

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. 489.553, F.S.; prohibiting the conviction of a  
28 | crime before a specified date from being grounds for  
29 | the denial of registration under certain  
30 | circumstances; defining the term "conviction";  
31 | authorizing a person to apply for registration before  
32 | his or her lawful release from confinement or  
33 | supervision; prohibiting the department from charging  
34 | an applicant who is confined or under supervision  
35 | additional fees; prohibiting the board from basing the  
36 | denial of registration solely on the applicant's  
37 | current confinement or supervision; authorizing the  
38 | board to stay the issuance of an approved registration  
39 | under certain circumstances; requiring the board to  
40 | verify an applicant's release with the Department of  
41 | Corrections; providing requirements for the appearance  
42 | of certain applicants at certain meetings; requiring  
43 | the board to provide a quarterly updated list on its  
44 | website specifying how certain crimes may affect an  
45 | applicant's eligibility for registration; providing  
46 | that certain information be identified for each crime  
47 | on the list; requiring such list be available to the  
48 | public upon request; amending s. 400.211, F.S.;  
49 | conforming a cross-reference; providing an effective  
50 | date.

51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75

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

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

455.213 General licensing provisions.—

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

(3) (a) Notwithstanding any other provision of law, the

76 | board shall use the process in this subsection for review of an  
77 | applicant's criminal record to determine his or her eligibility  
78 | for licensure as:

79 |     1. A barber under chapter 476;

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

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

84 |         a. Air-conditioning contractor;

85 |         b. Electrical contractor;

86 |         c. Mechanical contractor;

87 |         d. Plumbing contractor;

88 |         e. Pollutant storage systems contractor;

89 |         f. Roofing contractor;

90 |         g. Sheet metal contractor;

91 |         h. Solar contractor;

92 |         i. Swimming pool and spa contractor;

93 |         j. Underground utility and excavation contractor; and

94 |         k. Other specialty contractors.

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

101 withheld.

102 (c)1. A person may apply for a license before his or her  
103 lawful release from confinement or supervision. The department  
104 may not charge an applicant an additional fee for being confined  
105 or under supervision. The board may not deny an application for  
106 a license solely on the basis of the applicant's current  
107 confinement or supervision.

108 2. After a license application is approved, the board may  
109 stay the issuance of a license until the applicant is lawfully  
110 released from confinement or supervision and the applicant  
111 notifies the board of such release. The board must verify the  
112 applicant's release with the Department of Corrections before it  
113 issues a license.

114 3. If an applicant is unable to appear in person due to  
115 his or her confinement or supervision, the board must permit the  
116 applicant to appear by teleconference or video conference, as  
117 appropriate, at any meeting of the board or other hearing by the  
118 agency concerning his or her application.

119 4. If an applicant is confined or under supervision, the  
120 Department of Corrections and the board shall cooperate and  
121 coordinate to facilitate the appearance of the applicant at a  
122 board meeting or agency hearing in person, by teleconference, or  
123 by video conference, as appropriate.

124 (d) Each board shall compile a list of crimes that, if  
125 committed and regardless of adjudication, do not relate to the

126 practice of the profession or the ability to practice the  
127 profession and do not constitute grounds for denial of a  
128 license. This list shall be made available on the department's  
129 website and be updated annually. Beginning October 1, 2019, each  
130 board shall compile a list of crimes that although reported by  
131 an applicant for licensure, were not used as a basis for denial.  
132 The list must identify the crime reported and the date of  
133 conviction, finding of guilt, plea, or adjudication entered or  
134 the date of sentencing for each such license application.

135 (e) Each board shall compile a list of crimes that have  
136 been used as a basis for denial of a license in the past 2  
137 years, which shall be made available on the department's  
138 website. Starting October 1, 2019, and updated quarterly  
139 thereafter, the applicable board shall compile a list indicating  
140 each crime used as a basis for denial. For each crime listed,  
141 the board must identify the date of conviction, finding of  
142 guilt, plea, or adjudication entered, or date of sentencing.  
143 Such denials shall be available to the public upon request.

144 Section 2. Subsections (7) through (10) are added to  
145 section 489.553, Florida Statutes, to read:

146 489.553 Administration of part; registration  
147 qualifications; examination.—

148 (7) Notwithstanding any other provision of law, a  
149 conviction, or any other adjudication, for a crime more than 5  
150 years before the date the application is received by the

151 department may not be grounds for denial of registration. For  
152 purposes of this subsection, the term "conviction" means a  
153 determination of guilt that is the result of a plea or trial,  
154 regardless of whether adjudication is withheld.

155 (8) (a) A person may apply to be registered before his or  
156 her lawful release from confinement or supervision. The  
157 department may not charge an applicant an additional fee for  
158 being confined or under supervision. The department may not deny  
159 an application for registration solely on the basis of the  
160 applicant's current confinement or supervision.

161 (b) After a registration application is approved, the  
162 department may stay the issuance of registration until the  
163 applicant is lawfully released from confinement or supervision  
164 and the applicant notifies the board of such release. The  
165 department must verify the applicant's release with the  
166 Department of Corrections before it registers such applicant.

167 (c) If an applicant is unable to appear in person due to  
168 his or her confinement or supervision, the department must  
169 permit the applicant to appear by teleconference or video  
170 conference, as appropriate, at any meeting or hearing by the  
171 department concerning his or her application.

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

176 conference, as appropriate.

177 (9) The department shall compile a list of crimes that, if  
178 committed and regardless of adjudication, do not relate to the  
179 practice of the profession or the ability to practice the  
180 profession and do not constitute grounds for denial of  
181 registration. This list shall be made available on the  
182 department's website and be updated annually. Beginning October  
183 1, 2019, and updated quarterly thereafter, the department shall  
184 add to this list such crimes that although reported by an  
185 applicant for registration, were not used as a basis for denial  
186 in the past 2 years. The list must identify the crime reported  
187 and the date of conviction, plea, adjudication, or sentencing  
188 for each such registration application.

189 (10) The department shall compile a list of crimes that  
190 have been used as a basis for denial of registration in the past  
191 2 years, which shall be made available on the department's  
192 website. Beginning October 1, 2019, and updated quarterly  
193 thereafter, the department shall add to this list each crime  
194 used as a basis for denial. For each crime listed, the  
195 department must identify the date of conviction, plea,  
196 adjudication, or sentencing. Such denials shall be available to  
197 the public upon request.

198 Section 3. Subsection (4) of section 400.211, Florida  
199 Statutes, is amended to read:

200 400.211 Persons employed as nursing assistants;

201 certification requirement.-

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

208 (a) Be sufficient to ensure the continuing competence of  
 209 nursing assistants and must meet the standard specified in s.  
 210 464.203(7).~~†~~

211 (b) Include, at a minimum:

212 1. Techniques for assisting with eating and proper  
 213 feeding;

214 2. Principles of adequate nutrition and hydration;

215 3. Techniques for assisting and responding to the  
 216 cognitively impaired resident or the resident with difficult  
 217 behaviors;

218 4. Techniques for caring for the resident at the end-of-  
 219 life; and

220 5. Recognizing changes that place a resident at risk for  
 221 pressure ulcers and falls.~~†~~~~and~~

222 (c) Address areas of weakness as determined in nursing  
 223 assistant performance reviews and may address the special needs  
 224 of residents as determined by the nursing home facility staff.  
 225 Costs associated with this training may not be reimbursed from

226 | additional Medicaid funding through interim rate adjustments.  
227 |       Section 4. This act shall take effect October 1, 2019.