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LEGISLATIVE ACTION

Senate

House

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Floor: 3/AD/2R

04/29/2009 04:16 PM

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Senator Gaetz moved the following:

**Senate Amendment (with title amendment)**

Between lines 1942 and 1943

insert:

Section 59. Paragraph (k) is added to subsection (2) of section 20.165, Florida Statutes, 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:

(k) Division of Service Operations.



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13 Section 60. Paragraph (a) of subsection (1) of section  
14 455.217, Florida Statutes, is amended to read:

15 455.217 Examinations.—This section shall be read in  
16 conjunction with the appropriate practice act associated with  
17 each regulated profession under this chapter.

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

24 (a) The department, acting in conjunction with the Division  
25 of Service Operations ~~Technology~~ and the Division of Real  
26 Estate, as appropriate, shall ensure that examinations  
27 adequately and reliably measure an applicant's ability to  
28 practice the profession regulated by the department. After an  
29 examination developed or approved by the department has been  
30 administered, the board or department may reject any question  
31 which does not reliably measure the general areas of competency  
32 specified in the rules of the board or department, when there is  
33 no board. The department shall use qualified outside  
34 ~~professional testing vendors services~~ for the development,  
35 preparation, and evaluation of examinations, when such services  
36 are economically and viably available and approved by the  
37 department board.

38 Section 61. Paragraph (h) of subsection (2) of section  
39 471.003, Florida Statutes, is amended to read:

40 471.003 Qualifications for practice; exemptions.—

41 (2) The following persons are not required to be licensed



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42 under the provisions of this chapter as a licensed engineer:

43 (h) Any electrical, plumbing, air-conditioning, or  
44 mechanical contractor whose practice includes the design and  
45 fabrication of electrical, plumbing, air-conditioning, or  
46 mechanical systems, respectively, which she or he installs by  
47 virtue of a license issued under chapter 489, under part I of  
48 chapter 553, or under any special act or ordinance when working  
49 on any construction project which:

50 1. Requires an electrical or plumbing or air-conditioning  
51 and refrigeration system with a value of \$125,000 ~~\$50,000~~ or  
52 less; and

53 2.a. Requires an aggregate service capacity of 600 amperes  
54 (240 volts) or less on a residential electrical system or 800  
55 amperes (240 volts) or less on a commercial or industrial  
56 electrical system;

57 b. Requires a plumbing system with fewer than 250 fixture  
58 units; or

59 c. Requires a heating, ventilation, and air-conditioning  
60 system not to exceed a 15-ton-per-system capacity, or if the  
61 project is designed to accommodate 100 or fewer persons.

62 Section 62. The Office of Program Policy Analysis and  
63 Government Accountability shall perform a study and make  
64 recommendations to the Legislature by December 1, 2009,  
65 regarding the enactment of laws to provide for protection and  
66 remedies from existing and unregulated online poker activities,  
67 which currently lack oversight and consumer protection under s.  
68 849.086, Florida Statutes.

69 Section 63. Effective upon this act becoming a law, the  
70 amendments made by this act to ss. 489.128(1)(a) and



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71 489.532(1)(a), Florida Statutes, shall apply retroactively to  
72 contracts entered into on or after October 1, 2000, and shall  
73 apply retroactively to all actions pending when this act becomes  
74 a law.

75

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

77 And the title is amended as follows:

78       Between lines 212 and 213

79 insert:

80 amending s. 20.165, F.S.; creating the Division of Service  
81 Operations of the department; amending s. 455.217, F.S.;  
82 conforming provisions and transferring to the Division of  
83 Service Operations from the Division of Technology certain  
84 responsibilities related to examinations; revising certain  
85 requirements for the department concerning the use of outside  
86 vendors for the development, preparation, and evaluation of  
87 examinations; amending s. 471.003, F.S.; revises the types of  
88 construction projects for which certain contractors are exempt  
89 from licensure as an engineer; requiring that the Office of  
90 Program Policy Analysis and Government Accountability perform a  
91 study and make certain recommendations to the Legislature by a  
92 specified date regarding the enactment of laws to provide for  
93 protection and remedies from certain online poker activities;  
94 providing for retroactive application of specified provisions;