



238822

LEGISLATIVE ACTION

| Senate     | . | House |
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| Comm: RCS  | . |       |
| 02/28/2018 | . |       |
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The Committee on Appropriations (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 181 - 265  
and insert:

(b) Except as provided in s. 435.07(4) and convictions pursuant to chapter 812, a conviction for a crime more than 5 years before the date of the application may not be grounds for denial of a license specified in paragraph (a). For purposes of this paragraph, the term "conviction" means having been found guilty, with or without adjudication of guilt, as a result of a



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11 jury verdict, nonjury trial, or entry of a plea of guilty or  
12 nolo contendere.

13 (c)1. A person may apply for a license before his or her  
14 lawful release from confinement or supervision. The department  
15 may not charge an applicant an additional fee for being confined  
16 or under supervision. The board may not deny an application for  
17 a license solely on the basis of the applicant's current  
18 confinement or supervision.

19 2. After a license application is approved, the board may  
20 stay the issuance of a license until the applicant is lawfully  
21 released from confinement or supervision and the applicant  
22 notifies the board of such release. The board must verify the  
23 applicant's release with the Department of Corrections before it  
24 issues a license.

25 3. If an applicant is unable to appear in person due to his  
26 or her confinement or supervision, the board must permit the  
27 applicant to appear by teleconference or video conference, as  
28 appropriate, at any meeting of the board or other hearing by the  
29 agency concerning his or her application.

30 4. If an applicant is confined or under supervision, the  
31 Department of Corrections and the board shall cooperate and  
32 coordinate to facilitate the appearance of the applicant at a  
33 board meeting or agency hearing in person, by teleconference, or  
34 by video conference, as appropriate.

35 (d) The board shall adopt rules specifying the crimes that,  
36 if committed, and regardless of adjudication, relate to the  
37 practice of the profession or the ability to practice the  
38 profession and may constitute grounds for denial of a license.

39 Section 13. Present subsections (2) through (8) of section



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40 464.203, Florida Statutes, are redesignated as subsections (3)  
41 through (9), respectively, and a new subsection (2) is added to  
42 that section, to read:

43 464.203 Certified nursing assistants; certification  
44 requirement.—

45 (2) (a) 1. Except as provided in s. 435.07(4), a conviction  
46 for a crime more than 7 years before the date of the application  
47 may not be grounds for denial of a certificate to practice as a  
48 certified nursing assistant.

49 2. Except as provided in s. 435.07(4), a conviction for a  
50 crime more than 7 years before the date of the application may  
51 not be grounds for failure of a required background screening.

52 3. For purposes of this paragraph, the term "conviction"  
53 means having been found guilty, with or without adjudication of  
54 guilt, as a result of a jury verdict, nonjury trial, or entry of  
55 a plea of guilty or nolo contendere.

56 (b) 1. A person may apply for a certificate to practice as a  
57 certified nursing assistant before his or her lawful release  
58 from confinement or supervision. The department may not charge  
59 an applicant an additional fee for being confined or under  
60 supervision. The board may not deny an application for a  
61 certificate solely on the basis of the person's current  
62 confinement or supervision.

63 2. After a certification application is approved, the board  
64 may stay the issuance of a certificate until the applicant  
65 notifies the board of his or her lawful release from confinement  
66 or supervision. The board must verify the applicant's release  
67 with the Department of Corrections before it issues a license.

68 3. If an applicant is unable to appear in person due to his



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69 or her confinement or supervision, the board must permit the  
70 applicant to appear by teleconference or video conference, as  
71 appropriate, at any meeting of the board or other hearing by the  
72 agency concerning his or her application.

73 4. If an applicant is confined or under supervision, the  
74 Department of Corrections and the board shall cooperate and  
75 coordinate to facilitate the appearance of the applicant at a  
76 board meeting or agency hearing in person, by teleconference, or  
77 by video conference, as appropriate.

78 (c) The board shall adopt rules specifying the crimes that,  
79 if committed, and regardless of adjudication, relate to the  
80 practice of the profession or the ability to practice the  
81 profession and may constitute grounds for denial of a  
82 certification.

83  
84 ===== T I T L E A M E N D M E N T =====

85 And the title is amended as follows:

86 Delete lines 25 - 46

87 and insert:

88 providing exceptions; defining the term "conviction";  
89 authorizing a person to apply for a license before his  
90 or her lawful release from confinement or supervision;  
91 prohibiting additional fees for an applicant confined  
92 or under supervision; prohibiting the board from  
93 basing a denial of a license application solely on the  
94 applicant's current confinement or supervision;  
95 authorizing the board to stay the issuance of an  
96 approved license under certain circumstances;  
97 requiring the board to verify an applicant's release



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98 with the Department of Corrections; providing  
99 requirements for the appearance of certain applicants  
100 at certain meetings; requiring the board to adopt  
101 rules specifying how certain crimes affect an  
102 applicant's eligibility for licensure; amending s.  
103 464.203, F.S.; prohibiting the conviction of a crime  
104 before a specified date from being grounds for the  
105 denial of a certification under certain circumstances;  
106 prohibiting the conviction of a crime before a  
107 specified date from being grounds for the failure of a  
108 background screening; providing exceptions; defining  
109 the term "conviction";