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1 A bill to be entitled
2 An act relating to government reorganization; amending
3 s. 20.165, F.S.; creating the Division of Service
4 Operations of the department; amending s. 455.217,
5 F.S.; conforming provisions and transferring to the
6 Division of Service Operations from the Division of
7 Technology certain responsibilities related to
8 examinations; revising certain requirements for the
9 department concerning the use of outside vendors for
10 the development, preparation, and evaluation of
11 examinations; repealing s. 509.233(1) and (7), F.S.,
12 relating to a 3-year pilot program for local
13 governments to allow patrons' dogs within certain
14 designated outdoor portions of public food service
15 establishments; abrogating the repeal of the program;
16 requiring that the Office of Program Policy Analysis
17 and Government Accountability perform a study and make
18 certain recommendations to the Legislature by a
19 specified date regarding the enactment of laws to
20 provide for protection and remedies from certain
21 online poker activities; amending s. 509.233, F.S.;
22 providing a short title; nullifying a provision of
23 another bill which increases the threshold value of
24 certain equipment for construction projects below
25 which a contractor working with such equipment need
26 not be a licensed engineer; amending s. 723.071, F.S.;
27 redefining the term "offer" for purposes of the sale
28 of a mobile home park; amending s. 403.708, F.S.;
29 authorizing the disposal of yard trash at a Class I

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30 landfill if the landfill has a system for collecting
31 landfill gas and arranges for the reuse of the gas;
32 providing an effective date.
33

34 Be It Enacted by the Legislature of the State of Florida:
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36 Section 1. Paragraph (k) is added to subsection (2) of
37 section 20.165, Florida Statutes, to read:

38 20.165 Department of Business and Professional Regulation.-
39 There is created a Department of Business and Professional
40 Regulation.

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

43 (k) Division of Service Operations.

44 Section 2. Paragraph (a) of subsection (1) of section
45 455.217, Florida Statutes, is amended to read:

46 455.217 Examinations.-This section shall be read in
47 conjunction with the appropriate practice act associated with
48 each regulated profession under this chapter.

49 (1) The Division of Service Operations ~~Technology~~ of the
50 Department of Business and Professional Regulation shall
51 provide, contract, or approve services for the development,
52 preparation, administration, scoring, score reporting, and
53 evaluation of all examinations. The division shall seek the
54 advice of the appropriate board in providing such services.

55 (a) The department, acting in conjunction with the Division
56 of Service Operations ~~Technology~~ and the Division of Real
57 Estate, as appropriate, shall ensure that examinations
58 adequately and reliably measure an applicant's ability to

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59 practice the profession regulated by the department. After an
60 examination developed or approved by the department has been
61 administered, the board or department may reject any question
62 which does not reliably measure the general areas of competency
63 specified in the rules of the board or department, when there is
64 no board. The department shall use qualified outside
65 ~~professional~~ testing vendors ~~services~~ for the development,
66 preparation, and evaluation of examinations, when such services
67 are economically and viably available and approved by the
68 department ~~board~~.

69 Section 3. Subsections (1) and (7) of section 509.233,
70 Florida Statutes, are repealed.

71 Section 4. The Office of Program Policy Analysis and
72 Government Accountability shall perform a study and make
73 recommendations to the Legislature by December 1, 2009,
74 regarding the enactment of laws to provide for protection and
75 remedies from existing and unregulated online poker activities,
76 which currently lack oversight and consumer protection under s.
77 849.086, Florida Statutes.

78 Section 5. Subsection (8) is added to section 509.233,
79 Florida Statutes, to read:

80 509.233 Public food service establishment requirements;
81 local exemption for dogs in designated outdoor portions; pilot
82 program.—

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

85 Section 6. The amendment to s. 471.003(2)(h)1., Florida
86 Statutes, contained in CS/CS/CS/CS/HB 425, Eng. 1, 2009 Regular
87 Session, shall not take effect.

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88 Section 7. Paragraph (b) of subsection (3) of section
89 723.071, Florida Statutes, is amended to read:

90 723.071 Sale of mobile home parks.—

91 (3)

92 (b) As used in subsection (1), the term "offer" means any
93 solicited or unsolicited offer to buy the park ~~solicitation by~~
94 ~~the park owner to the general public.~~

95 Section 8. Paragraph (c) of subsection (12) of section
96 403.708, Florida Statutes, is amended to read:

97 403.708 Prohibition; penalty.—

98 (12) A person who knows or should know of the nature of the
99 following types of solid waste may not dispose of such solid
100 waste in landfills:

101 (c) Yard trash in lined landfills classified by department
102 rule as Class I landfills unless the landfill uses an active gas
103 collection system to collect landfill gas generated at the
104 disposal facility and provides or arranges for a beneficial
105 reuse of the gas. Yard trash that is source separated from solid
106 waste may be accepted at a solid waste disposal area where
107 separate yard trash composting facilities are provided and
108 maintained. The department recognizes that incidental amounts of
109 yard trash may be disposed of in Class I landfills. In any
110 enforcement action taken pursuant to this paragraph, the
111 department shall consider the difficulty of removing incidental
112 amounts of yard trash from a mixed solid waste stream.

113 Section 9. This act shall take effect July 1, 2009.