

By Senator Posey

15-1069-01

See HB 501

1                                   A bill to be entitled  
2           An act relating to abolishment of boards,  
3           commissions, councils, and other entities;  
4           repealing s. 14.203, F.S., to abolish the State  
5           Council on Competitive Government; repealing s.  
6           24.106, F.S., to abolish the State Lottery  
7           Commission; repealing s. 24.103(3), F.S., to  
8           delete the definition of "commission," to  
9           conform; amending ss. 24.105, 24.108, 24.123,  
10          F.S.; deleting references to the State Lottery  
11          Commission, to conform; repealing ss. 121.22,  
12          121.23, 121.231, 121.24, F.S., to abolish the  
13          State Retirement Commission and delete  
14          provisions relating to its duties; amending ss.  
15          121.0515, 121.091, F.S.; transferring to the  
16          Department of Management Services duties of the  
17          State Retirement Commission and revising cross  
18          references, to conform; repealing s. 228.054,  
19          F.S., to abolish the Joint Developmental  
20          Research School Planning, Articulation, and  
21          Evaluation Committee; amending s. 228.053,  
22          F.S.; transferring to the Commissioner of  
23          Education duties of the Joint Developmental  
24          Research School Planning, Articulation, and  
25          Evaluation Committee relating to the securing  
26          of waivers to the Florida School Code, to  
27          conform; amending s. 228.2001, F.S.; deleting  
28          provisions authorizing the Task Force on Gender  
29          Equity in Education; amending s. 230.2305,  
30          F.S., and repealing subsection (7), relating to  
31          district interagency coordinating councils on

1 early childhood services, to abolish the  
2 councils and delete provisions relating to  
3 their duties; transferring to the Department of  
4 Education duties of the district interagency  
5 coordinating councils, to conform; amending ss.  
6 230.2303, 230.2306, 402.3015, 409.178, 411.01,  
7 F.S.; deleting provisions relating to duties of  
8 the interagency coordinating councils on early  
9 childhood services, to conform; repealing s.  
10 232.2466(3), F.S., to delete authority for the  
11 college-ready diploma program task forces;  
12 repealing s. 255.565, F.S., to abolish the  
13 Asbestos Oversight Program Team; amending ss.  
14 255.553, 255.556, 255.563, F.S.; removing  
15 references to the Asbestos Oversight Program  
16 Team, to conform; repealing s. 272.12(2)-(6),  
17 F.S., to abolish the Capitol Center Planning  
18 Commission and delete provisions relating to  
19 its duties; amending ss. 272.121, 295.184,  
20 F.S.; removing and revising references to the  
21 Capitol Center Planning Commission, to conform;  
22 transferring duties of the Capitol Center  
23 Planning Commission to the City of Tallahassee  
24 and the Department of Management Services;  
25 providing for current owners' permits within  
26 the Capitol Center Planning District to  
27 continue; repealing s. 282.3095, F.S., to  
28 abolish the Task Force on Privacy and  
29 Technology created by the State Technology  
30 Office; repealing s. 285.19, F.S., to abolish  
31 the Creek Indian Council; repealing s. 286.30,

1 F.S., to abolish the Commission on Government  
2 Accountability to the People; amending s.  
3 216.235, F.S.; providing for appointment of a  
4 member to the State Innovation Committee by the  
5 Governor in lieu of the Commission on  
6 Government Accountability to the People, to  
7 conform; repealing s. 391.222, F.S., to abolish  
8 the Cardiac Advisory Council; repealing s.  
9 392.69(4), F.S., to abolish the A. G. Holley  
10 State Hospital advisory board under the  
11 Department of Health; amending s. 402.40, F.S.;  
12 deleting an obsolete reference to the Child  
13 Welfare Training Council; repealing s.  
14 404.056(2), F.S., to abolish the Florida  
15 Coordinating Council on Radon Protection;  
16 repealing s. 430.05, F.S., to abolish the  
17 Department of Elderly Affairs Advisory Council;  
18 repealing s. 440.4416, F.S., to abolish the  
19 Workers' Compensation Oversight Board; amending  
20 s. 440.345, F.S.; deleting reference to the  
21 Workers' Compensation Oversight Board, to  
22 conform; amending s. 440.49, F.S., and  
23 repealing subsections (13) and (14), relating  
24 to the Special Disability Trust Fund  
25 Privatization Commission and the Florida  
26 Special Disability Trust Fund Financing  
27 Corporation, to abolish the commission and  
28 corporation and delete or revise references  
29 thereto; abolishing the advisory committee on  
30 conservation of the fund; repealing s. 442.105,  
31 F.S., to abolish the Toxic Substances Advisory

1 Council; repealing ss. 499.005(26),  
2 499.05(1)(c), F.S., to delete obsolete  
3 references to the Florida Drug Technical Review  
4 Panel and the investigational drug program;  
5 amending s. 499.015, F.S.; deleting an obsolete  
6 reference to the investigational drug program;  
7 repealing s. 548.045, F.S., to abolish the  
8 Medical Advisory Council under the Florida  
9 State Boxing Commission; amending s. 548.046,  
10 F.S.; deleting reference to the Medical  
11 Advisory Council, to conform; repealing s.  
12 580.151, F.S., to abolish the Commercial Feed  
13 Technical Council; repealing s. 570.248, F.S.,  
14 to abolish the Agricultural Economic  
15 Development Project Review Committee; repealing  
16 s. 13, ch. 99-332, Laws of Florida, to abolish  
17 the Task Force on Home Health Services  
18 Licensure Provisions; repealing s. 11, ch.  
19 99-354, Laws of Florida, to abolish the  
20 Information Service Technology Development Task  
21 Force; repealing s. 240.5186(11), F.S.,  
22 relating to authority of the Institute on Urban  
23 Policy and Commerce to subcontract with the  
24 Information Service Technology Development Task  
25 Force for assistance under the Community  
26 High-Technology Investment Partnership (CHIP)  
27 program, to conform; repealing s. 6, ch.  
28 99-393, Laws of Florida, to abolish the  
29 advisory group on the submission and payment of  
30 health claims established by the Director of  
31 the Agency for Health Care Administration;

1           repealing s. 192, ch. 99-397, Laws of Florida,  
2           to abolish the task force established to review  
3           funding sources of the Public Medical  
4           Assistance Trust Fund; abolishing the Diversity  
5           Council and the State Customer Advisory Council  
6           under the Department of Labor and Employment  
7           Security; abolishing the Florida Business  
8           Partners for Prevention under the Department of  
9           Juvenile Justice; abolishing the State Agency  
10          Law Enforcement Radio System Review Panel under  
11          the Department of Management Services;  
12          abolishing the Driver's Under the Influence  
13          (DUI) Advisory Council and the Florida Rider  
14          Training Program Citizen Motorcycle Safety  
15          Council under the Department of Highway Safety  
16          and Motor Vehicles; abolishing the Agriculture  
17          and Livestock Fair Council, Bonifay State  
18          Farmers Market Advisory Council, Florida City  
19          State Farmers Market Advisory Committee, Fort  
20          Myers State Farmers Market Advisory Council,  
21          Fort Pierce State Farmers Market Advisory  
22          Council, Gadsden County State Farmers Market  
23          Advisory Council, Immokalee State Farmers  
24          Market Advisory Council, Nitrate Bill Best  
25          Management Practices Advisory Group, Palatka  
26          State Farmers Market Advisory Council, Plant  
27          City State Farmers Market Advisory Council,  
28          Racing Quarter Horse Advisory Council, Sanford  
29          State Farmers Market Advisory Council, Seed  
30          Potato Advisory Council, Starke State Farmers  
31          Market Advisory Council, Suwannee Valley State

1 Farmers Market Advisory Council, Trenton State  
2 Farmers Market Advisory Council, Tropical Soda  
3 Apple Task Force, and Wauchula State Farmers  
4 Market Advisory Council; providing an effective  
5 date.

6  
7 Be It Enacted by the Legislature of the State of Florida:

8  
9 Section 1. Section 14.203, Florida Statutes, is  
10 repealed.

11 Section 2. Subsection (3) of section 24.103, Florida  
12 Statutes, and section 24.106, Florida Statutes, are repealed.

13 Section 3. Section 24.105, Florida Statutes, is  
14 amended to read:

15 24.105 Powers and duties of department.--The  
16 department shall:

17 (1) Have the authority to sue or be sued in the  
18 corporate name of the department and to adopt a corporate seal  
19 and symbol.

20 (2) Supervise and administer the operation of the  
21 lottery in accordance with the provisions of this act and  
22 rules adopted pursuant thereto.

23 (3) For purposes of any investigation or proceeding  
24 conducted by the department, have the power to administer  
25 oaths, require affidavits, take depositions, issue subpoenas,  
26 and compel the attendance of witnesses and the production of  
27 books, papers, documents, and other evidence.

28 ~~(4) Make available to the commission any record or~~  
29 ~~other information relating to the lottery that the commission~~  
30 ~~requests.~~

31

1           (4)~~(5)~~ Submit monthly and annual reports to ~~the~~  
2 ~~commission,~~the Governor, the Treasurer, the President of the  
3 Senate, and the Speaker of the House of Representatives  
4 disclosing the total lottery revenues, prize disbursements,  
5 and other expenses of the department during the preceding  
6 month. The annual report shall additionally describe the  
7 organizational structure of the department, including its  
8 hierarchical structure, and shall identify the divisions and  
9 bureaus created by the secretary and summarize the  
10 departmental functions performed by each.

11           (5)~~(6)~~ Adopt by rule a system of internal audits.

12           (6)~~(7)~~ Maintain weekly or more frequent records of  
13 lottery transactions, including the distribution of tickets to  
14 retailers, revenues received, claims for prizes, prizes paid,  
15 and other financial transactions of the department.

16           (7)~~(8)~~ Make a continuing study of the lottery to  
17 ascertain any defects of this act or rules adopted thereunder  
18 which could result in abuses in the administration of the  
19 lottery; make a continuing study of the operation and the  
20 administration of similar laws in other states and of federal  
21 laws which may affect the lottery; and make a continuing study  
22 of the reaction of the public to existing and potential  
23 features of the lottery.

24           (8)~~(9)~~ Conduct such market research as is necessary or  
25 appropriate, which may include an analysis of the demographic  
26 characteristics of the players of each lottery game and an  
27 analysis of advertising, promotion, public relations,  
28 incentives, and other aspects of communications.

29           (9)~~(10)~~ Adopt rules governing the establishment and  
30 operation of the state lottery, including:  
31

1           (a) The type of lottery games to be conducted, except  
2 that:  
3           1. No name of an elected official shall appear on the  
4 ticket or play slip of any lottery game or on any prize or on  
5 any instrument used for the payment of prizes, unless such  
6 prize is in the form of a state warrant.  
7           2. No coins or currency shall be dispensed from any  
8 electronic computer terminal or device used in any lottery  
9 game.  
10          3. Other than as provided in subparagraph 4., no  
11 terminal or device may be used for any lottery game which may  
12 be operated solely by the player without the assistance of the  
13 retailer.  
14          4. The only player-activated machine which may be  
15 utilized is a machine which dispenses instant lottery game  
16 tickets following the insertion of a coin or currency by a  
17 ticket purchaser. To be authorized a machine must: be under  
18 the supervision and within the direct line of sight of the  
19 lottery retailer to ensure that the machine is monitored and  
20 only operated by persons at least 18 years of age; be capable  
21 of being electronically deactivated by the retailer to  
22 prohibit use by persons less than 18 years of age through the  
23 use of a lockout device that maintains the machine's  
24 deactivation for a period of no less than 5 minutes; and be  
25 designed to prevent its use or conversion for use in any  
26 manner other than the dispensing of instant lottery tickets.  
27 Authorized machines may dispense change to players purchasing  
28 tickets but may not be utilized for paying the holders of  
29 winning tickets of any kind. At least one clerk must be on  
30 duty at the lottery retailer while the machine is in  
31



1 operation. However, at least two clerks must be on duty at any  
2 lottery location which has violated s. 24.1055.

3 (b) The sales price of tickets.

4 (c) The number and sizes of prizes.

5 (d) The method of selecting winning tickets. However,  
6 if a lottery game involves a drawing, the drawing shall be  
7 public and witnessed by an accountant employed by an  
8 independent certified public accounting firm. The equipment  
9 used in the drawing shall be inspected before and after the  
10 drawing.

11 (e) The manner of payment of prizes to holders of  
12 winning tickets.

13 (f) The frequency of drawings or selections of winning  
14 tickets.

15 (g) The number and type of locations at which tickets  
16 may be purchased.

17 (h) The method to be used in selling tickets.

18 (i) The manner and amount of compensation of  
19 retailers.

20 (j) Such other matters necessary or desirable for the  
21 efficient or economical operation of the lottery or for the  
22 convenience of the public.

23 (10)~~(11)~~ Have the authority to hold copyrights,  
24 trademarks, and service marks and enforce its rights with  
25 respect thereto.

26 (11)~~(12)~~ In the selection of games and method of  
27 selecting winning tickets, be sensitive to the impact of the  
28 lottery upon the pari-mutuel industry and, accordingly, the  
29 department may use for any game the theme of horseracing,  
30 dogracing, or jai alai and may allow a lottery game to be  
31 based upon a horserace, dograce, or jai alai activity so long

1 as the outcome of such lottery game is determined entirely by  
2 chance.

3 (12)~~(13)~~(a) Determine by rule information relating to  
4 the operation of the lottery which is confidential and exempt  
5 from the provisions of s. 119.07(1) and s. 24(a), Art. I of  
6 the State Constitution. Such information includes trade  
7 secrets; security measures, systems, or procedures; security  
8 reports; information concerning bids or other contractual  
9 data, the disclosure of which would impair the efforts of the  
10 department to contract for goods or services on favorable  
11 terms; employee personnel information unrelated to  
12 compensation, duties, qualifications, or responsibilities; and  
13 information obtained by the Division of Security pursuant to  
14 its investigations which is otherwise confidential. To be  
15 deemed confidential, the information must be necessary to the  
16 security and integrity of the lottery. Confidential  
17 information may be released to other governmental entities as  
18 needed in connection with the performance of their duties.  
19 The receiving governmental entity shall retain the  
20 confidentiality of such information as provided for in this  
21 subsection.

22 (b) Maintain the confidentiality of the street address  
23 and the telephone number of a winner, in that such information  
24 is confidential and exempt from the provisions of s. 119.07(1)  
25 and s. 24(a), Art. I of the State Constitution, unless the  
26 winner consents to the release of such information or as  
27 provided for in s. 24.115(4) or s. 409.2577.

28 (c) Any information made confidential and exempt from  
29 the provisions of s. 119.07(1) under this subsection shall be  
30 disclosed ~~to a member of the commission,~~ to the Auditor  
31 General, or to the independent auditor selected under s.

1 24.123 upon such person's request therefor. If the President  
2 of the Senate or the Speaker of the House of Representatives  
3 certifies that information made confidential under this  
4 subsection is necessary for effecting legislative changes, the  
5 requested information shall be disclosed to him or her, and he  
6 or she may disclose such information to members of the  
7 Legislature and legislative staff as necessary to effect such  
8 purpose.

9 (13)~~(14)~~ Have the authority to perform any of the  
10 functions of the Department of Management Services under  
11 chapter 255, chapter 273, chapter 281, chapter 283, or chapter  
12 287, or any rules adopted under any such chapter, and may  
13 grant approvals provided for under any such chapter or rules.  
14 If the department finds, by rule, that compliance with any  
15 such chapter would impair or impede the effective or efficient  
16 operation of the lottery, the department may adopt rules  
17 providing alternative procurement procedures. Such  
18 alternative procedures shall be designed to allow the  
19 department to evaluate competing proposals and select the  
20 proposal that provides the greatest long-term benefit to the  
21 state with respect to the quality of the products or services,  
22 dependability and integrity of the vendor, dependability of  
23 the vendor's products or services, security, competence,  
24 timeliness, and maximization of gross revenues and net  
25 proceeds over the life of the contract.

26 (14)~~(15)~~ Have the authority to acquire real property  
27 and make improvements thereon. The title to such property  
28 shall be vested in the Board of Trustees of the Internal  
29 Improvement Trust Fund. The board shall give the department  
30 preference in leasing state-owned lands under the board's  
31 control and may not exercise any jurisdiction over lands

1 purchased or leased by the department while such lands are  
2 actively used by the department. Actions of the department  
3 under this subsection are exempt from the time limitations and  
4 deadlines of chapter 253.

5 (15)~~(16)~~ Have the authority to charge fees to persons  
6 applying for contracts as vendors or retailers, which fees are  
7 reasonably calculated to cover the costs of investigations and  
8 other activities related to the processing of the application.

9 (16)~~(17)~~ Enter into contracts for the purchase, lease,  
10 or lease-purchase of such goods and services as are necessary  
11 for the operation and promotion of the state lottery,  
12 including assistance provided by any governmental agency.

13 (17)~~(18)~~ In accordance with the provisions of this  
14 act, enter into contracts with retailers so as to provide  
15 adequate and convenient availability of tickets to the public  
16 for each game.

17 (18)~~(19)~~ Have the authority to enter into agreements  
18 with other states for the operation and promotion of a  
19 multistate lottery if such agreements are in the best interest  
20 of the state lottery. The authority conferred by this  
21 subsection is not effective until 1 year after the first day  
22 of lottery ticket sales.

23 (19)~~(20)~~ Employ division directors and other staff as  
24 may be necessary to carry out the provisions of this act;  
25 however:

26 (a) No person shall be employed by the department who  
27 has been convicted of, or entered a plea of guilty or nolo  
28 contendere to, a felony committed in the preceding 10 years,  
29 regardless of adjudication, unless the department determines  
30 that:

31

1           1. The person has been pardoned or his or her civil  
2 rights have been restored; or

3           2. Subsequent to such conviction or entry of plea the  
4 person has engaged in the kind of law-abiding commerce and  
5 good citizenship that would reflect well upon the integrity of  
6 the lottery.

7           (b) No officer or employee of the department having  
8 decisionmaking authority shall participate in any decision  
9 involving any vendor or retailer with whom the officer or  
10 employee has a financial interest. No such officer or  
11 employee may participate in any decision involving any vendor  
12 or retailer with whom the officer or employee has discussed  
13 employment opportunities without the approval of the secretary  
14 or, if such officer is the secretary ~~or any member of the~~  
15 ~~commission~~, without the approval of the Governor. Any officer  
16 or employee of the department shall notify the secretary of  
17 any such discussion or, if such officer is the secretary ~~or a~~  
18 ~~member of the commission~~, he or she shall notify the Governor.  
19 A violation of this paragraph is punishable in accordance with  
20 s. 112.317.

21           (c) No officer or employee of the department who  
22 leaves the employ of the department shall represent any vendor  
23 or retailer before the department regarding any specific  
24 matter in which the officer or employee was involved while  
25 employed by the department, for a period of 1 year following  
26 cessation of employment with the department. A violation of  
27 this paragraph is punishable in accordance with s. 112.317.

28           (d) The department shall establish and maintain a  
29 personnel program for its employees, including a personnel  
30 classification and pay plan which may provide any or all of  
31 the benefits provided in the Senior Management Service or

1 Selected Exempt Service. Each officer or employee of the  
2 department shall be a member of the Florida Retirement System.  
3 The retirement class of each officer or employee shall be the  
4 same as other persons performing comparable functions for  
5 other agencies. Employees of the department shall serve at  
6 the pleasure of the secretary and shall be subject to  
7 suspension, dismissal, reduction in pay, demotion, transfer,  
8 or other personnel action at the discretion of the secretary.  
9 Such personnel actions are exempt from the provisions of  
10 chapter 120. All employees of the department are exempt from  
11 the Career Service System provided in chapter 110 and,  
12 notwithstanding the provisions of s. 110.205(5), are not  
13 included in either the Senior Management Service or the  
14 Selected Exempt Service. However, all employees of the  
15 department are subject to all standards of conduct adopted by  
16 rule for career service and senior management employees  
17 pursuant to chapter 110. In the event of a conflict between  
18 standards of conduct applicable to employees of the Department  
19 of the Lottery the more restrictive standard shall apply.  
20 Interpretations as to the more restrictive standard may be  
21 provided by the Commission on Ethics upon request of an  
22 advisory opinion pursuant to s. 112.322(3)(a), for purposes of  
23 this subsection the opinion shall be considered final action.

24 (20)~~(21)~~ Adopt by rule a code of ethics for officers  
25 and employees of the department which supplements the  
26 standards of conduct for public officers and employees imposed  
27 by law.

28 Section 4. Paragraph (b) of subsection (7) of section  
29 24.108, Florida Statutes, is amended to read:

30 24.108 Division of Security; duties; security  
31 report.--

1 (7)

2 (b) The portion of the security report containing the  
3 overall evaluation of the department in terms of each aspect  
4 of security shall be presented to ~~the commission,~~the  
5 Governor, the President of the Senate, and the Speaker of the  
6 House of Representatives. The portion of the security report  
7 containing specific recommendations shall be confidential and  
8 shall be presented only to the secretary, ~~the commission,~~the  
9 Governor, and the Auditor General; however, upon certification  
10 that such information is necessary for the purpose of  
11 effecting legislative changes, such information shall be  
12 disclosed to the President of the Senate and the Speaker of  
13 the House of Representatives, who may disclose such  
14 information to members of the Legislature and legislative  
15 staff as necessary to effect such purpose. However, any person  
16 who receives a copy of such information or other information  
17 which is confidential pursuant to this act or rule of the  
18 department shall maintain its confidentiality. The  
19 confidential portion of the report is exempt from the  
20 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
21 Constitution.

22 Section 5. Subsection (3) of section 24.123, Florida  
23 Statutes, is amended to read:

24 24.123 Annual audit of financial records and  
25 reports.--

26 (3) A copy of any audit performed pursuant to this  
27 section shall be submitted to the secretary, ~~the commission,~~  
28 the Governor, the President of the Senate, the Speaker of the  
29 House of Representatives, and members of the Legislative  
30 Auditing Committee.

31

1           Section 6. Sections 121.22, 121.23, 121.231, and  
2 121.24, Florida Statutes, are repealed.

3           Section 7. Subsection (3) of section 121.0515, Florida  
4 Statutes, is amended to read:

5           121.0515 Special risk membership.--

6           (3) PROCEDURE FOR DESIGNATING.--

7           (a) Any member of the Florida Retirement System  
8 employed by a county, city, or special district who feels that  
9 he or she meets the criteria set forth in this section for  
10 membership in the Special Risk Class may request that his or  
11 her employer submit an application to the department  
12 requesting that the department designate him or her as a  
13 special risk member. If the employer agrees that the member  
14 meets the requirements for special risk membership, the  
15 employer shall submit an application to the department in  
16 behalf of the employee containing a certification that the  
17 member meets the criteria for special risk membership set  
18 forth in this section and such other supporting documentation  
19 as may be required by administrative rule. The department  
20 shall, within 90 days, either designate or refuse to designate  
21 the member as a special risk member. If the employer declines  
22 to submit the member's application to the department or if the  
23 department does not designate the member as a special risk  
24 member, the member or the employer may appeal to the  
25 department for a hearing before an administrative law judge  
26 ~~State Retirement Commission~~, as provided in chapter 120 s.  
27 ~~121.23~~, for designation as a special risk member. A member who  
28 receives a final affirmative ruling pursuant to such appeal  
29 for special risk membership shall have special risk membership  
30 retroactive to the date such member would have had special  
31 risk membership had such membership been approved by the



1 employer and the department, as determined by the department,  
2 and the employer contributions shall be paid in full within 1  
3 year after such final ruling.

4 (b)1. Applying the criteria set forth in this section,  
5 the Department of Management Services shall specify which  
6 current and newly created classes of positions under the  
7 uniform classification plan established pursuant to chapter  
8 110 entitle the incumbents of positions in those classes to  
9 membership in the Special Risk Class. Only employees employed  
10 in the classes so specified shall be special risk members.

11 2. When a class is not specified by the department as  
12 provided in subparagraph 1., the employing agency may petition  
13 the department for a hearing before an administrative law  
14 judge, as provided in chapter 120 State Retirement Commission  
15 for approval in accordance with s. 121.23.

16 Section 8. Paragraph (d) of subsection (4) and  
17 paragraph (b) of subsection (13) of section 121.091, Florida  
18 Statutes, are amended to read:

19 121.091 Benefits payable under the system.--Benefits  
20 may not be paid under this section unless the member has  
21 terminated employment as provided in s. 121.021(39)(a) or  
22 begun participation in the Deferred Retirement Option Program  
23 as provided in subsection (13), and a proper application has  
24 been filed in the manner prescribed by the department. The  
25 department may cancel an application for retirement benefits  
26 when the member or beneficiary fails to timely provide the  
27 information and documents required by this chapter and the  
28 department's rules. The department shall adopt rules  
29 establishing procedures for application for retirement  
30 benefits and for the cancellation of such application when the  
31 required information or documents are not received.

1           (4) DISABILITY RETIREMENT BENEFIT.--

2           (d) Election on appeal.--A member whose application  
3 for regular disability retirement has been denied and who has  
4 filed an appeal to the department for a hearing before an  
5 administrative law judge, as provided in chapter 120, State  
6 Retirement Commission may, if eligible, elect to receive  
7 normal or early service retirement benefits while he or she is  
8 awaiting the decision on the appeal. However:

9           1. If the member elects to receive service retirement  
10 benefits and disability benefits are later approved as a  
11 result of the appeal, the payment option chosen by the member  
12 may not be changed.

13           2. If the member elects to receive early service  
14 retirement and the appeal is later denied, the member may not  
15 change his or her election of early retirement.

16  
17 Before such regular or early retirement benefits may be paid  
18 by the division, the member must provide to the division a  
19 written statement indicating that the member understands that  
20 such changes are not permitted after he or she begins  
21 receiving the benefits.

22           (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general,  
23 and subject to the provisions of this section, the Deferred  
24 Retirement Option Program, hereinafter referred to as the  
25 DROP, is a program under which an eligible member of the  
26 Florida Retirement System may elect to participate, deferring  
27 receipt of retirement benefits while continuing employment  
28 with his or her Florida Retirement System employer. The  
29 deferred monthly benefits shall accrue in the System Trust  
30 Fund on behalf of the participant, plus interest compounded  
31 monthly, for the specified period of the DROP participation,

1 as provided in paragraph (c). Upon termination of employment,  
2 the participant shall receive the total DROP benefits and  
3 begin to receive the previously determined normal retirement  
4 benefits. Participation in the DROP does not guarantee  
5 employment for the specified period of DROP.

6 (b) Participation in the DROP.--

7 1. An eligible member may elect to participate in the  
8 DROP for a period not to exceed a maximum of 60 calendar  
9 months immediately following the date on which the member  
10 first reaches his or her normal retirement date or the date to  
11 which he or she is eligible to defer his or her election to  
12 participate as provided in subparagraph (a)2. However, a  
13 member who has reached normal retirement date prior to the  
14 effective date of the DROP shall be eligible to participate in  
15 the DROP for a period of time not to exceed 60 calendar months  
16 immediately following the effective date of the DROP, except a  
17 member of the Special Risk Class who has reached normal  
18 retirement date prior to the effective date of the DROP and  
19 whose total accrued value exceeds 75 percent of average final  
20 compensation as of his or her effective date of retirement  
21 shall be eligible to participate in the DROP for no more than  
22 36 calendar months immediately following the effective date of  
23 the DROP.

24 2. Upon deciding to participate in the DROP, the  
25 member shall submit, on forms required by the division:

26 a. A written election to participate in the DROP;

27 b. Selection of the DROP participation and termination  
28 dates, which satisfy the limitations stated in paragraph (a)  
29 and subparagraph 1. Such termination date shall be in a  
30 binding letter of resignation with the employer, establishing  
31 a deferred termination date. The member may change the

1 termination date within the limitations of subparagraph 1.,  
2 but only with the written approval of his or her employer;  
3 c. A properly completed DROP application for service  
4 retirement as provided in this section; and  
5 d. Any other information required by the division.  
6 3. The DROP participant shall be a retiree under the  
7 Florida Retirement System for all purposes, except for  
8 paragraph (5)(f) and subsection (9) and ss. 112.3173, 112.363,  
9 121.053, and 121.122. However, participation in the DROP does  
10 not alter the participant's employment status and such  
11 employee shall not be deemed retired from employment until his  
12 or her deferred resignation is effective and termination  
13 occurs as provided in s. 121.021(39).  
14 4. Elected officers shall be eligible to participate  
15 in the DROP subject to the following:  
16 a. An elected officer who reaches normal retirement  
17 date during a term of office may defer the election to  
18 participate in the DROP until the next succeeding term in that  
19 office. Such elected officer who exercises this option may  
20 participate in the DROP for up to 60 calendar months or a  
21 period of no longer than such succeeding term of office,  
22 whichever is less.  
23 b. An elected or a nonelected participant may run for  
24 a term of office while participating in DROP and, if elected,  
25 extend the DROP termination date accordingly, except, however,  
26 if such additional term of office exceeds the 60-month  
27 limitation established in subparagraph 1., and the officer  
28 does not resign from office within such 60-month limitation,  
29 the retirement and the participant's DROP shall be null and  
30 void as provided in sub-subparagraph (c)5.d.  
31

1           c. An elected officer who is dually employed and  
2 elects to participate in DROP shall be required to satisfy the  
3 definition of termination within the 60-month limitation  
4 period as provided in subparagraph 1. for the nonelected  
5 position and may continue employment as an elected officer as  
6 provided in s. 121.053. The elected officer will be enrolled  
7 as a renewed member in the Elected Officers' Class or the  
8 Regular Class, as provided in s. ss-121.053 and ~~121.22~~, on  
9 the first day of the month after termination of employment in  
10 the nonelected position and termination of DROP. Distribution  
11 of the DROP benefits shall be made as provided in paragraph  
12 (c).

13           Section 9. Section 228.054, Florida Statutes, is  
14 repealed.

15           Section 10. Subsection (12) of section 228.053,  
16 Florida Statutes, is amended to read:

17           228.053 Developmental research schools.--

18           (12) EXCEPTIONS TO LAW.--To encourage innovative  
19 practices and facilitate the mission of the developmental  
20 research schools, in addition to the exceptions to law  
21 specified in s. 229.592, the following exceptions shall be  
22 permitted for developmental research schools:

23           (a) The methods and requirements of the following  
24 statutes shall be held in abeyance: ss. 230.01; 230.02;  
25 230.03; 230.04; 230.05; 230.061; 230.10; 230.105; 230.11;  
26 230.12; 230.15; 230.16; 230.17; 230.173; 230.18; 230.19;  
27 230.201; 230.202; 230.21; 230.22; 230.2318; 230.24; 230.241;  
28 230.26; 230.28; 230.30; 230.303; 230.31; 230.32; 230.321;  
29 230.33; 230.35; 230.39; 230.63; 230.64; 230.643; 234.01;  
30 234.021; 236.25; 236.261; 236.29; 236.31; 236.32; 236.35;  
31 236.36; 236.37; 236.38; 236.39; 236.40; 236.41; 236.42;

1 236.43; 236.44; 236.45; 236.46; 236.47; 236.48; 236.49;  
2 236.50; 236.51; 236.52; 236.55; 236.56; 237.051; 237.071;  
3 237.091; 237.201; 237.40; and 316.75. With the exception of  
4 subsection (16) of s. 230.23, s. 230.23 shall be held in  
5 abeyance. Reference to school boards in s. 230.23(16) shall  
6 mean the president of the university or the president's  
7 designee.

8 (b) The following statutes or related rules may be  
9 waived for any developmental research school so requesting,  
10 provided the general statutory purpose of each section is met  
11 and the developmental research school has submitted a written  
12 request to the Commissioner of Education ~~Joint Developmental~~  
13 ~~Research School Planning, Articulation, and Evaluation~~  
14 ~~Committee~~ for approval pursuant to this subsection: ss.  
15 229.555; 231.291; 232.2462; 233.34; 237.01; 237.02; 237.031;  
16 237.041; 237.061; 237.081; 237.111; 237.121; 237.131; 237.141;  
17 237.151; 237.161; 237.162; 237.171; 237.181; 237.211; and  
18 237.34. Notwithstanding reference to the responsibilities of  
19 the superintendent or school board in chapter 237,  
20 developmental research schools shall follow the policy intent  
21 of the chapter and shall, at least, adhere to the general  
22 state agency accounting procedures established in s. 11.46.

23 1. Two or more developmental research schools may  
24 jointly originate a request for waiver and submit the request  
25 to the commissioner ~~committee~~ if such waiver is approved by  
26 the school advisory council of each developmental research  
27 school desiring the waiver.

28 2. A developmental research school may submit a  
29 request to the commissioner ~~committee~~ for a waiver if such  
30 request is presented by a school advisory council established  
31 pursuant to s. 229.58, if such waiver is required to implement

1 a school improvement plan required by s. 230.23(16), and if  
2 such request is made using forms established pursuant to s.  
3 229.592. The department ~~Joint Developmental Research School~~  
4 ~~Planning, Articulation, and Evaluation Committee~~ shall monitor  
5 the waiver activities of all developmental research schools  
6 and shall report annually to the department, in conjunction  
7 with the feedback report required pursuant to s. 229.592, the  
8 number of waivers requested and submitted to the committee by  
9 developmental research schools, and the number of such waiver  
10 requests not approved. For each waiver request not approved,  
11 the committee shall report the statute or rule for which the  
12 waiver was requested, the rationale for the developmental  
13 research school request, and the reason the request was not  
14 approved.

15 (c) The written request for waiver of statute or rule  
16 shall indicate at least how the general statutory purpose will  
17 be met, how granting the waiver will assist schools in  
18 improving student outcomes related to the student performance  
19 standards adopted pursuant to s. 229.592, and how student  
20 improvement will be evaluated and reported. In considering any  
21 waiver, the commissioner ~~committee~~ shall ensure protection of  
22 the health, safety, welfare, and civil rights of the students  
23 and protection of the public interest.

24 (d) Notwithstanding the request provisions of s.  
25 229.592, developmental research schools shall request all  
26 waivers through the commissioner ~~Joint Developmental Research~~  
27 ~~School Planning, Articulation, and Evaluation Committee, as~~  
28 ~~established in s. 228.054.~~ The commissioner ~~committee~~ shall  
29 approve or disapprove said requests pursuant to this  
30 subsection and s. 229.592; ~~however, the Commissioner of~~  
31 ~~Education shall have standing to challenge any decision of the~~

1 ~~committee should it adversely affect the health, safety,~~  
2 ~~welfare, or civil rights of the students or public interest.~~  
3 ~~The department shall immediately notify the committee and~~  
4 ~~developmental research school of the decision and provide a~~  
5 ~~rationale therefor.~~

6 Section 11. Subsection (6) of section 228.2001,  
7 Florida Statutes, is amended to read:

8 228.2001 Discrimination against students and employees  
9 in state system of public education; prohibitions; equality of  
10 access; strategies to overcome underrepresentation;  
11 remedies.--

12 (6) The functions of the Office of Equal Educational  
13 Opportunity of the Department of Education shall include, but  
14 not be limited to:

15 (a) Requiring all boards to develop and submit plans  
16 for the implementation of this section to the Department of  
17 Education.

18 (b) Conducting periodic reviews of educational  
19 agencies to determine compliance with this section and, after  
20 a finding that an educational agency is not in compliance with  
21 this section, notifying the agency of the steps that it must  
22 take to attain compliance.

23 (c) Providing technical assistance, including  
24 assisting educational agencies in identifying unlawful  
25 discrimination and instructing them in remedies for correction  
26 and prevention of such discrimination.

27 (d) Conducting studies of the effectiveness of methods  
28 and strategies designed to increase the participation of  
29 students in programs and courses in which students of a  
30 particular race, national origin, sex, handicap, or marital  
31



1 status have been traditionally underrepresented and monitoring  
2 the success of students in such programs of courses.

3 (e) Requiring all boards to submit data and  
4 information necessary to determine compliance with this  
5 section. The Commissioner of Education shall prescribe the  
6 format and the date for submission of such data and any other  
7 educational equity data. If any district does not submit the  
8 required compliance data or other required educational equity  
9 data by the prescribed date, the commissioner shall notify the  
10 district school board of this fact and, if the appropriate  
11 action is not taken to immediately submit the required report,  
12 the school board shall be directed to proceed pursuant to the  
13 provisions of s. 230.23(11)(b). If any community college or  
14 university does not submit required data and information by  
15 the prescribed date, the same policy as prescribed for school  
16 districts shall be implemented.

17 ~~(f) Coordinating the work of a Task Force on Gender~~  
18 ~~Equity in Education. The task force shall consist of 11~~  
19 ~~members. The Commissioner of Education shall appoint three~~  
20 ~~members: two shall be athletic directors at public high~~  
21 ~~schools and one may be a member at large. The Chancellor of~~  
22 ~~the State University System shall appoint two members who are~~  
23 ~~athletic directors at state universities that offer~~  
24 ~~scholarships for athletes in all major sports. The Executive~~  
25 ~~Director of the Community College System shall appoint two~~  
26 ~~members who are athletic directors at community colleges. The~~  
27 ~~President of the Senate shall appoint two members and the~~  
28 ~~Speaker of the House of Representatives shall appoint two~~  
29 ~~members. The Commissioner of Education, the Chancellor of the~~  
30 ~~State University System, the Executive Director of the~~  
31 ~~Community College System, the President of the Senate, and the~~

1 ~~Speaker of the House of Representatives shall coordinate their~~  
2 ~~appointments to ensure that the task force represents, to the~~  
3 ~~maximum extent possible, the gender, racial, and ethnic~~  
4 ~~diversity of the state. By July 1, 1994, the task force shall~~  
5 ~~define equity in athletics at all levels of public education~~  
6 ~~and shall recommend to the Commissioner of Education rules for~~  
7 ~~appropriate enforcement mechanisms to ensure equity. The~~  
8 ~~recommendations must include:~~

9         ~~1. A determination of an equitable rate of~~  
10 ~~participation of males and females in athletics at public~~  
11 ~~educational agencies and institutions.~~

12         ~~2. A determination of the appropriate consideration of~~  
13 ~~revenues when making decisions about equitable use of funds~~  
14 ~~for support of athletic activities. In making this~~  
15 ~~determination, the task force shall consider all funds~~  
16 ~~received and expended for athletic promotion or support,~~  
17 ~~including revenues from direct-support organizations~~  
18 ~~established under s. 237.40, s. 240.299, or s. 240.363.~~

19         ~~(f)(g)~~ Based upon recommendations of the task force  
20 created in paragraph (f) and rules of the State Board of  
21 Education, developing and implementing enforcement mechanisms  
22 with appropriate penalties to ensure that public schools and  
23 community colleges comply with Title IX of the Education  
24 Amendments of 1972 and subsection (3) of this section.  
25 However, the Department of Education may not force an  
26 educational agency to conduct, nor penalize an educational  
27 agency for not conducting, a program of athletic activity or  
28 athletic scholarship for female athletes unless it is an  
29 athletic activity approved for women by a recognized  
30 association whose purpose is to promote athletics and a  
31 conference or league exists to promote interscholastic or

1 intercollegiate competition for women in that athletic  
2 activity.

3 (g)~~(h)~~ Beginning July 1, 1994, reporting to the  
4 Commissioner of Education any public community college or  
5 school district found to be out of compliance with rules of  
6 the State Board of Education adopted as required by paragraph  
7 (f)~~(g)~~ or paragraph (3)(d). To penalize the community  
8 college or school district, the commissioner shall:

9 1. Declare the educational agency ineligible for  
10 competitive state grants.

11 2. Notwithstanding the provisions of s. 216.192,  
12 direct the Comptroller to withhold general revenue funds  
13 sufficient to obtain compliance from the educational agency.  
14

15 The educational agency shall remain ineligible and the funds  
16 shall not be paid until the agency comes into compliance or  
17 the commissioner approves a plan for compliance.

18 Section 12. Subsection (7) of section 230.2305,  
19 Florida Statutes, is repealed, and paragraph (b) of subsection  
20 (2), paragraphs (h) and (i) of subsection (3), and subsection  
21 (5) of that section are amended to read:

22 230.2305 Prekindergarten early intervention program.--

23 (2) ELIGIBILITY.--There is hereby created the  
24 prekindergarten early intervention program for children who  
25 are 3 and 4 years of age. A prekindergarten early  
26 intervention program shall be administered by a district  
27 school board and shall receive state funds pursuant to  
28 subsection (6). Each public school district shall make  
29 reasonable efforts to accommodate the needs of children for  
30 extended day and extended year services without compromising  
31 the quality of the 6-hour, 180-day program. The school

1 district shall report on such efforts. School district  
2 participation in the prekindergarten early intervention  
3 program shall be at the discretion of each school district.

4 (b) An "economically disadvantaged" child shall be  
5 defined as a child eligible to participate in the free lunch  
6 program. Notwithstanding any change in a family's economic  
7 status or in the federal eligibility requirements for free  
8 lunch, a child who meets the eligibility requirements upon  
9 initial registration for the program shall be considered  
10 eligible until the child reaches kindergarten age. In order  
11 to assist the school district in establishing the priority in  
12 which children shall be served, and to increase the efficiency  
13 in the provision of child care services in each district, the  
14 district shall enter into a written collaborative agreement  
15 with other publicly funded early education and child care  
16 programs within the district. Such agreement shall ~~be~~  
17 ~~facilitated by the interagency coordinating council and shall~~  
18 set forth, among other provisions, the measures to be  
19 undertaken to ensure the programs' achievement and compliance  
20 with the performance standards established in subsection (3)  
21 and for maximizing the public resources available to each  
22 program. In addition, the central agency for state-subsidized  
23 child care or the local service district of the Department of  
24 Children and Family Services shall provide the school district  
25 with an updated list of 3-year-old and 4-year-old children  
26 residing in the school district who are on the waiting list  
27 for state-subsidized child care.

28 (3) STANDARDS.--

29 (h) Services are to be provided during a school day  
30 and school year equal to or exceeding the requirements for  
31 kindergarten under ss. 228.041 and 236.013. Strategies to

1 provide care before school, after school, and 12 months a  
2 year, when needed, must be developed by the school district in  
3 cooperation with the central agency for state-subsidized child  
4 care or the local service district of the Department of  
5 Children and Family Services ~~and the district interagency~~  
6 ~~coordinating council~~. Programs may be provided on Saturdays  
7 and through other innovative scheduling arrangements.

8 (i) The school district must make efforts to meet the  
9 first state education goal, readiness to start school,  
10 including the involvement of nonpublic schools, public and  
11 private providers of day care and early education, and other  
12 community agencies that provide services to young children.  
13 This may include private child care programs, subsidized child  
14 care programs, and Head Start programs. ~~A written description~~  
15 ~~of these efforts must be provided to the district interagency~~  
16 ~~coordinating council on early childhood services.~~

17 (5) ANNUAL REPORT.--Each prekindergarten early  
18 intervention program under this section shall submit an annual  
19 report of its program to the Department of Education ~~district~~  
20 ~~interagency coordinating council on early childhood services.~~  
21 The report must describe the overall program operations;  
22 ~~activities of the district interagency coordinating council on~~  
23 ~~early childhood services~~; expenditures; the number of students  
24 served; ratio of staff to children; staff qualifications;  
25 evaluation findings, including identification of program  
26 components that were most successful; and other information  
27 required by the State Coordinating Council for School  
28 Readiness Programs ~~council or the state advisory council.~~

29 Section 13. Subsections (3), (7), and (8) of section  
30 230.2303, Florida Statutes, are amended to read:

31 230.2303 Florida First Start Program.--

1           (3) PLAN.--Each school board may submit to the  
2 Commissioner of Education a plan for conducting a Florida  
3 First Start Program. Each plan and subsequent amended plan  
4 shall be developed in cooperation with the ~~district~~  
5 ~~interagency coordinating council on early childhood services~~  
6 ~~established pursuant to s. 230.2305~~ and the Interagency  
7 Prekindergarten Council for Children with Disabilities, and  
8 shall be approved by the commissioner. A district school  
9 board's plan must be designed to serve children from birth to  
10 3 years of age who are disabled or at risk of future school  
11 failure and to serve their parents. For the purposes of this  
12 section, the term "children with disabilities or at risk of  
13 future school failure" includes any child who has one or more  
14 of the characteristics described in s. 411.202(9).

15           (7) ANNUAL REPORT.--Each district school board that  
16 implements a program under this section shall, ~~with the~~  
17 ~~assistance of the district interagency coordinating council on~~  
18 ~~early childhood services~~, submit an annual report of its  
19 program to the commissioner. The report must describe the  
20 overall program operations, ~~activities of the district~~  
21 ~~interagency coordinating council~~, expenditures, the number of  
22 children served, staff training and qualifications, and  
23 evaluation findings.

24           (8) COORDINATION.--

25           ~~(a)~~ The Florida First Start Program shall be included  
26 under the jurisdiction of the State Coordinating Council for  
27 School Readiness Programs established pursuant to s. 411.222.  
28 The council shall make recommendations for effective  
29 implementation of the program and shall advise the Department  
30 of Education on needed legislation, rules, and technical

31

1 assistance to ensure the continued implementation of an  
2 effective program.

3 ~~(b) Each school district shall develop, implement, and~~  
4 ~~evaluate its program in cooperation with the district~~  
5 ~~interagency coordinating council established under s.~~  
6 ~~230.2305.~~

7 Section 14. Subsection (1) of section 230.2306,  
8 Florida Statutes, is amended to read:

9 230.2306 Prekindergarten children service needs  
10 assessments; reports; reasonable efforts by school district.--

11 (1) In each county, the district school board, the  
12 central child care agency, the Head Start program, and a  
13 private provider of preschool services, ~~in cooperation with~~  
14 ~~the district interagency coordinating council established~~  
15 ~~under s. 230.2305,~~ shall:

16 (a) Assess the service needs of all preschool children  
17 who are eligible for subsidized child care to identify those  
18 who require services beyond the current 6-hour, 180-day  
19 prekindergarten program.

20 (b) Determine how many children are eligible for  
21 prekindergarten programs, but are not enrolled because the  
22 hours of availability do not meet the family's need.

23 Section 15. Subsection (9) of section 402.3015,  
24 Florida Statutes, is amended to read:

25 402.3015 Subsidized child care program; purpose; fees;  
26 contracts.--

27 (9) The central agency for state subsidized child care  
28 or the local service district of the Department of Children  
29 and Family Services shall develop ~~cooperate with the local~~  
30 ~~interagency coordinating council as defined in s. 230.2305 in~~  
31

1 ~~the development of~~ written collaborative agreements with each  
2 local school district.

3 (a) The central agency shall develop ~~in consultation~~  
4 ~~with the local interagency council~~ a plan for implementing and  
5 conducting a child care program. Such plan shall include the  
6 tentative budget and measures for maximizing public resources.

7 (b) The department shall monitor each subsidized child  
8 care provider at least annually to determine compliance with  
9 the collaborative agreement ~~facilitated by the local~~  
10 ~~interagency coordinating council~~. If a provider fails to  
11 bring its program into compliance with the agreement or the  
12 plan within 3 months after an evaluation citing deficiencies,  
13 the department must withhold such administrative funds as have  
14 been allocated to the program and which have not yet been  
15 released.

16 Section 16. Paragraph (d) of subsection (5) of section  
17 409.178, Florida Statutes, is amended to read:

18 409.178 Child Care Executive Partnership Act; findings  
19 and intent; grant; limitation; rules.--

20 (5)

21 (d) Each community coordinated child care agency shall  
22 be required to establish a community child care task force for  
23 each child care purchasing pool. The task force must be  
24 composed of employers, parents, private child care providers,  
25 and one representative ~~each~~ from the ~~district interagency~~  
26 ~~coordinating council for children's services and the local~~  
27 ~~children's services council, if one exists they exist~~ in the  
28 area of the purchasing pool. The community coordinated child  
29 care agency is expected to recruit the task force members from  
30 existing child care councils, commissions, or task forces  
31 already operating in the area of a purchasing pool. A majority



1 of the task force shall consist of employers. Each task force  
2 shall develop a plan for the use of child care purchasing pool  
3 funds. The plan must show how many children will be served by  
4 the purchasing pool, how many will be new to receiving child  
5 care services, and how the community coordinated child care  
6 agency intends to attract new employers and their employees to  
7 the program.

8 Section 17. Paragraph (a) of subsection (5) of section  
9 411.01, Florida Statutes, is amended to read:

10 411.01 Florida Partnership for School Readiness;  
11 school readiness coalitions.--

12 (5) CREATION OF SCHOOL READINESS COALITIONS.--

13 (a) School readiness coalitions.--

14 1. If a coalition's plan would serve less than 400  
15 birth-to-kindergarten age children, the coalition must either  
16 join with another county to form a multicounty coalition,  
17 enter an agreement with a fiscal agent to serve more than one  
18 coalition, or demonstrate to the partnership its ability to  
19 effectively and efficiently implement its plan as a  
20 single-county coalition and meet all required performance  
21 standards and outcome measures.

22 2. Each coalition shall have at least 18 but not more  
23 than 25 members and such members must include the following:

24 a. A Department of Children and Family Services  
25 district administrator or his or her designee who is  
26 authorized to make decisions on behalf of the department.

27 b. A district superintendent of schools or his or her  
28 designee who is authorized to make decisions on behalf of the  
29 district.

30 c. A regional workforce development board chair or  
31 director, where applicable.

- 1           d. A county health department director or his or her  
2 designee.
- 3           e. A children's services council or juvenile welfare  
4 board chair or executive director, if applicable.
- 5           f. A child care licensing agency head.
- 6           g. One member appointed by a Department of Children  
7 and Family Services district administrator.
- 8           h. One member appointed by a board of county  
9 commissioners.
- 10          i. One member appointed by a district school board.
- 11          j. A central child care agency administrator.
- 12          k. A Head Start director.
- 13          l. A representative of private child care providers.
- 14          m. A representative of faith-based child care  
15 providers.
- 16
- 17 More than one-third of the coalition members must be from the  
18 private sector, and neither they nor their families may earn  
19 an income from the early education and child care industry. To  
20 meet this requirement a coalition must appoint additional  
21 members from a list of nominees presented to the coalition by  
22 a chamber of commerce or economic development council within  
23 the geographic area of the coalition.
- 24          3. No member of a coalition may appoint a designee to  
25 act in his or her place. A member may send a representative to  
26 coalition meetings, but that representative will have no  
27 voting privileges. When a district superintendent of schools  
28 or a district administrator for the Department of Children and  
29 Family Services appoints a designee to a school readiness  
30 coalition, the designee will be the voting member of the  
31 coalition, and any individual attending in his or her place,

1 including the district administrator or superintendent, will  
2 have no voting privileges.

3 ~~4. The school readiness coalition shall replace the~~  
4 ~~district interagency coordinating council required under s.~~  
5 ~~230.2305.~~

6 ~~4.5.~~ Members of the coalition are subject to the  
7 ethics provisions in part III of chapter 112.

8 ~~5.6.~~ For the purposes of tort liability, the members  
9 of the school readiness coalition and its employees shall be  
10 governed by s. 768.28.

11 ~~6.7.~~ Multicounty coalitions shall include  
12 representation from each county.

13 ~~7.8.~~ The terms of all appointed members of the  
14 coalition must be staggered. Appointed members may serve a  
15 maximum of two terms. When a vacancy occurs in an appointed  
16 position, the coalition must advertise the vacancy.

17 Section 18. Subsection (3) of section 232.2466,  
18 Florida Statutes, is repealed.

19 Section 19. Section 255.565, Florida Statutes, is  
20 repealed.

21 Section 20. Section 255.553, Florida Statutes, is  
22 amended to read:

23 255.553 Survey required.--Each state agency shall  
24 survey or cause to be surveyed for the presence of  
25 asbestos-containing materials each public building for which  
26 it is responsible. The survey shall be conducted by an  
27 asbestos consultant licensed under chapter 469 and shall be  
28 conducted in accordance with AHERA initial inspection  
29 procedures; Environmental Protection Agency guidelines;  
30 National Emission Standards for Hazardous Air Pollutants; and  
31 Occupational Safety and Health Administration regulations, ~~and~~

1 ~~any subsequent recommendations made by the Asbestos Oversight~~  
2 ~~Program Team established under s. 255.565.~~ The survey shall:

3 (1) Determine all materials which may contain  
4 asbestos;

5 (2) Identify the location and quantify the types of  
6 asbestos-containing materials;

7 (3) Assess the hazard of the existing  
8 asbestos-containing materials as they relate to any situation  
9 where a person may come into contact with asbestos;

10 (4) Prioritize the areas which need immediate asbestos  
11 abatement action according to the hazard assessment; and

12 (5) Estimate the cost of recommended abatement  
13 alternatives.

14

15 The asbestos program administrator shall review the asbestos  
16 surveys and consult with the affected agency to determine on a  
17 priority basis the need for instituting abatement procedures,  
18 and the asbestos program administrator shall institute  
19 abatement procedures on a priority basis as directed by the  
20 secretary of the Department of Labor and Employment Security.

21 Section 21. Section 255.556, Florida Statutes, is  
22 amended to read:

23 255.556 Asbestos assessment.--When the survey  
24 indicates the presence of friable asbestos-containing  
25 materials in a public building, the survey shall also include  
26 an assessment of the level of airborne asbestos fibers. This  
27 assessment shall include a visual assessment followed by an  
28 analysis of air samples which shall be conducted in accordance  
29 with rules of the Department of Labor and Employment Security;  
30 Environmental Protection Agency guidelines; National Emission  
31 Standards for Hazardous Air Pollutants; and Occupational

1 Safety and Health Administration regulations; ~~and any~~  
2 ~~subsequent recommendations made by the Asbestos Oversight~~  
3 ~~Program Team established under s. 255.565.~~ If the overall  
4 assessment indicates the presence of asbestos greater than  
5 0.01 asbestos structures per cubic centimeter during periods  
6 of normal activity, response action shall be taken.

7 Section 22. Section 255.563, Florida Statutes, is  
8 amended to read:

9 255.563 Rules; Department of Labor and Employment  
10 Security.--The Department of Labor and Employment Security  
11 shall adopt all rules relating to asbestos in public buildings  
12 reasonably necessary to implement the provisions of ss.  
13 255.551-255.565. In developing the rules, the department  
14 shall consider the criteria established in the Asbestos  
15 Identification and Remediation Plan dated January 1, 1987, and  
16 issued pursuant to chapter 86-135, Laws of Florida;  
17 Environmental Protection Agency guidelines; AHERA; National  
18 Emission Standards for Hazardous Air Pollutants; and  
19 Occupational Safety and Health Administration regulations; ~~and~~  
20 ~~any subsequent recommendations made by the Asbestos Oversight~~  
21 ~~Program Team established under s. 255.565.~~

22 Section 23. Subsections (2), (3), (4), (5), and (6) of  
23 section 272.12, Florida Statutes, are repealed.

24 Section 24. Section 272.121, Florida Statutes, is  
25 amended to read:

26 272.121 Capitol Center long-range planning.--

27 (1) The Department of Management Services shall  
28 develop a comprehensive and long-range plan for the  
29 development of state-owned property within the Capitol Center,  
30 ~~which plan, and amendments thereto, shall be presented to the~~  
31

1 ~~planning commission for final approval.~~ In developing this  
2 plan, the department shall consider:

3 (a) The most efficient, expeditious, and economical  
4 method of accomplishing the desired results.

5 (b) The architectural and aesthetic coordination of  
6 the proposed plan with the existing structures.

7 (c) The effective utilization of all available space  
8 so as to minimize waste.

9 (d) The plans adopted by the local planning agencies  
10 in Leon County.

11 (2) The department shall further determine the needs  
12 of state government and the various agencies thereof occupying  
13 the Capitol Center and activities requiring space or  
14 facilities in the Capitol Center. When these needs have been  
15 determined the department shall develop a comprehensive plan  
16 for meeting these needs and for providing immediate facilities  
17 for state government and its agencies to effectively and  
18 efficiently discharge their duties and responsibilities, ~~which~~  
19 ~~plan shall be consistent with the plan for development of the~~  
20 ~~Capitol Center Planning District.~~

21 (3) In carrying out the provisions of the foregoing,  
22 the department ~~shall consult with the Capitol Center Planning~~  
23 ~~Commission and~~ shall request the cooperation of those state  
24 and private architects, engineers and interior designers  
25 determined by the department to possess expertise or  
26 information helpful to the development of a Capitol Plan and  
27 solicit and accept information, suggestions, and  
28 recommendations from all interested parties.

29 (4) The ~~commission and the~~ department shall prepare a  
30 report of its ~~their~~ findings and recommendations and submit  
31 the same to the Governor and the Legislature every fifth year,

1 except that the next report shall not be due until February 1,  
2 1979. Said report shall reflect the actions of ~~the commission~~  
3 ~~and~~ the department in carrying out the provisions of this act  
4 and shall include an updated comprehensive plan to carry out  
5 the provisions of this act each time the report is submitted.

6 (5) The department is authorized to contract with the  
7 City of Tallahassee, Leon County, the Tallahassee-Leon County  
8 Planning Department, or any other agency of such city or  
9 county to obtain planning services and functions required for  
10 the planning and development of the district in harmony with  
11 the coordinated planning of the city and the county. Services  
12 and functions covered under such agreements may include, but  
13 shall not be limited to, topographic surveys; base mapping;  
14 inventory of land use, employment, parking, and building floor  
15 areas; land acquisition information; analysis of trends;  
16 physical planning activities, including a master plan and any  
17 other required planning studies; ~~preparation of zoning codes~~  
18 ~~to provide for compatible development within the Capitol~~  
19 ~~Center area and in the vicinity thereof;~~ coordination of plans  
20 for development in of the district with city and county  
21 development plans; and application for and use of federal  
22 funds which may be available for planning or related purposes.

23 Section 25. Section 295.184, Florida Statutes, is  
24 amended to read:

25 295.184 Report; design, cost estimates.--The  
26 Commission on Veterans' Affairs shall consider the appropriate  
27 design of the memorial and may solicit design proposals from  
28 members of the public. The Commission on Veterans' Affairs, in  
29 cooperation with the Department of Management Services and the  
30 City of Tallahassee Capitol Center Planning Commission, shall  
31 consider the location of the memorial within the Florida

1 Capitol Center Planning District. On or before January 31,  
2 2002, the Commission on Veterans' Affairs shall submit to the  
3 Governor, the President of the Senate, and the Speaker of the  
4 House of Representatives its recommendations for the location  
5 and design of the memorial. The report must include an  
6 estimate of the cost to acquire the site for the memorial and  
7 of the cost to construct the memorial in accordance with the  
8 design proposal recommended by the Commission on Veterans'  
9 Affairs, as well as the life-cycle cost estimate required by  
10 s. 255.255. The Department of Management Services shall assist  
11 the Commission on Veterans' Affairs in preparing the estimates  
12 for timely inclusion in the report.

13       Section 26. (1) All rules, regulations, or orders of  
14 the Capitol Center Planning Commission regulating development  
15 within the Capitol Center Planning District in effect at the  
16 time of the effective date of this act shall remain in effect  
17 until superseded by regulation or order of the City of  
18 Tallahassee.

19       (2) Any owner of property within the Capitol Center  
20 Planning District who, prior to the effective date of this  
21 act, has obtained any permit, certification, or other  
22 development approval from the Capitol Center Planning  
23 Commission shall be allowed to continue the development so  
24 authorized in accordance with the regulations in effect at the  
25 time of the issuance of such permit, certification, or other  
26 development approval.

27       Section 27. Section 282.3095, Florida Statutes, is  
28 repealed.

29       Section 28. Section 285.19, Florida Statutes, is  
30 repealed.

31



1           Section 29. Section 286.30, Florida Statutes, is  
2 repealed.

3           Section 30. Paragraph (d) of subsection (4) of section  
4 216.235, Florida Statutes, is amended to read:

5           216.235 Innovation Investment Program; intent;  
6 definitions; composition and responsibilities of State  
7 Innovation Committee; responsibilities of the Department of  
8 Management Services, the Information Resource Commission, and  
9 the review board; procedures for innovative project  
10 submission, review, evaluation, and approval; criteria to be  
11 considered.--

12           (4) There is hereby created the State Innovation  
13 Committee, which shall have final approval authority as to  
14 which innovative investment projects submitted under this  
15 section shall be funded. Such committee shall be comprised of  
16 five members. Appointed members shall serve terms of 1 year  
17 and may be reappointed. The committee shall include:

18           (d) One representative of the private sector appointed  
19 by the Governor ~~Commission on Government Accountability to the~~  
20 ~~People.~~

21  
22 The Secretary of Management Services shall serve as an  
23 alternate in the event a member is unable to attend the  
24 committee meeting.

25           Section 31. Section 391.222, Florida Statutes, is  
26 repealed.

27           Section 32. Subsection (4) of section 392.69, Florida  
28 Statutes, is repealed.

29           Section 33. Paragraph (a) of subsection (4) and  
30 subsection (5) of section 402.40, Florida Statutes, are  
31 amended to read:

1           402.40 Child welfare training.--

2           (4) CHILD WELFARE TRAINING TRUST FUND.--

3           (a) There is created within the State Treasury a Child  
4 Welfare Training Trust Fund to be used by the Department of  
5 Children and Family Services for the purpose of funding a  
6 comprehensive system of child welfare training, including the  
7 securing of consultants to develop the system and the  
8 developing of, ~~the staff of the council, the expenses of the~~  
9 ~~council members,~~ the child welfare training academies that  
10 include ~~and~~ the participation of dependency program staff ~~in~~  
11 ~~the training.~~

12           (5) ESTABLISHMENT OF TRAINING ACADEMIES.--The  
13 department shall contract for the operation of one or more  
14 training academies with Tallahassee Community College. The  
15 number, location, and timeframe for establishment of  
16 additional training academies shall be ~~according to the~~  
17 ~~recommendation of the council as~~ approved by the Secretary of  
18 Children and Family Services.

19           Section 34. Subsection (2) of section 404.056, Florida  
20 Statutes, is repealed.

21           Section 35. Section 430.05, Florida Statutes, is  
22 repealed.

23           Section 36. Section 440.4416, Florida Statutes, is  
24 repealed.

25           Section 37. Section 440.345, Florida Statutes, is  
26 amended to read:

27           440.345 Reporting of attorney's fees.--All fees paid  
28 to attorneys for services rendered under this chapter shall be  
29 reported to the division as the division requires by rule. ~~The~~  
30 ~~division shall annually summarize such data in a report to the~~  
31 ~~Workers' Compensation Oversight Board.~~

1           Section 38. Subsections (13) and (14) of section  
2 440.49, Florida Statutes, are repealed, and subsection (2),  
3 paragraph (a) of subsection (9), and subsection (10) of that  
4 section are amended to read:

5           440.49 Limitation of liability for subsequent injury  
6 through Special Disability Trust Fund.--

7           (2) DEFINITIONS.--As used in this section, the term:

8           (a) "Permanent physical impairment" means and is  
9 limited to the conditions listed in paragraph (6)(a).

10           (b) "Preferred worker" means a worker who, because of  
11 a permanent impairment resulting from a compensable injury or  
12 occupational disease, is unable to return to the worker's  
13 regular employment.

14           (c) "Merger" describes or means that:

15           1. If the permanent physical impairment had not  
16 existed, the subsequent accident or occupational disease would  
17 not have occurred;

18           2. The permanent disability or permanent impairment  
19 resulting from the subsequent accident or occupational disease  
20 is materially and substantially greater than that which would  
21 have resulted had the permanent physical impairment not  
22 existed, and the employer has been required to pay, and has  
23 paid, permanent total disability or permanent impairment  
24 benefits for that materially and substantially greater  
25 disability;

26           3. The preexisting permanent physical impairment is  
27 aggravated or accelerated as a result of the subsequent injury  
28 or occupational disease, or the preexisting impairment has  
29 contributed, medically and circumstantially, to the need for  
30 temporary compensation, medical, or attendant care and the  
31 employer has been required to pay, and has paid, temporary

1 compensation, medical, or attendant care benefits for the  
2 aggravated preexisting permanent impairment; or

3 4. Death would not have been accelerated if the  
4 permanent physical impairment had not existed.

5 (d) "Excess permanent compensation" means that  
6 compensation for permanent impairment, or permanent total  
7 disability or death benefits, for which the employer or  
8 carrier is otherwise entitled to reimbursement from the  
9 Special Disability Trust Fund.

10 (e) "Administrator" means the entity selected by the  
11 division ~~commission~~ to review, allow, deny, compromise,  
12 controvert, and litigate claims of the Special Disability  
13 Trust Fund.

14 ~~(f) "Corporation" means the Special Disability Trust~~  
15 ~~Fund Financing Corporation, as created under subsection (14).~~

16 ~~(g) "Commission" means the Special Disability Trust~~  
17 ~~Fund Privatization Commission, as created under subsection~~  
18 ~~(13).~~

19  
20 In addition to the definitions contained in this subsection,  
21 the division may by rule prescribe definitions that are  
22 necessary for the effective administration of this section.

23 (9) SPECIAL DISABILITY TRUST FUND.--

24 (a) There is established in the State Treasury a  
25 special fund to be known as the "Special Disability Trust  
26 Fund," which shall be available only for the purposes stated  
27 in this section; and the assets thereof may not at any time be  
28 appropriated or diverted to any other use or purpose. The  
29 Treasurer shall be the custodian of such fund, and all moneys  
30 and securities in such fund shall be held in trust by such  
31 Treasurer and shall not be the money or property of the state.

1 The Treasurer is authorized to disburse moneys from such fund  
2 only when approved by the division or corporation and upon the  
3 order of the Comptroller. The Treasurer shall deposit any  
4 moneys paid into such fund into such depository banks as the  
5 division ~~or corporation~~ may designate and is authorized to  
6 invest any portion of the fund which, in the opinion of the  
7 division, is not needed for current requirements, in the same  
8 manner and subject to all the provisions of the law with  
9 respect to the deposits of state funds by such Treasurer. All  
10 interest earned by such portion of the fund as may be invested  
11 by the Treasurer shall be collected by her or him and placed  
12 to the credit of such fund.

13 (10) DIVISION ADMINISTRATION OF FUND; CLAIMS; ~~ADVISORY~~  
14 ~~COMMITTEE; EXPENSES.~~--The division or administrator shall  
15 administer the Special Disability Trust Fund with authority to  
16 allow, deny, compromise, controvert, and litigate claims made  
17 against it and to designate an attorney to represent it in  
18 proceedings involving claims against the fund, including  
19 negotiation and consummation of settlements, hearings before  
20 judges of compensation claims, and judicial review. The  
21 division or administrator or the attorney designated by it  
22 shall be given notice of all hearings and proceedings  
23 involving the rights or obligations of such fund and shall  
24 have authority to make expenditures for such medical  
25 examinations, expert witness fees, depositions, transcripts of  
26 testimony, and the like as may be necessary to the proper  
27 defense of any claim. ~~The division shall appoint an advisory~~  
28 ~~committee composed of representatives of management,~~  
29 ~~compensation insurance carriers, and self-insurers to aid it~~  
30 ~~in formulating policies with respect to conservation of the~~  
31 ~~fund, who shall serve without compensation for such terms as~~

1 ~~specified by it, but be reimbursed for travel expenses as~~  
2 ~~provided in s. 112.061.~~ All expenditures made in connection  
3 with conservation of the fund, including the salary of the  
4 attorney designated to represent it and necessary travel  
5 expenses, shall be allowed and paid from the Special  
6 Disability Trust Fund as provided in this section upon the  
7 presentation of itemized vouchers therefor approved by the  
8 division.

9 Section 39. Section 442.105, Florida Statutes, is  
10 repealed.

11 Section 40. Subsection (26) of section 499.005,  
12 Florida Statutes, and paragraph (c) of subsection (1) of  
13 section 499.05, Florida Statutes, are repealed.

14 Section 41. Paragraph (b) of subsection (1) of section  
15 499.015, Florida Statutes, is amended to read:

16 499.015 Registration of drugs, devices, and cosmetics;  
17 issuance of certificates of free sale.--

18 (1)

19 (b) The department may not register any product that  
20 does not comply with the Federal Food, Drug, and Cosmetic Act,  
21 as amended, or Title 21 C.F.R., ~~or that is not an approved~~  
22 ~~investigational drug as provided for in s. 499.018.~~

23 Registration of a product by the department does not mean that  
24 the product does in fact comply with all provisions of the  
25 Federal Food, Drug, and Cosmetic Act, as amended.

26 Section 42. Section 548.045, Florida Statutes, is  
27 repealed.

28 Section 43. Subsection (2) of section 548.046, Florida  
29 Statutes, is amended to read:

30 548.046 Physician's attendance at match; examinations;  
31 cancellation of match.--

1           (2) In addition to any other required examination,  
2 each participant shall be examined by the attending physician  
3 at the time of weigh-in. If the physician determines that a  
4 participant is physically or mentally unfit to proceed, the  
5 physician shall notify any commissioner or the commission  
6 representative who shall immediately cancel the match. The  
7 examination shall conform to rules adopted by the commission  
8 ~~based on the advice of the medical advisory council.~~ The  
9 result of the examination shall be reported in a writing  
10 signed by the physician and filed with the commission prior to  
11 completion of the weigh-in.

12           Section 44. Section 580.151, Florida Statutes, is  
13 repealed.

14           Section 45. Section 570.248, Florida Statutes, is  
15 repealed.

16           Section 46. Section 13 of chapter 99-332, Laws of  
17 Florida, is repealed.

18           Section 47. Section 11 of chapter 99-354, Laws of  
19 Florida, and subsection (11) of section 240.5186, Florida  
20 Statutes, are repealed.

21           Section 48. Section 6 of chapter 99-393, Laws of  
22 Florida, is repealed.

23           Section 49. Section 192 of chapter 99-397, Laws of  
24 Florida, is repealed.

25           Section 50. The Diversity Council and the State  
26 Customer Advisory Council created pursuant to authority of the  
27 Department of Labor and Employment Security under section  
28 20.171, Florida Statutes, are abolished.

29           Section 51. The Florida Business Partners for  
30 Prevention created pursuant to authority of the Department of  
31

1 Juvenile Justice under s. 20.316, Florida Statutes, is  
2 abolished.

3       Section 52. The State Agency Law Enforcement Radio  
4 System Review Panel created pursuant to authority of the  
5 Department of Management Services under section 282.111,  
6 Florida Statutes, is abolished.

7       Section 53. The Driver's Under the Influence (DUI)  
8 Advisory Council and the Florida Rider Training Program  
9 Citizen Motorcycle Safety Council created pursuant to  
10 authority of the Department of Highway Safety and Motor  
11 Vehicles under section 322.025, Florida Statutes, are  
12 abolished.

13       Section 54. The following councils, created pursuant  
14 to section 570.0705, Florida Statutes, are abolished:

15       (1) Agriculture and Livestock Fair Council.

16       (2) Bonifay State Farmers Market Advisory Council.

17       (3) Florida City State Farmers Market Advisory  
18 Committee.

19       (4) Fort Myers State Farmers Market Advisory Council.

20       (5) Fort Pierce State Farmers Market Advisory Council.

21       (6) Gadsden County State Farmers Market Advisory  
22 Council.

23       (7) Immokalee State Farmers Market Advisory Council.

24       (8) Nitrate Bill Best Management Practices Advisory

25 Group.

26       (9) Palatka State Farmers Market Advisory Council.

27       (10) Plant City State Farmers Market Advisory Council.

28       (11) Racing Quarter Horse Advisory Council.

29       (12) Sanford State Farmers Market Advisory Council.

30       (13) Seed Potato Advisory Council.

31       (14) Starke State Farmers Market Advisory Council.



