerning his or her application.

204 4. If an applicant is confined or under supervision, the
205 Department of Corrections and the board shall cooperate and
206 coordinate to facilitate the appearance of the applicant at a
207 board meeting or agency hearing in person, by teleconference, or
208 by video conference, as appropriate.

209 (c) The board shall compile a list of crimes that, if
210 committed and regardless of adjudication, do not relate to the
211 practice of the profession or the ability to practice the
212 profession and do not constitute grounds for denial of a
213 license. This list shall be made available on the department's
214 website and be updated annually. Beginning October 1, 2019, the
215 board shall compile a list of crimes that although reported by
216 an applicant for licensure, were not used as a basis for denial.
217 The list must identify the crime reported and the date of
218 conviction, finding of guilt, plea, or adjudication entered or
219 the date of sentencing for each such license application.

220 (d) The board shall compile a list of crimes that have been
221 used as a basis for denial of a license in the past 2 years,
222 which shall be made available on the department's website.
223 Starting October 1, 2019, and updated quarterly thereafter, the
224 board shall compile a list indicating each crime used as a basis
225 for denial. For each crime listed the board must identify the

226 date of conviction, finding of guilt, plea, or adjudication
227 entered, or date of sentencing. Such denials shall be available
228 to the public upon request.

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

231 489.553 Administration of part; registration
232 qualifications; examination.—

233 (7) Notwithstanding any other provision of law, a
234 conviction, or any other adjudication, for a crime more than 5
235 years before the date the application is received by the
236 department may not be grounds for denial of registration. For
237 purposes of this subsection, the term "conviction" means a
238 determination of guilt that is the result of a plea or trial,
239 regardless of whether adjudication is withheld.

240 (8) (a) A person may apply to be registered before his or
241 her lawful release from confinement or supervision. The
242 department may not charge an applicant an additional fee for
243 being confined or under supervision. The department may not deny
244 an application for registration solely on the basis of the
245 applicant's current confinement or supervision.

246 (b) After a registration application is approved, the
247 department may stay the issuance of registration until the
248 applicant is lawfully released from confinement or supervision
249 and the applicant notifies the board of such release. The
250 department must verify the applicant's release with the

251 Department of Corrections before it registers such applicant.

252 (c) If an applicant is unable to appear in person due to
253 his or her confinement or supervision, the department must
254 permit the applicant to appear by teleconference or video
255 conference, as appropriate, at any meeting or hearing by the
256 department concerning his or her application.

257 (d) If an applicant is confined or under supervision, the
258 Department of Corrections and the department shall cooperate and
259 coordinate to facilitate the appearance of the applicant at a
260 meeting or hearing in person, by teleconference, or by video
261 conference, as appropriate.

262 (9) The department shall compile a list of crimes that, if
263 committed and regardless of adjudication, do not relate to the
264 practice of the profession or the ability to practice the
265 profession and do not constitute grounds for denial of
266 registration. This list shall be made available on the
267 department's website and be updated annually. Beginning October
268 1, 2019, and updated quarterly thereafter, the department shall
269 add to this list such crimes that although reported by an
270 applicant for registration, were not used as a basis for denial
271 in the past 2 years. The list must identify the crime reported
272 and the date of conviction, plea, adjudication, or sentencing
273 for each such registration application.

274 (10) The department shall compile a list of crimes that
275 have been used as a basis for denial of registration in the past

276 2 years, which shall be made available on the department's
277 website. Beginning October 1, 2019, and updated quarterly
278 thereafter, the department shall add to this list each crime
279 used as a basis for denial. For each crime listed, the
280 department must identify the date of conviction, plea,
281 adjudication, or sentencing. Such denials shall be available to
282 the public upon request.

283 Section 4. Subsection (4) of section 400.211, Florida
284 Statutes, is amended to read:

285 400.211 Persons employed as nursing assistants;
286 certification requirement.—

287 (4) When employed by a nursing home facility for a 12-
288 month period or longer, a nursing assistant, to maintain
289 certification, shall submit to a performance review every 12
290 months and must receive regular inservice education based on the
291 outcome of such reviews. The inservice training must meet all of
292 the following requirements:

293 (a) Be sufficient to ensure the continuing competence of
294 nursing assistants and must meet the standard specified in s.
295 464.203(8). ~~s. 464.203(7);~~

296 (b) Include, at a minimum:

- 297 1. Techniques for assisting with eating and proper
298 feeding;
- 299 2. Principles of adequate nutrition and hydration;
- 300 3. Techniques for assisting and responding to the

301 cognitively impaired resident or the resident with difficult
302 behaviors;

303 4. Techniques for caring for the resident at the end-of-
304 life; and

305 5. Recognizing changes that place a resident at risk for
306 pressure ulcers and falls. ~~and~~

307 (c) Address areas of weakness as determined in nursing
308 assistant performance reviews and may address the special needs
309 of residents as determined by the nursing home facility staff.
310 Costs associated with this training may not be reimbursed from
311 additional Medicaid funding through interim rate adjustments.

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