

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 5047

Amendment No.

CHAMBER ACTION

Senate

House

.
. .
. .

1 The Conference Committee on HB 5047 offered the following:

2
3 **Conference Committee Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsection (4) and paragraphs (d) and (p) of
6 subsection (6) of section 455.32, Florida Statutes, are amended
7 to read:

8 455.32 Management Privatization Act.--

9 (4) Based upon the request of any board, the department is
10 authorized to establish and contract with a nonprofit
11 corporation to provide administrative, examination, licensing,
12 investigative, and prosecutorial services to that board, in
13 accordance with the provisions of this chapter and the
14 applicable practice act and as specified in a contract between
15 the department and the corporation. The privatization request
16 must contain a business case that includes a needs assessment

676113

4/28/2008 5:33 PM

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 5047

Amendment No.

17 and financial feasibility study performed by the board or an
18 entity commissioned by a majority vote of the board. The needs
19 assessment must contain specific performance standards and
20 measurable outcomes and an evaluation of the department's
21 current and projected performance in regard to those standards.
22 The feasibility study must include the financial status of the
23 board for the current fiscal year and the next 2 fiscal years. A
24 financial model for the corporation must also be developed which
25 includes projected costs and expenses for the first 2 years of
26 operation and specific performance standards and measurable
27 outcomes. The business case for privatization shall be submitted
28 by the board to the department for inclusion in its legislative
29 budget request to the Executive Office of the Governor and the
30 Legislature pursuant to s. 216.023 ~~must be approved by the~~
31 ~~Executive Office of the Governor and the Legislative Budget~~
32 ~~Commission prior to the establishment of the nonprofit~~
33 ~~corporation.~~ The board shall proceed with the privatization only
34 if such privatization is specifically authorized by general law.

35 (6) Each corporation created to perform the functions
36 provided in this section shall:

37 (d) Be approved by the department to operate for the
38 benefit of the board and in the best interest of the state and
39 specifically authorized by the Legislature.

40 (p) Meet or exceed the requirements of the business case
41 developed by the board and approved by the Executive Office of
42 the Governor ~~and the Legislative Budget Commission.~~

43 Section 2. Subsection (3) of section 481.205, Florida
44 Statutes, is amended to read:

676113

4/28/2008 5:33 PM

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 5047

Amendment No.

45 481.205 Board of Architecture and Interior Design.--

46 (3) (a) Notwithstanding the provisions of ss. 455.225,
47 455.228, and 455.32, the duties and authority of the department
48 to receive complaints and investigate and discipline persons
49 licensed under this part, including the ability to determine
50 legal sufficiency and probable cause; to initiate proceedings
51 and issue final orders for summary suspension or restriction of
52 a license pursuant to s. 120.60(6); to issue notices of
53 noncompliance, notices to cease and desist, subpoenas, and
54 citations; to retain legal counsel, investigators, or
55 prosecutorial staff in connection with the licensed practice of
56 architecture and interior design; and to investigate and deter
57 the unlicensed practice of architecture and interior design as
58 provided in s. 455.228 are delegated to the board. All
59 complaints and any information obtained pursuant to an
60 investigation authorized by the board are confidential and
61 exempt from s. 119.07(1) as provided in s. 455.225(2) and (10).

62 (b) The board shall contract with a corporation or other
63 business entity pursuant to s. 287.057(3) to provide
64 investigative, legal, prosecutorial, and other services
65 necessary to perform its duties.

66 (c) The corporation or business entity shall comply with
67 all the recordkeeping and reporting requirements of s. 455.32
68 applicable to the scope of the contract and shall report
69 directly to the board in lieu of the department. Records of the
70 corporation or other business entity contracting with the board
71 shall be considered public records as specified in s.
72 455.32(15).

676113

4/28/2008 5:33 PM

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 5047

Amendment No.

73 (d) Notwithstanding the provisions of s. 455.228, the
74 board may use funds in the unlicensed activity account
75 established under s. 455.2281 to perform its duties relating to
76 unlicensed activity under this subsection.

77 (e) The board shall submit an annual budget request to the
78 department by October 1 of each year Legislature for the purpose
79 of funding its activities under this subsection. The department,
80 on behalf of the board, shall submit the budget request
81 unchanged to the Executive Office of the Governor and, which
82 must be separate from the legislative budget request submitted
83 by the department to the Legislature pursuant to s. 216.023.

84 (f) The board shall issue an annual report on the
85 activities under this subsection by October 1 of each year. The
86 annual report shall be submitted to the Executive Office of the
87 Governor, the President of the Senate, the Speaker of the House
88 of Representatives, and the chairs of the legislative
89 appropriations committees. The report shall describe all of the
90 activities performed under this subsection for the previous
91 fiscal year and shall include, but need not be limited to, the
92 following:

93 1. The number of complaints received.

94 2. The number of complaints determined to be legally
95 sufficient.

96 3. The number of complaints determined to be legally
97 insufficient.

98 4. The number of complaints dismissed.

99 5. The number of complaints filed in circuit court.

676113

4/28/2008 5:33 PM

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 5047

Amendment No.

100 6. The number of complaints determined to have probable
101 cause.

102 7. The number of administrative complaints issued and the
103 status of the complaints.

104 8. The number and nature of disciplinary actions taken by
105 the board.

106 9. The number and the amount of fines and penalties
107 imposed.

108 10. The number and the amount of fines and penalties
109 collected.

110 11. Total revenues received and all expenses incurred by
111 the contractor during the previous fiscal year.

112 12. Total completed investigations.

113 13. Total pending investigations.

114 14. A summary of any audits performed, including financial
115 reports and performance audits of the contractor.

116 Section 3. Paragraph (d) of subsection (2) and subsection
117 (5) of section 509.032, Florida Statutes, are amended to read:

118 509.032 Duties.--

119 (2) INSPECTION OF PREMISES.--

120 (d) The division shall adopt and enforce sanitation rules
121 consistent with law to ensure the protection of the public from
122 food-borne illness in those establishments licensed under this
123 chapter. These rules shall provide the standards and
124 requirements for obtaining, storing, preparing, processing,
125 serving, or displaying food in public food service
126 establishments, approving public food service establishment
127 facility plans, conducting necessary public food service

676113

4/28/2008 5:33 PM

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 5047

Amendment No.

128 establishment inspections for compliance with sanitation
129 regulations, cooperating and coordinating with the Department of
130 Health in epidemiological investigations, and initiating
131 enforcement actions, and for other such responsibilities deemed
132 necessary by the division. The division may not establish by
133 rule any regulation governing the design, construction,
134 erection, alteration, modification, repair, or demolition of any
135 public lodging or public food service establishment. It is the
136 intent of the Legislature to preempt that function to the
137 Florida Building Commission and the State Fire Marshal through
138 adoption and maintenance of the Florida Building Code and the
139 Florida Fire Prevention Code. The division shall provide
140 technical assistance to the commission ~~and the State Fire~~
141 ~~Marshal~~ in updating the construction standards of the Florida
142 Building Code ~~and the Florida Fire Prevention Code~~ which govern
143 public lodging and public food service establishments. Further,
144 the division shall enforce the provisions of the Florida
145 Building Code ~~and the Florida Fire Prevention Code~~ which apply
146 to public lodging and public food service establishments in
147 conducting any inspections authorized by this part.

148 (5) REPORTS REQUIRED.--The division shall submit annually
149 to send the Governor, the President of the Senate, the Speaker
150 of the House of Representatives, and the chairs of the
151 legislative appropriations committees a ~~written~~ report, which
152 shall state, but need not be limited to, the total number of
153 active public lodging and public food service licenses in the
154 state, the total number of inspections of these establishments
155 conducted by the division to ensure the enforcement of sanitary

676113

4/28/2008 5:33 PM

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 5047

Amendment No.

156 standards, the total number of inspections conducted in response
157 to emergency or epidemiological conditions, the number of
158 violations of each sanitary standard, the total number of
159 inspections conducted to meet the statutorily required number of
160 inspections, and any recommendations for improved inspection
161 procedures. The division shall also keep accurate account of all
162 expenses arising out of the performance of its duties and all
163 fees collected under this chapter. The report shall be submitted
164 by September 30 following the end of the fiscal year.

165 Section 4. Paragraph (n) is added to subsection (1) of
166 section 718.501, Florida Statutes, to read:

167 718.501 Powers and duties of Division of Florida Land
168 Sales, Condominiums, and Mobile Homes.--

169 (1) The Division of Florida Land Sales, Condominiums, and
170 Mobile Homes of the Department of Business and Professional
171 Regulation, referred to as the "division" in this part, in
172 addition to other powers and duties prescribed by chapter 498,
173 has the power to enforce and ensure compliance with the
174 provisions of this chapter and rules promulgated pursuant hereto
175 relating to the development, construction, sale, lease,
176 ownership, operation, and management of residential condominium
177 units. In performing its duties, the division has the following
178 powers and duties:

179 (n) The division shall submit to the Governor, the
180 President of the Senate, the Speaker of the House of
181 Representatives, and the chairs of the legislative
182 appropriations committees an annual report that includes, but
183 need not be limited to, the number of training programs provided

676113

4/28/2008 5:33 PM

Amendment No.

184 for condominium association board members and unit owners, the
 185 number of complaints received by type, the number and percent of
 186 complaints acknowledged in writing within 30 days and the number
 187 and percent of investigations acted upon within 90 days in
 188 accordance with paragraph (m), and the number of investigations
 189 exceeding the 90-day requirement. The annual report shall also
 190 include an evaluation of the division's core business processes
 191 and make recommendations for improvements, including statutory
 192 changes. The report shall be submitted by September 30 following
 193 the end of the fiscal year.

194 Section 5. This act shall take effect July 1, 2008.

197 -----

198 T I T L E A M E N D M E N T

199 Remove the entire title and insert:

200 A bill to be entitled

201 An act relating to the Department of Business and
 202 Professional Regulation; amending s. 455.32, F.S.;
 203 revising the procedures authorizing the department to
 204 contract with a nonprofit corporation to provide
 205 administrative, examination, licensing, investigative, and
 206 prosecutorial services to a regulatory board; providing
 207 for a recommendation for such authorization in the
 208 department's budget request; requiring specific
 209 authorization by general law before privatization may
 210 proceed; amending s. 481.205, F.S., relating to the Board
 211 of Architecture and Interior Design; revising the

676113

4/28/2008 5:33 PM

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 5047

Amendment No.

212 requirements for the board's annual budget request;
213 requiring that the board submit an annual report to the
214 Executive Office of the Governor and the Legislature
215 concerning activities relating to unlicensed activity;
216 prescribing requirements for the contents of the report;
217 amending s. 509.032, F.S., relating to the Division of
218 Hotels and Restaurants; deleting a provision requiring
219 that the division provide certain assistance to the State
220 Fire Marshal; deleting a provision requiring that the
221 division provide technical assistance to the Florida
222 Building Commission when updating the construction
223 standards of the Florida Fire Prevention Code; deleting a
224 provision requiring that the division enforce certain
225 provisions of the Florida Fire Prevention Code; revising
226 certain reporting requirements of the division; amending
227 s. 718.501, F.S., relating to the Division of Florida Land
228 Sales, Condominiums, and Mobile Homes; requiring that the
229 division report annually to the Governor and the
230 Legislature on activities involving training programs for
231 condominium association board members and unit owners, the
232 investigation of complaints, and its core business
233 processes; providing an effective date.

676113

4/28/2008 5:33 PM