

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Goodlette offered the following:

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

4 Remove lines 6478-6479, and insert:

5 Section 218. Subsection (2) of section 20.165, Florida  
6 Statutes, is amended to read:

7 20.165 Department of Business and Professional  
8 Regulation.--There is created a Department of Business and  
9 Professional Regulation.

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

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

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

18           2. The offices of the division shall be located in  
19 Gainesville.

20           (d) Division of Florida Land Sales, Condominiums, and  
21 Mobile Homes.

22           (e) Division of Hotels and Restaurants.

23           (f) Division of Pari-mutuel Wagering.

24           (g) Division of Professions and Regulation.

25           (h) Division of Real Estate.

26           1. The director of the division shall be appointed by the  
27 secretary of the department, subject to approval by a majority  
28 of the Florida Real Estate Commission.

29           2. The offices of the division shall be located in  
30 Orlando.

31           (i) Division of Service Operations Regulation.

32           (j) Division of Technology, ~~Licensure, and Testing~~.

33           Section 219. Effective October 1, 2005, paragraph (a) of  
34 subsection (4) of section 20.165, Florida Statutes, as amended  
35 by section 135 of chapter 2004-301, Laws of Florida, is amended  
36 to read:

37           20.165 Department of Business and Professional  
38 Regulation.--There is created a Department of Business and  
39 Professional Regulation.

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

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- 42           1. Board of Architecture and Interior Design, created  
43 under part I of chapter 481.
- 44           2. Florida Board of Auctioneers, created under part VI of  
45 chapter 468.
- 46           3. Barbers' Board, created under chapter 476.
- 47           4. Florida Building Code Administrators and Inspectors  
48 Board, created under part XII of chapter 468.
- 49           5. Construction Industry Licensing Board, created under  
50 part I of chapter 489.
- 51           6. Board of Cosmetology, created under chapter 477.
- 52           7. Electrical Contractors' Licensing Board, created under  
53 part II of chapter 489.
- 54           8. Board of Employee Leasing Companies, created under part  
55 XI of chapter 468.
- 56           9. Board of Landscape Architecture, created under part II  
57 of chapter 481.
- 58           10. Board of Pilot Commissioners, created under chapter  
59 310.
- 60           11. Board of Professional Engineers, created under chapter  
61 471.
- 62           12. Board of Professional Geologists, created under  
63 chapter 492.
- 64           13. Board of Professional Surveyors and Mappers, created  
65 under chapter 472.
- 66           14. Board of Veterinary Medicine, created under chapter  
67 474.

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68 Section 220. Subsection (1) of section 309.01, Florida  
69 Statutes, is amended to read:

70 309.01 Deposit of material in tidewater regulated.--

71 (1) It is not lawful for any person to discharge or cause  
72 to be discharged or deposit or cause to be deposited, in the  
73 tide or salt waters of any bay, port, harbor, or river of this  
74 state, any ballast or material of any kind other than clear  
75 stone or rock, free from gravel or pebbles, which said clear  
76 stone or rock shall be deposited or discharged only in the  
77 construction of enclosures in connection with wharves, piers,  
78 quays, jetties, or in the construction of permanent bulkheads  
79 connecting the solid and permanent portion of wharves. It is  
80 lawful to construct three characters of bulkheads for retention  
81 of material in solid wharves. First, clear stone or rock  
82 enclosures, or bulkheads, may be built upon all sides to a  
83 height not less than 21/2 feet above high watermark; and after  
84 the enclosures have been made so solid, tight, and permanent as  
85 to prevent any sand, mud, gravel, or other material that may be  
86 discharged or deposited in them from drifting or escaping  
87 through such enclosures, any kind of ballast may be discharged  
88 or deposited within the enclosures. The enclosures may be  
89 constructed of wood, stone, and rock combined, the stone and  
90 rocks to be placed on the outside of the wood to a height not  
91 less at any point than 21/2 feet above high watermark. Second, a  
92 bulkhead may be built by a permanent wharf consisting of  
93 thoroughly creosoted piles not less than 12 inches in diameter  
94 at the butt end, to be driven close together and to be capped

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95 | with timber not less than 10 or 14 inches drift, bolted to each  
96 | pile, and one or more longitudinal stringers to be placed on the  
97 | outside of the bulkhead and securely anchored by means of iron  
98 | rods to piles driven within the bulkheads, clear rock to be on  
99 | the inside of the bulkhead, to a height of not less than 21/2  
100 | feet above high water; and after this is done, ballast or other  
101 | material may be deposited within the permanent enclosure so  
102 | constructed. Third, a bulkhead may be constructed to consist of  
103 | creosoted piles, as described herein, driven not exceeding 4  
104 | feet apart from center to center, inside of which two or more  
105 | longitudinal stringers may be placed and securely bolted to the  
106 | piles. Inside of these longitudinal pieces, two thicknesses of  
107 | creosoted sheet piling are to be driven, each course of the  
108 | sheet piling to make a joint with the other so as to form an  
109 | impenetrable wharf; and within this permanent bulkhead so  
110 | constructed, any ballast or other material may be deposited. No  
111 | such enclosure, pier, quay, or jetty shall be begun until the  
112 | point whereat it is to be built shall have been connected by a  
113 | substantial wharf with a shore or with a permanent wharf; except  
114 | that the owners of wharves may at any time, with the consent of  
115 | the Board of Pilot Commissioners ~~of the Division of Professions~~  
116 | of the Department of Business and Professional Regulation, build  
117 | wharves of clear stone or rock, or creosoted walls as  
118 | hereinafter provided, on each side of their wharves from the  
119 | shore to a point at which the water is not more than 15 feet  
120 | deep, and when such walls have attained a height of 21/2 feet  
121 | above high watermark and have been securely closed at the

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122 deepwater end by stone or creosoted walls of the same height,  
123 any kind of ballast may be deposited in them. Nothing contained  
124 in this section shall interfere with any rights or privileges  
125 now enjoyed by riparian owners. While this section empowers  
126 those who desire to construct the several characters of wharves,  
127 piers, quays, jetties, and bulkheads provided for and described  
128 herein, nothing in this section shall be so construed as to  
129 require any person not desiring to construct a permanent wharf  
130 by filling up with ballast, stone, or other material to  
131 construct under the specifications contained herein; and nothing  
132 in this chapter shall be so construed as to prevent any person  
133 from constructing any wharf or placing any pilings, logs, or  
134 lumber in any waters where the person would have heretofore had  
135 the right so to do.

136 Section 221. Subsection (1) of section 310.011, Florida  
137 Statutes, is amended to read:

138 310.011 Board of Pilot Commissioners.--

139 (1) A board is established within the Division of  
140 Professions and Regulation of the Department of Business and  
141 Professional Regulation to be known as the Board of Pilot  
142 Commissioners. The board shall be composed of 10 members, to be  
143 appointed by the Governor, 5 of whom shall be licensed state  
144 pilots actively practicing their profession. The board shall  
145 perform such duties and possess and exercise such powers  
146 relative to the protection of the waters, harbors, and ports of  
147 this state as are prescribed and conferred on it in this  
148 chapter.

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149 Section 222. Subsections (1) and (6) of section 455.01,  
150 Florida Statutes, are amended to read:

151 455.01 Definitions.--As used in this chapter, the term:

152 (1) "Board" means any board or commission, or other  
153 statutorily created entity to the extent such entity is  
154 authorized to exercise regulatory or rulemaking functions,  
155 within the department, including the Florida Real Estate  
156 Commission; except that, for ss. 455.201-455.245, "board" means  
157 only a board, or other statutorily created entity to the extent  
158 such entity is authorized to exercise regulatory or rulemaking  
159 functions, within the Division of Certified Public Accounting,  
160 the Division of Professions and Regulation, or the Division of  
161 Real Estate.

162 (6) "Profession" means any activity, occupation,  
163 profession, or vocation regulated by the department in the  
164 Divisions of Certified Public Accounting, Professions and  
165 Regulation, and Real Estate, ~~and Regulation~~.

166 Section 223. Section 455.017, Florida Statutes, is amended  
167 to read:

168 455.017 Applicability of this chapter.--The provisions of  
169 this chapter apply only to the regulation by the Department of  
170 Business and Professional Regulation ~~professions~~.

171 Section 224. Paragraph (a) of subsection (1) of section  
172 455.217, Florida Statutes, is amended to read:

173 455.217 Examinations.--This section shall be read in  
174 conjunction with the appropriate practice act associated with  
175 each regulated profession under this chapter.

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176           (1) The Division of Service Operations Technology,  
 177 ~~Licensure, and Testing~~ of the Department of Business and  
 178 Professional Regulation shall provide, contract, or approve  
 179 services for the development, preparation, administration,  
 180 scoring, score reporting, and evaluation of all examinations.  
 181 The division shall seek the advice of the appropriate board in  
 182 providing such services.

183           (a) The department, acting in conjunction with the  
 184 Division of Service Operations Technology, ~~Licensure, and~~  
 185 ~~Testing~~ and the Division of Real Estate, as appropriate, shall  
 186 ensure that examinations adequately and reliably measure an  
 187 applicant's ability to practice the profession regulated by the  
 188 department. After an examination developed or approved by the  
 189 department has been administered, the board or department may  
 190 reject any question which does not reliably measure the general  
 191 areas of competency specified in the rules of the board or  
 192 department, when there is no board. The department shall use  
 193 professional testing services for the development, preparation,  
 194 and evaluation of examinations, when such services are available  
 195 and approved by the board.

196           Section 225. Except as otherwise provided herein, this act  
 197 shall take effect upon becoming a law.

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

200           Remove lines 188-189 and insert:  
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202 | outdated plans, reports, and programs; amending ss.  
203 | 20.165, 309.01, 310.011, 455.01, 455.017, and 455.217,  
204 | F.S.; revising terminology relating to the organization of  
205 | the Department of Business and Professional Regulation;  
206 | providing effective dates.

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