

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Commerce Committee
 2 Representative Plakon offered the following:

3

4 **Amendment**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsections (3) through (12) of section
 7 455.213, Florida Statutes, are renumbered as subsections (4)
 8 through (13), respectively, subsection (2) of that section is
 9 amended, and a new subsection (3) is added to that section, to
 10 read:

11 455.213 General licensing provisions.—

12 (2) Before the issuance of any license, the department may
 13 charge an initial license fee as determined by rule of the
 14 applicable board or, if no such board exists, by rule of the
 15 department. Upon receipt of the appropriate license fee, except
 16 as provided in subsection (4) ~~(3)~~, the department shall issue a

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17 license to any person certified by the appropriate board, or its
18 designee, or the department when there is no board, as having
19 met the applicable requirements imposed by law or rule. However,
20 an applicant who is not otherwise qualified for licensure is not
21 entitled to licensure solely based on a passing score on a
22 required examination. Upon a determination by the department
23 that it erroneously issued a license, or upon the revocation of
24 a license by the applicable board, or by the department when
25 there is no board, the licensee must surrender his or her
26 license to the department.

27 (3) (a) Notwithstanding any other provision of law, the
28 board shall use the process in this subsection for review of an
29 applicant's criminal record to determine his or her eligibility
30 for licensure as:

31 1. A barber under chapter 476;

32 2. A cosmetologist or cosmetology specialist under chapter
33 477; or

34 3. Any of the following construction professions under
35 chapter 489:

36 a. Air-conditioning contractor;

37 b. Electrical contractor;

38 c. Mechanical contractor;

39 d. Plumbing contractor;

40 e. Pollutant storage systems contractor;

41 f. Roofing contractor;

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42 g. Sheet metal contractor;

43 h. Solar contractor;

44 i. Swimming pool and spa contractor;

45 j. Underground utility and excavation contractor; and

46 k. Other specialty contractors.

47 (b)1. A conviction, or any other adjudication, for a crime
48 more than 5 years before the date the application is received by
49 the applicable board may not be grounds for denial of a license
50 specified in paragraph (a). For purposes of this paragraph, the
51 term "conviction" means a determination of guilt that is the
52 result of a plea or trial, regardless of whether adjudication is
53 withheld. This paragraph does not limit a board from considering
54 an applicant's criminal history that includes crimes listed in
55 s. 775.21(4)1. or s. 776.08 at any time only if such criminal
56 history has been found to relate to the practice of the
57 applicable profession.

58 2. The applicable board may consider the criminal history
59 of an applicant for a license under subparagraph (a)3. if such
60 history has been found to relate to good moral character.

61 (c)1. A person may apply for a license before his or her
62 lawful release from confinement or supervision. The department
63 may not charge an applicant an additional fee for being confined
64 or under supervision. The board may not deny an application for
65 a license solely on the basis of the applicant's current
66 confinement or supervision.

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67 2. After a license application is approved, the board may
68 stay the issuance of a license until the applicant is lawfully
69 released from confinement or supervision and the applicant
70 notifies the board of such release. The board must verify the
71 applicant's release with the Department of Corrections before it
72 issues a license.

73 3. If an applicant is unable to appear in person due to
74 his or her confinement or supervision, the board must permit the
75 applicant to appear by teleconference or video conference, as
76 appropriate, at any meeting of the board or other hearing by the
77 agency concerning his or her application.

78 4. If an applicant is confined or under supervision, the
79 Department of Corrections and the board shall cooperate and
80 coordinate to facilitate the appearance of the applicant at a
81 board meeting or agency hearing in person, by teleconference, or
82 by video conference, as appropriate.

83 (d) Each board shall compile a list of crimes that, if
84 committed and regardless of adjudication, do not relate to the
85 practice of the profession or the ability to practice the
86 profession and do not constitute grounds for denial of a
87 license. This list shall be made available on the department's
88 website and be updated annually. Beginning October 1, 2019, each
89 board shall compile a list of crimes that although reported by
90 an applicant for licensure, were not used as a basis for denial.
91 The list must identify the crime reported and the date of

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92 conviction, finding of guilt, plea, or adjudication entered or
93 the date of sentencing for each such license application.

94 (e) Each board shall compile a list of crimes that have
95 been used as a basis for denial of a license in the past 2
96 years, which shall be made available on the department's
97 website. Starting October 1, 2019, and updated quarterly
98 thereafter, the applicable board shall compile a list indicating
99 each crime used as a basis for denial. For each crime listed,
100 the board must identify the date of conviction, finding of
101 guilt, plea, or adjudication entered, or date of sentencing.
102 Such denials shall be available to the public upon request.

103 Section 2. Section 489.107, Florida Statutes, is amended to
104 read:

105 489.107 Construction Industry Licensing Board.—

106 (1) To carry out the provisions of this part, there is
107 created within the department the Construction Industry
108 Licensing Board. Members shall be appointed by the Governor,
109 subject to confirmation by the Senate. Members shall be
110 appointed for 4-year terms. A vacancy on the board shall be
111 filled for the unexpired portion of the term in the same manner
112 as the original appointment. No member shall serve more than two
113 consecutive 4-year terms or more than 11 years on the board.

114 (2) The board shall consist of 10 ~~18~~ members, of whom:

115 (a) Two ~~Four~~ are primarily engaged in business as general
116 contractors;

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117 (b) Three are primarily engaged in business as building
118 contractors or residential contractors, however, at least one
119 building contractor and one residential contractor shall be
120 appointed;

121 (c) One is primarily engaged in business as a roofing
122 contractor;

123 ~~(d) One is primarily engaged in business as a sheet metal~~
124 ~~contractor;~~

125 ~~(e) One is primarily engaged in business as an air-~~
126 ~~conditioning contractor;~~

127 (d)~~(f)~~ One is primarily engaged in business as a
128 mechanical contractor;

129 (e)~~(g)~~ One is primarily engaged in business as a pool
130 contractor;

131 (f)~~(h)~~ One is primarily engaged in business as a plumbing
132 contractor; and

133 (g)~~(i)~~ One is primarily engaged in business as an
134 underground utility and excavation contractor;

135 ~~(j) Two are consumer members who are not, and have never~~
136 ~~been, members or practitioners of a profession regulated by the~~
137 ~~board or members of any closely related profession; and~~

138 ~~(k) Two are building officials of a municipality or~~
139 ~~county.~~

140 (3) To be eligible to serve, each contractor member must
141 have been certified by the board to operate as a contractor in

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142 the category with respect to which the member is appointed, be
143 actively engaged in the construction business, and have been so
144 engaged for a period of not less than 5 consecutive years before
145 the date of appointment. Each appointee must be a citizen and
146 resident of the state.

147 (4) The board shall be divided into two divisions,
148 Division I and Division II.

149 (a) Division I is comprised of the general contractor,
150 building contractor, and residential contractor members of the
151 board; ~~one of the members appointed pursuant to paragraph~~
152 ~~(2)(j); and one of the members appointed pursuant to paragraph~~
153 ~~(2)(k)~~. Division I has jurisdiction over the regulation of
154 general contractors, building contractors, and residential
155 contractors.

156 (b) Division II is comprised of the roofing contractor,
157 ~~sheet metal contractor, air-conditioning contractor,~~ mechanical
158 contractor, pool contractor, plumbing contractor, and
159 underground utility and excavation contractor members of the
160 board; ~~one of the members appointed pursuant to paragraph~~
161 ~~(2)(j); and one of the members appointed pursuant to paragraph~~
162 ~~(2)(k)~~. Division II has jurisdiction over the regulation of
163 contractors defined in s. 489.105(3)(d)-(p).

164 (c) Jurisdiction for the regulation of specialty
165 contractors defined in s. 489.105(3)(q) shall lie with the

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166 division having jurisdiction over the scope of work of the
167 specialty contractor as defined by board rule.

168 (5) Three ~~Five~~ members of Division I constitute a quorum,
169 and three ~~five~~ members of Division II constitute a quorum. The
170 combined divisions shall meet together at such times as the
171 board deems necessary, but neither division, nor any committee
172 thereof, shall take action on any matter under the jurisdiction
173 of the other division. However, if either division is unable to
174 obtain a quorum for the purpose of conducting disciplinary
175 proceedings, it may request members of the other division, who
176 are otherwise qualified to serve on the division unable to
177 obtain a quorum, to join in its deliberations. Such additional
178 members shall vote and count toward a quorum only during those
179 disciplinary proceedings.

180 (6) The Construction Industry Licensing Board and the
181 Electrical Contractors' Licensing Board shall each appoint a
182 committee to meet jointly at least twice a year.

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

185 489.553 Administration of part; registration
186 qualifications; examination.—

187 (7) Notwithstanding any other provision of law, a
188 conviction, or any other adjudication, for a crime more than 5
189 years before the date the application is received by the
190 department may not be grounds for denial of registration. For

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191 purposes of this subsection, the term "conviction" means a
192 determination of guilt that is the result of a plea or trial,
193 regardless of whether adjudication is withheld. This subsection
194 does not limit a board from considering an applicant's criminal
195 history that includes crimes listed in s. 775.21(4)1. or s.
196 776.08 at any time only if such criminal history has been found
197 to relate to the practice of the applicable profession, or any
198 crime if it is found to relate to good moral character.

199 (8) (a) A person may apply to be registered before his or
200 her lawful release from confinement or supervision. The
201 department may not charge an applicant an additional fee for
202 being confined or under supervision. The department may not deny
203 an application for registration solely on the basis of the
204 applicant's current confinement or supervision.

205 (b) After a registration application is approved, the
206 department may stay the issuance of registration until the
207 applicant is lawfully released from confinement or supervision
208 and the applicant notifies the board of such release. The
209 department must verify the applicant's release with the
210 Department of Corrections before it registers such applicant.

211 (c) If an applicant is unable to appear in person due to
212 his or her confinement or supervision, the department must
213 permit the applicant to appear by teleconference or video
214 conference, as appropriate, at any meeting or hearing by the
215 department concerning his or her application.

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216 (d) If an applicant is confined or under supervision, the
217 Department of Corrections and the department shall cooperate and
218 coordinate to facilitate the appearance of the applicant at a
219 meeting or hearing in person, by teleconference, or by video
220 conference, as appropriate.

221 (9) The department shall compile a list of crimes that, if
222 committed and regardless of adjudication, do not relate to the
223 practice of the profession or the ability to practice the
224 profession and do not constitute grounds for denial of
225 registration. This list shall be made available on the
226 department's website and be updated annually. Beginning October
227 1, 2019, and updated quarterly thereafter, the department shall
228 add to this list such crimes that although reported by an
229 applicant for registration, were not used as a basis for denial
230 in the past 2 years. The list must identify the crime reported
231 and the date of conviction, plea, adjudication, or sentencing
232 for each such registration application.

233 (10) The department shall compile a list of crimes that
234 have been used as a basis for denial of registration in the past
235 2 years, which shall be made available on the department's
236 website. Beginning October 1, 2019, and updated quarterly
237 thereafter, the department shall add to this list each crime
238 used as a basis for denial. For each crime listed, the
239 department must identify the date of conviction, plea,

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240 | adjudication, or sentencing. Such denials shall be available to
241 | the public upon request.

242 | Section 4. This act shall take effect October 1, 2019.