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1 A bill to be entitled
2 An act relating to government reorganization;
3 transferring by a type II transfer the Bureau of
4 Onsite Sewage from the Department of Health to the
5 Department of Environmental Protection; amending s.
6 20.165, F.S.; creating the Division of Service
7 Operations of the department; amending s. 455.217,
8 F.S.; conforming provisions and transferring to the
9 Division of Service Operations from the Division of
10 Technology certain responsibilities related to
11 examinations; revising certain requirements for the
12 department concerning the use of outside vendors for
13 the development, preparation, and evaluation of
14 examinations; repealing s. 509.233(1) and (7), F.S.,
15 relating to a 3-year pilot program for local
16 governments to allow patrons' dogs within certain
17 designated outdoor portions of public food service
18 establishments; abrogating the repeal of the program;
19 requiring that the Office of Program Policy Analysis
20 and Government Accountability perform a study and make
21 certain recommendations to the Legislature by a
22 specified date regarding the enactment of laws to
23 provide for protection and remedies from certain
24 online poker activities; amending s. 509.233, F.S.;
25 providing a short title; nullifying a provision of
26 another bill which increases the threshold value of
27 certain equipment for construction projects below
28 which a contractor working with such equipment need
29 not be a licensed engineer; providing an effective

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30 date.

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32 Be It Enacted by the Legislature of the State of Florida:

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34 Section 1. Effective July 1, 2010, all of the powers,
35 duties, functions, records, personnel, and property; unexpended
36 balances of appropriations, allocations, and other funds;
37 administrative authority; administrative rules; pending issues;
38 and existing contracts of the Bureau of Onsite Sewage Programs
39 in the Department of Health, as authorized and governed by ss.
40 20.43, 20.435, 153.73, 153.54, 163.3180, 180.03, 381.006,
41 381.0061, 381.0064-381.0068, and 489.551-558, are transferred by
42 a type II transfer, pursuant to s. 20.06(2), to the Florida
43 Department of Environmental Protection. In addition all existing
44 powers, duties, functions, records, personnel, and property;
45 unexpended balances of appropriations, allocations, and other
46 funds; administrative authority; administrative rules; pending
47 issues; and existing contracts associated with county health
48 departments' onsite sewage programs are transferred to the
49 Department of Environmental Protection. The Department of
50 Environmental Protection in cooperation with the Department of
51 Health must develop a plan to implement the type II transfer and
52 deliver the proposal to the Governor, the President of the
53 Senate and the Speaker of the House of Representatives by
54 January 15, 2010.

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

57 20.165 Department of Business and Professional Regulation.-
58 There is created a Department of Business and Professional

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59 Regulation.

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

62 (k) Division of Service Operations.

63 Section 3. Paragraph (a) of subsection (1) of section
64 455.217, Florida Statutes, is amended to read:

65 455.217 Examinations.—This section shall be read in
66 conjunction with the appropriate practice act associated with
67 each regulated profession under this chapter.

68 (1) The Division of Service Operations ~~Technology~~ of the
69 Department of Business and Professional Regulation shall
70 provide, contract, or approve services for the development,
71 preparation, administration, scoring, score reporting, and
72 evaluation of all examinations. The division shall seek the
73 advice of the appropriate board in providing such services.

74 (a) The department, acting in conjunction with the Division
75 of Service Operations ~~Technology~~ and the Division of Real
76 Estate, as appropriate, shall ensure that examinations
77 adequately and reliably measure an applicant's ability to
78 practice the profession regulated by the department. After an
79 examination developed or approved by the department has been
80 administered, the board or department may reject any question
81 which does not reliably measure the general areas of competency
82 specified in the rules of the board or department, when there is
83 no board. The department shall use qualified outside
84 ~~professional~~ testing vendors ~~services~~ for the development,
85 preparation, and evaluation of examinations, when such services
86 are economically and viably available and approved by the
87 department ~~board~~.

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88 Section 4. Subsections (1) and (7) of section 509.233,
89 Florida Statutes, are repealed.

90 Section 5. The Office of Program Policy Analysis and
91 Government Accountability shall perform a study and make
92 recommendations to the Legislature by December 1, 2009,
93 regarding the enactment of laws to provide for protection and
94 remedies from existing and unregulated online poker activities,
95 which currently lack oversight and consumer protection under s.
96 849.086, Florida Statutes.

97 Section 6. Subsection (8) is added to section 509.233,
98 Florida Statutes, to read:

99 509.233 Public food service establishment requirements;
100 local exemption for dogs in designated outdoor portions; pilot
101 program.—

102 (8) This section may be cited as the "Dixie Cup Clary Local
103 Control Act."

104 Section 7. The amendment to s. 471.003(2)(h)1., Florida
105 Statutes, contained in CS/CS/CS/CS/HB 425, Eng. 1, 2009 Regular
106 Session, shall not take effect.

107 Section 8. This act shall take effect July 1, 2009.