

Bill No. PCS for SB 2546 (741238)

Barcode 600564

CHAMBER ACTION

Senate

House

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The Committee on Governmental Oversight and Productivity
(Lawson) recommended the following amendment:

Senate Amendment (with title amendment)

On page 175, lines 12 and 13, delete those lines

and insert:

Section 200. Subsection (2) of section 20.165, Florida
Statutes, is amended to read:

20.165 Department of Business and Professional
Regulation.--There is created a Department of Business and
Professional Regulation.

(2) The following divisions of the Department of
Business and Professional Regulation are established:

- (a) Division of Administration.
- (b) Division of Alcoholic Beverages and Tobacco.
- (c) Division of Certified Public Accounting.

1. The director of the division shall be appointed by
the secretary of the department, subject to approval by a
majority of the Board of Accountancy.

2. The offices of the division shall be located in

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1 Gainesville.

2 (d) Division of Florida Land Sales, Condominiums, and
3 Mobile Homes.

4 (e) Division of Hotels and Restaurants.

5 (f) Division of Pari-mutuel Wagering.

6 (g) Division of Professions and Regulation.

7 (h) Division of Real Estate.

8 1. The director of the division shall be appointed by
9 the secretary of the department, subject to approval by a
10 majority of the Florida Real Estate Commission.

11 2. The offices of the division shall be located in
12 Orlando.

13 (i) Division of Service Operations ~~Regulation~~.

14 (j) Division of Technology, Licensure, and Testing.

15 Section 201. Effective October 1, 2005, paragraph (a)
16 of subsection (4) of section 20.165, Florida Statutes, as
17 amended by section 135 of chapter 2004-301, Laws of Florida,
18 is amended to read:

19 20.165 Department of Business and Professional
20 Regulation.--There is created a Department of Business and
21 Professional Regulation.

22 (4)(a) The following boards are established within the
23 Division of Professions and Regulation:

24 1. Board of Architecture and Interior Design, created
25 under part I of chapter 481.

26 2. Florida Board of Auctioneers, created under part VI
27 of chapter 468.

28 3. Barbers' Board, created under chapter 476.

29 4. Florida Building Code Administrators and Inspectors
30 Board, created under part XII of chapter 468.

31 5. Construction Industry Licensing Board, created

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1 under part I of chapter 489.

2 6. Board of Cosmetology, created under chapter 477.

3 7. Electrical Contractors' Licensing Board, created
4 under part II of chapter 489.

5 8. Board of Employee Leasing Companies, created under
6 part XI of chapter 468.

7 9. Board of Landscape Architecture, created under part
8 II of chapter 481.

9 10. Board of Pilot Commissioners, created under
10 chapter 310.

11 11. Board of Professional Engineers, created under
12 chapter 471.

13 12. Board of Professional Geologists, created under
14 chapter 492.

15 13. Board of Professional Surveyors and Mappers,
16 created under chapter 472.

17 14. Board of Veterinary Medicine, created under
18 chapter 474.

19 Section 202. Subsections (1) and (6) of section
20 455.01, Florida Statutes, are amended to read:

21 455.01 Definitions.--As used in this chapter, the
22 term:

23 (1) "Board" means any board or commission, or other
24 statutorily created entity to the extent such entity is
25 authorized to exercise regulatory or rulemaking functions,
26 within the department, including the Florida Real Estate
27 Commission; except that, for ss. 455.201-455.245, "board"
28 means only a board, or other statutorily created entity to the
29 extent such entity is authorized to exercise regulatory or
30 rulemaking functions, within the Division of Certified Public
31 Accounting, the Division of Professions and Regulation, or the

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1 Division of Real Estate.

2 (6) "Profession" means any activity, occupation,
3 profession, or vocation regulated by the department in the
4 Divisions of Certified Public Accounting, Professions and
5 Regulation, and Real Estate, ~~and Regulation.~~

6 Section 203. Section 455.017, Florida Statutes, is
7 amended to read:

8 455.017 Applicability of this chapter.--The provisions
9 of this chapter apply only to the regulation by the Department
10 of Business and Professional Regulations ~~professions.~~

11 Section 204. Subsection (1) of section 455.217,
12 Florida Statutes, is amended to read:

13 455.217 Examinations.--This section shall be read in
14 conjunction with the appropriate practice act associated with
15 each regulated profession under this chapter.

16 (1) The Division of Service Operations ~~Technology,~~
17 ~~Licensure, and Testing~~ of the Department of Business and
18 Professional Regulation shall provide, contract, or approve
19 services for the development, preparation, administration,
20 scoring, score reporting, and evaluation of all examinations.
21 The division shall seek the advice of the appropriate board in
22 providing such services.

23 (a) The department, acting in conjunction with the
24 Division of Service Operations ~~Technology, Licensure, and~~
25 ~~Testing~~ and the Division of Real Estate, as appropriate, shall
26 ensure that examinations adequately and reliably measure an
27 applicant's ability to practice the profession regulated by
28 the department. After an examination developed or approved by
29 the department has been administered, the board or department
30 may reject any question which does not reliably measure the
31 general areas of competency specified in the rules of the

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1 board or department, when there is no board. The department
2 shall use professional testing services for the development,
3 preparation, and evaluation of examinations, when such
4 services are available and approved by the board.

5 (b) For each examination developed by the department
6 or contracted vendor, to the extent not otherwise specified by
7 statute, the board or the department when there is no board,
8 shall by rule specify the general areas of competency to be
9 covered by the examination, the relative weight to be assigned
10 in grading each area tested, the score necessary to achieve a
11 passing grade, and the fees, where applicable, to cover the
12 actual cost for any purchase, development, and administration
13 of the required examination. However, statutory fee caps in
14 each practice act shall apply. This subsection does not apply
15 to national examinations approved and administered pursuant to
16 paragraph (d).

17 (c) If a practical examination is deemed to be
18 necessary, rules shall specify the criteria by which examiners
19 are to be selected, the grading criteria to be used by the
20 examiner, the relative weight to be assigned in grading each
21 criterion, and the score necessary to achieve a passing grade.
22 When a mandatory standardization exercise for a practical
23 examination is required by law, the board may conduct such
24 exercise. Therefore, board members may serve as examiners at a
25 practical examination with the consent of the board.

26 (d) A board, or the department when there is no board,
27 may approve by rule the use of any national examination which
28 the department has certified as meeting requirements of
29 national examinations and generally accepted testing standards
30 pursuant to department rules. Providers of examinations,
31 which may be either profit or nonprofit entities, seeking

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1 certification by the department shall pay the actual costs
2 incurred by the department in making a determination regarding
3 the certification. The department shall use any national
4 examination which is available, certified by the department,
5 and approved by the board. The name and number of a candidate
6 may be provided to a national contractor for the limited
7 purpose of preparing the grade tape and information to be
8 returned to the board or department or, to the extent
9 otherwise specified by rule, the candidate may apply directly
10 to the vendor of the national examination. The department may
11 delegate to the board the duty to provide and administer the
12 examination. Any national examination approved by a board, or
13 the department when there is no board, prior to October 1,
14 1997, is deemed certified under this paragraph. Any licensing
15 or certification examination that is not developed or
16 administered by the department in-house or provided as a
17 national examination shall be competitively bid.

18 (e) The department shall adopt rules regarding the
19 security and monitoring of examinations. In order to maintain
20 the security of examinations, the department may employ the
21 procedures set forth in s. 455.228 to seek fines and
22 injunctive relief against an examinee who violates the
23 provisions of s. 455.2175 or the rules adopted pursuant to
24 this paragraph. The department, or any agent thereof, may, for
25 the purposes of investigation, confiscate any written,
26 photographic, or recording material or device in the
27 possession of the examinee at the examination site which the
28 department deems necessary to enforce such provisions or
29 rules.

30 (f) If the professional board with jurisdiction over
31 an examination concurs, the department may, for a fee, share

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1 with any other state's licensing authority an examination
2 developed by or for the department unless prohibited by a
3 contract entered into by the department for development or
4 purchase of the examination. The department, with the
5 concurrence of the appropriate board, shall establish
6 guidelines that ensure security of a shared exam and shall
7 require that any other state's licensing authority comply with
8 those guidelines. Those guidelines shall be approved by the
9 appropriate professional board. All fees paid by the user
10 shall be applied to the department's examination and
11 development program for professions regulated by this chapter.
12 All fees paid by the user for professions not regulated by
13 this chapter shall be applied to offset the fees for the
14 development and administration of that profession's
15 examination. If both a written and a practical examination
16 are given, an applicant shall be required to retake only the
17 portion of the examination for which he or she failed to
18 achieve a passing grade, if he or she successfully passes that
19 portion within a reasonable time of his or her passing the
20 other portion.

21 Section 205. Except as otherwise expressly provided in
22 this act, this act shall take effect upon becoming a law.

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

26 And the title is amended as follows:

27 On page 18, line 26, after the semicolon,
28
29 insert:

30 amending ss. 20.165, 455.01, 455.017, and
31 455.217, F.S.; revising and deleting provisions

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1 relating to specified obsolete and outdated
2 plans and programs;
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