

By the Committee on Governmental Oversight and Productivity;
and Senator Posey

302-1641-01

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

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

1 Accountability to the People; amending s.
2 216.235, F.S.; providing for appointment of a
3 member to the State Innovation Committee by the
4 Governor in lieu of the Commission on
5 Government Accountability to the People, to
6 conform; repealing s. 391.222, F.S., to abolish
7 the Cardiac Advisory Council; amending s.
8 402.40, F.S.; deleting an obsolete reference to
9 the Child Welfare Training Council; repealing
10 s. 404.056(2), F.S., to abolish the Florida
11 Coordinating Council on Radon Protection;
12 amending s. 440.49, F.S., and repealing
13 subsections (13) and (14), relating to the
14 Special Disability Trust Fund Privatization
15 Commission and the Florida Special Disability
16 Trust Fund Financing Corporation, to abolish
17 the commission and corporation and delete or
18 revise references thereto; abolishing the
19 advisory committee on conservation of the fund;
20 repealing s. 442.105, F.S., to abolish the
21 Toxic Substances Advisory Council; repealing
22 ss. 499.005(26), 499.05(1)(c), F.S., to delete
23 obsolete references to the Florida Drug
24 Technical Review Panel and the investigational
25 drug program; amending s. 499.015, F.S.;
26 deleting an obsolete reference to the
27 investigational drug program; repealing s.
28 548.045, F.S., to abolish the Medical Advisory
29 Council under the Florida State Boxing
30 Commission; amending s. 548.046, F.S.; deleting
31 reference to the Medical Advisory Council, to

1 conform; repealing s. 570.248, F.S., to abolish
2 the Agricultural Economic Development Project
3 Review Committee; repealing s. 13, ch. 99-332,
4 Laws of Florida, to abolish the Task Force on
5 Home Health Services Licensure Provisions;
6 repealing s. 11, ch. 99-354, Laws of Florida,
7 to abolish the Information Service Technology
8 Development Task Force; repealing s.
9 240.5186(11), F.S., relating to authority of
10 the Institute on Urban Policy and Commerce to
11 subcontract with the Information Service
12 Technology Development Task Force for
13 assistance under the Community High-Technology
14 Investment Partnership (CHIP) program, to
15 conform; repealing s. 6, ch. 99-393, Laws of
16 Florida, to abolish the advisory group on the
17 submission and payment of health claims
18 established by the Director of the Agency for
19 Health Care Administration; repealing s. 192,
20 ch. 99-397, Laws of Florida, to abolish the
21 task force established to review funding
22 sources of the Public Medical Assistance Trust
23 Fund; abolishing the Diversity Council and the
24 State Customer Advisory Council under the
25 Department of Labor and Employment Security;
26 abolishing the Florida Business Partners for
27 Prevention under the Department of Juvenile
28 Justice; abolishing the State Agency Law
29 Enforcement Radio System Review Panel under the
30 Department of Management Services; abolishing
31 the Driver's Under the Influence (DUI) Advisory

1 Council and the Florida Rider Training Program
2 Citizen Motorcycle Safety Council under the
3 Department of Highway Safety and Motor
4 Vehicles; abolishing the Agriculture and
5 Livestock Fair Council, Bonifay State Farmers
6 Market Advisory Council, Florida City State
7 Farmers Market Advisory Committee, Fort Myers
8 State Farmers Market Advisory Council, Fort
9 Pierce State Farmers Market Advisory Council,
10 Gadsden County State Farmers Market Advisory
11 Council, Immokalee State Farmers Market
12 Advisory Council, Nitrate Bill Best Management
13 Practices Advisory Group, Palatka State Farmers
14 Market Advisory Council, Plant City State
15 Farmers Market Advisory Council, Racing Quarter
16 Horse Advisory Council, Sanford State Farmers
17 Market Advisory Council, Seed Potato Advisory
18 Council, Starke State Farmers Market Advisory
19 Council, Suwannee Valley State Farmers Market
20 Advisory Council, Trenton State Farmers Market
21 Advisory Council, Tropical Soda Apple Task
22 Force, and Wauchula State Farmers Market
23 Advisory Council; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Subsection (3) of section 24.103, Florida
28 Statutes, and section 24.106, Florida Statutes, are repealed.

29 Section 2. Section 24.105, Florida Statutes, is
30 amended to read:

31

1 24.105 Powers and duties of department.--The
2 department shall:

3 (1) Have the authority to sue or be sued in the
4 corporate name of the department and to adopt a corporate seal
5 and symbol.

6 (2) Supervise and administer the operation of the
7 lottery in accordance with the provisions of this act and
8 rules adopted pursuant thereto.

9 (3) For purposes of any investigation or proceeding
10 conducted by the department, have the power to administer
11 oaths, require affidavits, take depositions, issue subpoenas,
12 and compel the attendance of witnesses and the production of
13 books, papers, documents, and other evidence.

14 ~~(4) Make available to the commission any record or~~
15 ~~other information relating to the lottery that the commission~~
16 ~~requests.~~

17 (4)~~(5)~~ Submit monthly and annual reports to ~~the~~
18 ~~commission~~, the Governor, the Treasurer, the President of the
19 Senate, and the Speaker of the House of Representatives
20 disclosing the total lottery revenues, prize disbursements,
21 and other expenses of the department during the preceding
22 month. The annual report shall additionally describe the
23 organizational structure of the department, including its
24 hierarchical structure, and shall identify the divisions and
25 bureaus created by the secretary and summarize the
26 departmental functions performed by each.

27 (5)~~(6)~~ Adopt by rule a system of internal audits.

28 (6)~~(7)~~ Maintain weekly or more frequent records of
29 lottery transactions, including the distribution of tickets to
30 retailers, revenues received, claims for prizes, prizes paid,
31 and other financial transactions of the department.

1 (7)~~(8)~~ Make a continuing study of the lottery to
2 ascertain any defects of this act or rules adopted thereunder
3 which could result in abuses in the administration of the
4 lottery; make a continuing study of the operation and the
5 administration of similar laws in other states and of federal
6 laws which may affect the lottery; and make a continuing study
7 of the reaction of the public to existing and potential
8 features of the lottery.

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

14 (9)~~(10)~~ Adopt rules governing the establishment and
15 operation of the state lottery, including:

16 (a) The type of lottery games to be conducted, except
17 that:

18 1. No name of an elected official shall appear on the
19 ticket or play slip of any lottery game or on any prize or on
20 any instrument used for the payment of prizes, unless such
21 prize is in the form of a state warrant.

22 2. No coins or currency shall be dispensed from any
23 electronic computer terminal or device used in any lottery
24 game.

25 3. Other than as provided in subparagraph 4., no
26 terminal or device may be used for any lottery game which may
27 be operated solely by the player without the assistance of the
28 retailer.

29 4. The only player-activated machine which may be
30 utilized is a machine which dispenses instant lottery game
31 tickets following the insertion of a coin or currency by a

1 ticket purchaser. To be authorized a machine must: be under
2 the supervision and within the direct line of sight of the
3 lottery retailer to ensure that the machine is monitored and
4 only operated by persons at least 18 years of age; be capable
5 of being electronically deactivated by the retailer to
6 prohibit use by persons less than 18 years of age through the
7 use of a lockout device that maintains the machine's
8 deactivation for a period of no less than 5 minutes; and be
9 designed to prevent its use or conversion for use in any
10 manner other than the dispensing of instant lottery tickets.
11 Authorized machines may dispense change to players purchasing
12 tickets but may not be utilized for paying the holders of
13 winning tickets of any kind. At least one clerk must be on
14 duty at the lottery retailer while the machine is in
15 operation. However, at least two clerks must be on duty at any
16 lottery location which has violated s. 24.1055.

17 (b) The sales price of tickets.

18 (c) The number and sizes of prizes.

19 (d) The method of selecting winning tickets. However,
20 if a lottery game involves a drawing, the drawing shall be
21 public and witnessed by an accountant employed by an
22 independent certified public accounting firm. The equipment
23 used in the drawing shall be inspected before and after the
24 drawing.

25 (e) The manner of payment of prizes to holders of
26 winning tickets.

27 (f) The frequency of drawings or selections of winning
28 tickets.

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

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

1 (i) The manner and amount of compensation of
2 retailers.

3 (j) Such other matters necessary or desirable for the
4 efficient or economical operation of the lottery or for the
5 convenience of the public.

6 (10)~~(11)~~ Have the authority to hold copyrights,
7 trademarks, and service marks and enforce its rights with
8 respect thereto.

9 (11)~~(12)~~ In the selection of games and method of
10 selecting winning tickets, be sensitive to the impact of the
11 lottery upon the pari-mutuel industry and, accordingly, the
12 department may use for any game the theme of horseracing,
13 dogracing, or jai alai and may allow a lottery game to be
14 based upon a horserace, dograce, or jai alai activity so long
15 as the outcome of such lottery game is determined entirely by
16 chance.

17 (12)~~(13)~~(a) Determine by rule information relating to
18 the operation of the lottery which is confidential and exempt
19 from the provisions of s. 119.07(1) and s. 24(a), Art. I of
20 the State Constitution. Such information includes trade
21 secrets; security measures, systems, or procedures; security
22 reports; information concerning bids or other contractual
23 data, the disclosure of which would impair the efforts of the
24 department to contract for goods or services on favorable
25 terms; employee personnel information unrelated to
26 compensation, duties, qualifications, or responsibilities; and
27 information obtained by the Division of Security pursuant to
28 its investigations which is otherwise confidential. To be
29 deemed confidential, the information must be necessary to the
30 security and integrity of the lottery. Confidential
31 information may be released to other governmental entities as

1 needed in connection with the performance of their duties.
2 The receiving governmental entity shall retain the
3 confidentiality of such information as provided for in this
4 subsection.

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

11 (c) Any information made confidential and exempt from
12 the provisions of s. 119.07(1) under this subsection shall be
13 disclosed ~~to a member of the commission,~~ to the Auditor
14 General, or to the independent auditor selected under s.
15 24.123 upon such person's request therefor. If the President
16 of the Senate or the Speaker of the House of Representatives
17 certifies that information made confidential under this
18 subsection is necessary for effecting legislative changes, the
19 requested information shall be disclosed to him or her, and he
20 or she may disclose such information to members of the
21 Legislature and legislative staff as necessary to effect such
22 purpose.

23 (13)~~(14)~~ Have the authority to perform any of the
24 functions of the Department of Management Services under
25 chapter 255, chapter 273, chapter 281, chapter 283, or chapter
26 287, or any rules adopted under any such chapter, and may
27 grant approvals provided for under any such chapter or rules.
28 If the department finds, by rule, that compliance with any
29 such chapter would impair or impede the effective or efficient
30 operation of the lottery, the department may adopt rules
31 providing alternative procurement procedures. Such

1 alternative procedures shall be designed to allow the
2 department to evaluate competing proposals and select the
3 proposal that provides the greatest long-term benefit to the
4 state with respect to the quality of the products or services,
5 dependability and integrity of the vendor, dependability of
6 the vendor's products or services, security, competence,
7 timeliness, and maximization of gross revenues and net
8 proceeds over the life of the contract.

9 (14)~~(15)~~ Have the authority to acquire real property
10 and make improvements thereon. The title to such property
11 shall be vested in the Board of Trustees of the Internal
12 Improvement Trust Fund. The board shall give the department
13 preference in leasing state-owned lands under the board's
14 control and may not exercise any jurisdiction over lands
15 purchased or leased by the department while such lands are
16 actively used by the department. Actions of the department
17 under this subsection are exempt from the time limitations and
18 deadlines of chapter 253.

19 (15)~~(16)~~ Have the authority to charge fees to persons
20 applying for contracts as vendors or retailers, which fees are
21 reasonably calculated to cover the costs of investigations and
22 other activities related to the processing of the application.

23 (16)~~(17)~~ Enter into contracts for the purchase, lease,
24 or lease-purchase of such goods and services as are necessary
25 for the operation and promotion of the state lottery,
26 including assistance provided by any governmental agency.

27 (17)~~(18)~~ In accordance with the provisions of this
28 act, enter into contracts with retailers so as to provide
29 adequate and convenient availability of tickets to the public
30 for each game.

31

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

7 (19)~~(20)~~ Employ division directors and other staff as
8 may be necessary to carry out the provisions of this act;
9 however:

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

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

17 2. Subsequent to such conviction or entry of plea the
18 person has engaged in the kind of law-abiding commerce and
19 good citizenship that would reflect well upon the integrity of
20 the lottery.

21 (b) No officer or employee of the department having
22 decisionmaking authority shall participate in any decision
23 involving any vendor or retailer with whom the officer or
24 employee has a financial interest. No such officer or
25 employee may participate in any decision involving any vendor
26 or retailer with whom the officer or employee has discussed
27 employment opportunities without the approval of the secretary
28 or, if such officer is the secretary ~~or any member of the~~
29 ~~commission~~, without the approval of the Governor. Any officer
30 or employee of the department shall notify the secretary of
31 any such discussion or, if such officer is the secretary ~~or a~~

1 ~~member of the commission~~, he or she shall notify the Governor.
2 A violation of this paragraph is punishable in accordance with
3 s. 112.317.

4 (c) No officer or employee of the department who
5 leaves the employ of the department shall represent any vendor
6 or retailer before the department regarding any specific
7 matter in which the officer or employee was involved while
8 employed by the department, for a period of 1 year following
9 cessation of employment with the department. A violation of
10 this paragraph is punishable in accordance with s. 112.317.

11 (d) The department shall establish and maintain a
12 personnel program for its employees, including a personnel
13 classification and pay plan which may provide any or all of
14 the benefits provided in the Senior Management Service or
15 Selected Exempt Service. Each officer or employee of the
16 department shall be a member of the Florida Retirement System.
17 The retirement class of each officer or employee shall be the
18 same as other persons performing comparable functions for
19 other agencies. Employees of the department shall serve at
20 the pleasure of the secretary and shall be subject to
21 suspension, dismissal, reduction in pay, demotion, transfer,
22 or other personnel action at the discretion of the secretary.
23 Such personnel actions are exempt from the provisions of
24 chapter 120. All employees of the department are exempt from
25 the Career Service System provided in chapter 110 and,
26 notwithstanding the provisions of s. 110.205(5), are not
27 included in either the Senior Management Service or the
28 Selected Exempt Service. However, all employees of the
29 department are subject to all standards of conduct adopted by
30 rule for career service and senior management employees
31 pursuant to chapter 110. In the event of a conflict between

1 standards of conduct applicable to employees of the Department
2 of the Lottery the more restrictive standard shall apply.
3 Interpretations as to the more restrictive standard may be
4 provided by the Commission on Ethics upon request of an
5 advisory opinion pursuant to s. 112.322(3)(a), for purposes of
6 this subsection the opinion shall be considered final action.

7 (20)~~(21)~~ Adopt by rule a code of ethics for officers
8 and employees of the department which supplements the
9 standards of conduct for public officers and employees imposed
10 by law.

11 Section 3. Paragraph (b) of subsection (7) of section
12 24.108, Florida Statutes, is amended to read:

13 24.108 Division of Security; duties; security
14 report.--

15 (7)

16 (b) The portion of the security report containing the
17 overall evaluation of the department in terms of each aspect
18 of security shall be presented to ~~the commission,~~the
19 Governor, the President of the Senate, and the Speaker of the
20 House of Representatives. The portion of the security report
21 containing specific recommendations shall be confidential and
22 shall be presented only to the secretary, ~~the commission,~~the
23 Governor, and the Auditor General; however, upon certification
24 that such information is necessary for the purpose of
25 effecting legislative changes, such information shall be
26 disclosed to the President of the Senate and the Speaker of
27 the House of Representatives, who may disclose such
28 information to members of the Legislature and legislative
29 staff as necessary to effect such purpose. However, any person
30 who receives a copy of such information or other information
31 which is confidential pursuant to this act or rule of the

1 department shall maintain its confidentiality. The
2 confidential portion of the report is exempt from the
3 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
4 Constitution.

5 Section 4. Subsection (3) of section 24.123, Florida
6 Statutes, is amended to read:

7 24.123 Annual audit of financial records and
8 reports.--

9 (3) A copy of any audit performed pursuant to this
10 section shall be submitted to the secretary, ~~the commission,~~
11 the Governor, the President of the Senate, the Speaker of the
12 House of Representatives, and members of the Legislative
13 Auditing Committee.

14 Section 5. Sections 121.22, 121.23, 121.231, and
15 121.24, Florida Statutes, are repealed.

16 Section 6. Subsection (3) of section 121.0515, Florida
17 Statutes, is amended to read:

18 121.0515 Special risk membership.--

19 (3) PROCEDURE FOR DESIGNATING.--

20 (a) Any member of the Florida Retirement System
21 employed by a county, city, or special district who feels that
22 he or she meets the criteria set forth in this section for
23 membership in the Special Risk Class may request that his or
24 her employer submit an application to the department
25 requesting that the department designate him or her as a
26 special risk member. If the employer agrees that the member
27 meets the requirements for special risk membership, the
28 employer shall submit an application to the department in
29 behalf of the employee containing a certification that the
30 member meets the criteria for special risk membership set
31 forth in this section and such other supporting documentation

1 as may be required by administrative rule. The department
2 shall, within 90 days, either designate or refuse to designate
3 the member as a special risk member. If the employer declines
4 to submit the member's application to the department or if the
5 department does not designate the member as a special risk
6 member, the member or the employer may appeal to the
7 department for a hearing before an administrative law judge
8 ~~State Retirement Commission~~, as provided in chapter 120 s.
9 ~~121.23~~, for designation as a special risk member. A member who
10 receives a final affirmative ruling pursuant to such appeal
11 for special risk membership shall have special risk membership
12 retroactive to the date such member would have had special
13 risk membership had such membership been approved by the
14 employer and the department, as determined by the department,
15 and the employer contributions shall be paid in full within 1
16 year after such final ruling.

17 (b)1. Applying the criteria set forth in this section,
18 the Department of Management Services shall specify which
19 current and newly created classes of positions under the
20 uniform classification plan established pursuant to chapter
21 110 entitle the incumbents of positions in those classes to
22 membership in the Special Risk Class. Only employees employed
23 in the classes so specified shall be special risk members.

24 2. When a class is not specified by the department as
25 provided in subparagraph 1., the employing agency may petition
26 the department for a hearing before an administrative law
27 judge, as provided in chapter 120 ~~State Retirement Commission~~
28 ~~for approval in accordance with s. 121.23.~~

29 Section 7. Paragraph (d) of subsection (4) and
30 paragraph (b) of subsection (13) of section 121.091, Florida
31 Statutes, are amended to read:

1 121.091 Benefits payable under the system.--Benefits
2 may not be paid under this section unless the member has
3 terminated employment as provided in s. 121.021(39)(a) or
4 begun participation in the Deferred Retirement Option Program
5 as provided in subsection (13), and a proper application has
6 been filed in the manner prescribed by the department. The
7 department may cancel an application for retirement benefits
8 when the member or beneficiary fails to timely provide the
9 information and documents required by this chapter and the
10 department's rules. The department shall adopt rules
11 establishing procedures for application for retirement
12 benefits and for the cancellation of such application when the
13 required information or documents are not received.

14 (4) DISABILITY RETIREMENT BENEFIT.--

15 (d) Election on appeal.--A member whose application
16 for regular disability retirement has been denied and who has
17 filed an appeal to the department for a hearing before an
18 administrative law judge, as provided in chapter 120, State
19 ~~Retirement Commission~~ may, if eligible, elect to receive
20 normal or early service retirement benefits while he or she is
21 awaiting the decision on the appeal. However:

22 1. If the member elects to receive service retirement
23 benefits and disability benefits are later approved as a
24 result of the appeal, the payment option chosen by the member
25 may not be changed.

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

29

30 Before such regular or early retirement benefits may be paid
31 by the division, the member must provide to the division a

1 written statement indicating that the member understands that
2 such changes are not permitted after he or she begins
3 receiving the benefits.

4 (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general,
5 and subject to the provisions of this section, the Deferred
6 Retirement Option Program, hereinafter referred to as the
7 DROP, is a program under which an eligible member of the
8 Florida Retirement System may elect to participate, deferring
9 receipt of retirement benefits while continuing employment
10 with his or her Florida Retirement System employer. The
11 deferred monthly benefits shall accrue in the System Trust
12 Fund on behalf of the participant, plus interest compounded
13 monthly, for the specified period of the DROP participation,
14 as provided in paragraph (c). Upon termination of employment,
15 the participant shall receive the total DROP benefits and
16 begin to receive the previously determined normal retirement
17 benefits. Participation in the DROP does not guarantee
18 employment for the specified period of DROP.

19 (b) Participation in the DROP.--

20 1. An eligible member may elect to participate in the
21 DROP for a period not to exceed a maximum of 60 calendar
22 months immediately following the date on which the member
23 first reaches his or her normal retirement date or the date to
24 which he or she is eligible to defer his or her election to
25 participate as provided in subparagraph (a)2. However, a
26 member who has reached normal retirement date prior to the
27 effective date of the DROP shall be eligible to participate in
28 the DROP for a period of time not to exceed 60 calendar months
29 immediately following the effective date of the DROP, except a
30 member of the Special Risk Class who has reached normal
31 retirement date prior to the effective date of the DROP and

1 whose total accrued value exceeds 75 percent of average final
2 compensation as of his or her effective date of retirement
3 shall be eligible to participate in the DROP for no more than
4 36 calendar months immediately following the effective date of
5 the DROP.

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

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

9 b. Selection of the DROP participation and termination
10 dates, which satisfy the limitations stated in paragraph (a)
11 and subparagraph 1. Such termination date shall be in a
12 binding letter of resignation with the employer, establishing
13 a deferred termination date. The member may change the
14 termination date within the limitations of subparagraph 1.,
15 but only with the written approval of his or her employer;

16 c. A properly completed DROP application for service
17 retirement as provided in this section; and

18 d. Any other information required by the division.

19 3. The DROP participant shall be a retiree under the
20 Florida Retirement System for all purposes, except for
21 paragraph (5)(f) and subsection (9) and ss. 112.3173, 112.363,
22 121.053, and 121.122. However, participation in the DROP does
23 not alter the participant's employment status and such
24 employee shall not be deemed retired from employment until his
25 or her deferred resignation is effective and termination
26 occurs as provided in s. 121.021(39).

27 4. Elected officers shall be eligible to participate
28 in the DROP subject to the following:

29 a. An elected officer who reaches normal retirement
30 date during a term of office may defer the election to
31 participate in the DROP until the next succeeding term in that

1 office. Such elected officer who exercises this option may
2 participate in the DROP for up to 60 calendar months or a
3 period of no longer than such succeeding term of office,
4 whichever is less.

5 b. An elected or a nonelected participant may run for
6 a term of office while participating in DROP and, if elected,
7 extend the DROP termination date accordingly, except, however,
8 if such additional term of office exceeds the 60-month
9 limitation established in subparagraph 1., and the officer
10 does not resign from office within such 60-month limitation,
11 the retirement and the participant's DROP shall be null and
12 void as provided in sub-subparagraph (c)5.d.

13 c. An elected officer who is dually employed and
14 elects to participate in DROP shall be required to satisfy the
15 definition of termination within the 60-month limitation
16 period as provided in subparagraph 1. for the nonelected
17 position and may continue employment as an elected officer as
18 provided in s. 121.053. The elected officer will be enrolled
19 as a renewed member in the Elected Officers' Class or the
20 Regular Class, as provided in s. ss. 121.053 and ~~121.22~~, on
21 the first day of the month after termination of employment in
22 the nonelected position and termination of DROP. Distribution
23 of the DROP benefits shall be made as provided in paragraph
24 (c).

25 Section 8. Section 228.054, Florida Statutes, is
26 repealed.

27 Section 9. Subsection (12) of section 228.053, Florida
28 Statutes, is amended to read:

29 228.053 Developmental research schools.--

30 (12) EXCEPTIONS TO LAW.--To encourage innovative
31 practices and facilitate the mission of the developmental

1 research schools, in addition to the exceptions to law
2 specified in s. 229.592, the following exceptions shall be
3 permitted for developmental research schools:

4 (a) The methods and requirements of the following
5 statutes shall be held in abeyance: ss. 230.01; 230.02;
6 230.03; 230.04; 230.05; 230.061; 230.10; 230.105; 230.11;
7 230.12; 230.15; 230.16; 230.17; 230.173; 230.18; 230.19;
8 230.201; 230.202; 230.21; 230.22; 230.2318; 230.24; 230.241;
9 230.26; 230.28; 230.30; 230.303; 230.31; 230.32; 230.321;
10 230.33; 230.35; 230.39; 230.63; 230.64; 230.643; 234.01;
11 234.021; 236.25; 236.261; 236.29; 236.31; 236.32; 236.35;
12 236.36; 236.37; 236.38; 236.39; 236.40; 236.41; 236.42;
13 236.43; 236.44; 236.45; 236.46; 236.47; 236.48; 236.49;
14 236.50; 236.51; 236.52; 236.55; 236.56; 237.051; 237.071;
15 237.091; 237.201; 237.40; and 316.75. With the exception of
16 subsection (16) of s. 230.23, s. 230.23 shall be held in
17 abeyance. Reference to school boards in s. 230.23(16) shall
18 mean the president of the university or the president's
19 designee.

20 (b) The following statutes or related rules may be
21 waived for any developmental research school so requesting,
22 provided the general statutory purpose of each section is met
23 and the developmental research school has submitted a written
24 request to the Commissioner of Education ~~Joint Developmental~~
25 ~~Research School Planning, Articulation, and Evaluation~~
26 ~~Committee~~ for approval pursuant to this subsection: ss.
27 229.555; 231.291; 232.2462; 233.34; 237.01; 237.02; 237.031;
28 237.041; 237.061; 237.081; 237.111; 237.121; 237.131; 237.141;
29 237.151; 237.161; 237.162; 237.171; 237.181; 237.211; and
30 237.34. Notwithstanding reference to the responsibilities of
31 the superintendent or school board in chapter 237,

1 developmental research schools shall follow the policy intent
2 of the chapter and shall, at least, adhere to the general
3 state agency accounting procedures established in s. 11.46.

4 1. Two or more developmental research schools may
5 jointly originate a request for waiver and submit the request
6 to the commissioner ~~committee~~ if such waiver is approved by
7 the school advisory council of each developmental research
8 school desiring the waiver.

9 2. A developmental research school may submit a
10 request to the commissioner ~~committee~~ for a waiver if such
11 request is presented by a school advisory council established
12 pursuant to s. 229.58, if such waiver is required to implement
13 a school improvement plan required by s. 230.23(16), and if
14 such request is made using forms established pursuant to s.
15 229.592. The department ~~Joint Developmental Research School~~
16 ~~Planning, Articulation, and Evaluation Committee~~ shall monitor
17 the waiver activities of all developmental research schools
18 ~~and shall report annually to the department, in conjunction~~
19 ~~with the feedback report required pursuant to s. 229.592, the~~
20 ~~number of waivers requested and submitted to the committee by~~
21 ~~developmental research schools, and the number of such waiver~~
22 ~~requests not approved. For each waiver request not approved,~~
23 ~~the committee shall report the statute or rule for which the~~
24 ~~waiver was requested, the rationale for the developmental~~
25 ~~research school request, and the reason the request was not~~
26 ~~approved.~~

27 (c) The written request for waiver of statute or rule
28 shall indicate at least how the general statutory purpose will
29 be met, how granting the waiver will assist schools in
30 improving student outcomes related to the student performance
31 standards adopted pursuant to s. 229.592, and how student

1 improvement will be evaluated and reported. In considering any
2 waiver, the commissioner ~~committee~~ shall ensure protection of
3 the health, safety, welfare, and civil rights of the students
4 and protection of the public interest.

5 (d) Notwithstanding the request provisions of s.
6 229.592, developmental research schools shall request all
7 waivers through the commissioner ~~Joint Developmental Research~~
8 ~~School Planning, Articulation, and Evaluation Committee, as~~
9 ~~established in s. 228.054.~~ The commissioner ~~committee~~ shall
10 approve or disapprove said requests pursuant to this
11 subsection and s. 229.592; ~~however, the Commissioner of~~
12 ~~Education shall have standing to challenge any decision of the~~
13 ~~committee should it adversely affect the health, safety,~~
14 ~~welfare, or civil rights of the students or public interest.~~
15 ~~The department shall immediately notify the committee and~~
16 ~~developmental research school of the decision and provide a~~
17 ~~rationale therefor.~~

18 Section 10. Subsection (6) of section 228.2001,
19 Florida Statutes, is amended to read:

20 228.2001 Discrimination against students and employees
21 in state system of public education; prohibitions; equality of
22 access; strategies to overcome underrepresentation;
23 remedies.--

24 (6) The functions of the Office of Equal Educational
25 Opportunity of the Department of Education shall include, but
26 not be limited to:

27 (a) Requiring all boards to develop and submit plans
28 for the implementation of this section to the Department of
29 Education.

30 (b) Conducting periodic reviews of educational
31 agencies to determine compliance with this section and, after

1 a finding that an educational agency is not in compliance with
2 this section, notifying the agency of the steps that it must
3 take to attain compliance.

4 (c) Providing technical assistance, including
5 assisting educational agencies in identifying unlawful
6 discrimination and instructing them in remedies for correction
7 and prevention of such discrimination.

8 (d) Conducting studies of the effectiveness of methods
9 and strategies designed to increase the participation of
10 students in programs and courses in which students of a
11 particular race, national origin, sex, handicap, or marital
12 status have been traditionally underrepresented and monitoring
13 the success of students in such programs of courses.

14 (e) Requiring all boards to submit data and
15 information necessary to determine compliance with this
16 section. The Commissioner of Education shall prescribe the
17 format and the date for submission of such data and any other
18 educational equity data. If any district does not submit the
19 required compliance data or other required educational equity
20 data by the prescribed date, the commissioner shall notify the
21 district school board of this fact and, if the appropriate
22 action is not taken to immediately submit the required report,
23 the school board shall be directed to proceed pursuant to the
24 provisions of s. 230.23(11)(b). If any community college or
25 university does not submit required data and information by
26 the prescribed date, the same policy as prescribed for school
27 districts shall be implemented.

28 ~~(f) Coordinating the work of a Task Force on Gender~~
29 ~~Equity in Education. The task force shall consist of 11~~
30 ~~members. The Commissioner of Education shall appoint three~~
31 ~~members: two shall be athletic directors at public high~~

1 ~~schools and one may be a member at large. The Chancellor of~~
2 ~~the State University System shall appoint two members who are~~
3 ~~athletic directors at state universities that offer~~
4 ~~scholarships for athletes in all major sports. The Executive~~
5 ~~Director of the Community College System shall appoint two~~
6 ~~members who are athletic directors at community colleges. The~~
7 ~~President of the Senate shall appoint two members and the~~
8 ~~Speaker of the House of Representatives shall appoint two~~
9 ~~members. The Commissioner of Education, the Chancellor of the~~
10 ~~State University System, the Executive Director of the~~
11 ~~Community College System, the President of the Senate, and the~~
12 ~~Speaker of the House of Representatives shall coordinate their~~
13 ~~appointments to ensure that the task force represents, to the~~
14 ~~maximum extent possible, the gender, racial, and ethnic~~
15 ~~diversity of the state. By July 1, 1994, the task force shall~~
16 ~~define equity in athletics at all levels of public education~~
17 ~~and shall recommend to the Commissioner of Education rules for~~
18 ~~appropriate enforcement mechanisms to ensure equity. The~~
19 ~~recommendations must include:~~

20 1. ~~A determination of an equitable rate of~~
21 ~~participation of males and females in athletics at public~~
22 ~~educational agencies and institutions.~~

23 2. ~~A determination of the appropriate consideration of~~
24 ~~revenues when making decisions about equitable use of funds~~
25 ~~for support of athletic activities. In making this~~
26 ~~determination, the task force shall consider all funds~~
27 ~~received and expended for athletic promotion or support,~~
28 ~~including revenues from direct-support organizations~~
29 ~~established under s. 237.40, s. 240.299, or s. 240.363.~~

30 (f)(g) ~~Based upon recommendations of the task force~~
31 ~~created in paragraph (f) and rules of the State Board of~~

1 Education, developing and implementing enforcement mechanisms
2 with appropriate penalties to ensure that public schools and
3 community colleges comply with Title IX of the Education
4 Amendments of 1972 and subsection (3) of this section.
5 However, the Department of Education may not force an
6 educational agency to conduct, nor penalize an educational
7 agency for not conducting, a program of athletic activity or
8 athletic scholarship for female athletes unless it is an
9 athletic activity approved for women by a recognized
10 association whose purpose is to promote athletics and a
11 conference or league exists to promote interscholastic or
12 intercollegiate competition for women in that athletic
13 activity.

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

20 1. Declare the educational agency ineligible for
21 competitive state grants.

22 2. Notwithstanding the provisions of s. 216.192,
23 direct the Comptroller to withhold general revenue funds
24 sufficient to obtain compliance from the educational agency.

25
26 The educational agency shall remain ineligible and the funds
27 shall not be paid until the agency comes into compliance or
28 the commissioner approves a plan for compliance.

29 Section 11. Subsection (7) of section 230.2305,
30 Florida Statutes, is repealed, and paragraph (b) of subsection
31

1 (2), paragraphs (h) and (i) of subsection (3), and subsection
2 (5) of that section are amended to read:

3 230.2305 Prekindergarten early intervention program.--

4 (2) ELIGIBILITY.--There is hereby created the
5 prekindergarten early intervention program for children who
6 are 3 and 4 years of age. A prekindergarten early
7 intervention program shall be administered by a district
8 school board and shall receive state funds pursuant to
9 subsection (6). Each public school district shall make
10 reasonable efforts to accommodate the needs of children for
11 extended day and extended year services without compromising
12 the quality of the 6-hour, 180-day program. The school
13 district shall report on such efforts. School district
14 participation in the prekindergarten early intervention
15 program shall be at the discretion of each school district.

16 (b) An "economically disadvantaged" child shall be
17 defined as a child eligible to participate in the free lunch
18 program. Notwithstanding any change in a family's economic
19 status or in the federal eligibility requirements for free
20 lunch, a child who meets the eligibility requirements upon
21 initial registration for the program shall be considered
22 eligible until the child reaches kindergarten age. In order
23 to assist the school district in establishing the priority in
24 which children shall be served, and to increase the efficiency
25 in the provision of child care services in each district, the
26 district shall enter into a written collaborative agreement
27 with other publicly funded early education and child care
28 programs within the district. Such agreement shall ~~be~~
29 ~~facilitated by the interagency coordinating council and shall~~
30 set forth, among other provisions, the measures to be
31 undertaken to ensure the programs' achievement and compliance

1 with the performance standards established in subsection (3)
2 and for maximizing the public resources available to each
3 program. In addition, the central agency for state-subsidized
4 child care or the local service district of the Department of
5 Children and Family Services shall provide the school district
6 with an updated list of 3-year-old and 4-year-old children
7 residing in the school district who are on the waiting list
8 for state-subsidized child care.

9 (3) STANDARDS.--

10 (h) Services are to be provided during a school day
11 and school year equal to or exceeding the requirements for
12 kindergarten under ss. 228.041 and 236.013. Strategies to
13 provide care before school, after school, and 12 months a
14 year, when needed, must be developed by the school district in
15 cooperation with the central agency for state-subsidized child
16 care or the local service district of the Department of
17 Children and Family Services ~~and the district interagency~~
18 ~~coordinating council~~. Programs may be provided on Saturdays
19 and through other innovative scheduling arrangements.

20 (i) The school district must make efforts to meet the
21 first state education goal, readiness to start school,
22 including the involvement of nonpublic schools, public and
23 private providers of day care and early education, and other
24 community agencies that provide services to young children.
25 This may include private child care programs, subsidized child
26 care programs, and Head Start programs. ~~A written description~~
27 ~~of these efforts must be provided to the district interagency~~
28 ~~coordinating council on early childhood services.~~

29 (5) ANNUAL REPORT.--Each prekindergarten early
30 intervention program under this section shall submit an annual
31 report of its program to the Department of Education ~~district~~

1 ~~interagency coordinating council on early childhood services.~~
2 The report must describe the overall program operations;
3 ~~activities of the district interagency coordinating council on~~
4 ~~early childhood services~~; expenditures; the number of students
5 served; ratio of staff to children; staff qualifications;
6 evaluation findings, including identification of program
7 components that were most successful; and other information
8 required by the State Coordinating Council for School
9 Readiness Programs ~~council or the state advisory council.~~

10 Section 12. Subsections (3), (7), and (8) of section
11 230.2303, Florida Statutes, are amended to read:

12 230.2303 Florida First Start Program.--

13 (3) PLAN.--Each school board may submit to the
14 Commissioner of Education a plan for conducting a Florida
15 First Start Program. Each plan and subsequent amended plan
16 shall be developed in cooperation with the ~~district~~
17 ~~interagency coordinating council on early childhood services~~
18 ~~established pursuant to s. 230.2305 and the~~ Interagency
19 Prekindergarten Council for Children with Disabilities, and
20 shall be approved by the commissioner. A district school
21 board's plan must be designed to serve children from birth to
22 3 years of age who are disabled or at risk of future school
23 failure and to serve their parents. For the purposes of this
24 section, the term "children with disabilities or at risk of
25 future school failure" includes any child who has one or more
26 of the characteristics described in s. 411.202(9).

27 (7) ANNUAL REPORT.--Each district school board that
28 implements a program under this section shall, ~~with the~~
29 ~~assistance of the district interagency coordinating council on~~
30 ~~early childhood services~~, submit an annual report of its
31 program to the commissioner. The report must describe the

1 overall program operations, ~~activities of the district~~
2 ~~interagency coordinating council,~~ expenditures, the number of
3 children served, staff training and qualifications, and
4 evaluation findings.

5 (8) COORDINATION.--

6 (a) The Florida First Start Program shall be included
7 under the jurisdiction of the State Coordinating Council for
8 School Readiness Programs established pursuant to s. 411.222.
9 The council shall make recommendations for effective
10 implementation of the program and shall advise the Department
11 of Education on needed legislation, rules, and technical
12 assistance to ensure the continued implementation of an
13 effective program.

14 ~~(b) Each school district shall develop, implement, and~~
15 ~~evaluate its program in cooperation with the district~~
16 ~~interagency coordinating council established under s.~~
17 ~~230.2305.~~

18 Section 13. Subsection (1) of section 230.2306,
19 Florida Statutes, is amended to read:

20 230.2306 Prekindergarten children service needs
21 assessments; reports; reasonable efforts by school district.--

22 (1) In each county, the district school board, the
23 central child care agency, the Head Start program, and a
24 private provider of preschool services, ~~in cooperation with~~
25 ~~the district interagency coordinating council established~~
26 ~~under s. 230.2305,~~ shall:

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

31

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

4 Section 14. Subsection (9) of section 402.3015,
5 Florida Statutes, is amended to read:

6 402.3015 Subsidized child care program; purpose; fees;
7 contracts.--

8 (9) The central agency for state subsidized child care
9 or the local service district of the Department of Children
10 and Family Services shall develop ~~cooperate with the local~~
11 ~~interagency coordinating council as defined in s. 230.2305 in~~
12 ~~the development of~~ written collaborative agreements with each
13 local school district.

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

18 (b) The department shall monitor each subsidized child
19 care provider at least annually to determine compliance with
20 the collaborative agreement ~~facilitated by the local~~
21 ~~interagency coordinating council~~. If a provider fails to
22 bring its program into compliance with the agreement or the
23 plan within 3 months after an evaluation citing deficiencies,
24 the department must withhold such administrative funds as have
25 been allocated to the program and which have not yet been
26 released.

27 Section 15. Paragraph (d) of subsection (5) of section
28 409.178, Florida Statutes, is amended to read:

29 409.178 Child Care Executive Partnership Act; findings
30 and intent; grant; limitation; rules.--

31 (5)

1 (d) Each community coordinated child care agency shall
2 be required to establish a community child care task force for
3 each child care purchasing pool. The task force must be
4 composed of employers, parents, private child care providers,
5 and one representative ~~each~~ from the ~~district interagency~~
6 ~~coordinating council for children's services and the local~~
7 ~~children's services council, if one exists ~~they exist~~ in the~~
8 area of the purchasing pool. The community coordinated child
9 care agency is expected to recruit the task force members from
10 existing child care councils, commissions, or task forces
11 already operating in the area of a purchasing pool. A majority
12 of the task force shall consist of employers. Each task force
13 shall develop a plan for the use of child care purchasing pool
14 funds. The plan must show how many children will be served by
15 the purchasing pool, how many will be new to receiving child
16 care services, and how the community coordinated child care
17 agency intends to attract new employers and their employees to
18 the program.

19 Section 16. Paragraph (a) of subsection (5) of section
20 411.01, Florida Statutes, is amended to read:

21 411.01 Florida Partnership for School Readiness;
22 school readiness coalitions.--

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

24 (a) School readiness coalitions.--

25 1. If a coalition's plan would serve less than 400
26 birth-to-kindergarten age children, the coalition must either
27 join with another county to form a multicounty coalition,
28 enter an agreement with a fiscal agent to serve more than one
29 coalition, or demonstrate to the partnership its ability to
30 effectively and efficiently implement its plan as a

31

1 single-county coalition and meet all required performance
2 standards and outcome measures.

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

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

8 b. A district superintendent of schools or his or her
9 designee who is authorized to make decisions on behalf of the
10 district.

11 c. A regional workforce development board chair or
12 director, where applicable.

13 d. A county health department director or his or her
14 designee.

15 e. A children's services council or juvenile welfare
16 board chair or executive director, if applicable.

17 f. A child care licensing agency head.

18 g. One member appointed by a Department of Children
19 and Family Services district administrator.

20 h. One member appointed by a board of county
21 commissioners.

22 i. One member appointed by a district school board.

23 j. A central child care agency administrator.

24 k. A Head Start director.

25 l. A representative of private child care providers.

26 m. A representative of faith-based child care
27 providers.

28

29 More than one-third of the coalition members must be from the
30 private sector, and neither they nor their families may earn
31 an income from the early education and child care industry. To

1 meet this requirement a coalition must appoint additional
2 members from a list of nominees presented to the coalition by
3 a chamber of commerce or economic development council within
4 the geographic area of the coalition.

5 3. No member of a coalition may appoint a designee to
6 act in his or her place. A member may send a representative to
7 coalition meetings, but that representative will have no
8 voting privileges. When a district superintendent of schools
9 or a district administrator for the Department of Children and
10 Family Services appoints a designee to a school readiness
11 coalition, the designee will be the voting member of the
12 coalition, and any individual attending in his or her place,
13 including the district administrator or superintendent, will
14 have no voting privileges.

15 ~~4. The school readiness coalition shall replace the~~
16 ~~district interagency coordinating council required under s.~~
17 ~~230.2305.~~

18 ~~4.5.~~ Members of the coalition are subject to the
19 ethics provisions in part III of chapter 112.

20 ~~5.6.~~ For the purposes of tort liability, the members
21 of the school readiness coalition and its employees shall be
22 governed by s. 768.28.

23 ~~6.7.~~ Multicounty coalitions shall include
24 representation from each county.

25 ~~7.8.~~ The terms of all appointed members of the
26 coalition must be staggered. Appointed members may serve a
27 maximum of two terms. When a vacancy occurs in an appointed
28 position, the coalition must advertise the vacancy.

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

31

1 Section 18. Section 255.565, Florida Statutes, is
2 repealed.

3 Section 19. Section 255.553, Florida Statutes, is
4 amended to read:

5 255.553 Survey required.--Each state agency shall
6 survey or cause to be surveyed for the presence of
7 asbestos-containing materials each public building for which
8 it is responsible. The survey shall be conducted by an
9 asbestos consultant licensed under chapter 469 and shall be
10 conducted in accordance with AHERA initial inspection
11 procedures; Environmental Protection Agency guidelines;
12 National Emission Standards for Hazardous Air Pollutants; and
13 Occupational Safety and Health Administration regulations; ~~and~~
14 ~~any subsequent recommendations made by the Asbestos Oversight~~
15 ~~Program Team established under s. 255.565.~~ The survey shall:

16 (1) Determine all materials which may contain
17 asbestos;

18 (2) Identify the location and quantify the types of
19 asbestos-containing materials;

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

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

25 (5) Estimate the cost of recommended abatement
26 alternatives.

27
28 The asbestos program administrator shall review the asbestos
29 surveys and consult with the affected agency to determine on a
30 priority basis the need for instituting abatement procedures,
31 and the asbestos program administrator shall institute

1 abatement procedures on a priority basis as directed by the
2 secretary of the Department of Labor and Employment Security.

3 Section 20. Section 255.556, Florida Statutes, is
4 amended to read:

5 255.556 Asbestos assessment.--When the survey
6 indicates the presence of friable asbestos-containing
7 materials in a public building, the survey shall also include
8 an assessment of the level of airborne asbestos fibers. This
9 assessment shall include a visual assessment followed by an
10 analysis of air samples which shall be conducted in accordance
11 with rules of the Department of Labor and Employment Security;
12 Environmental Protection Agency guidelines; National Emission
13 Standards for Hazardous Air Pollutants; and Occupational
14 Safety and Health Administration regulations; ~~and any~~
15 ~~subsequent recommendations made by the Asbestos Oversight~~
16 ~~Program Team established under s. 255.565.~~ If the overall
17 assessment indicates the presence of asbestos greater than
18 0.01 asbestos structures per cubic centimeter during periods
19 of normal activity, response action shall be taken.

20 Section 21. Section 255.563, Florida Statutes, is
21 amended to read:

22 255.563 Rules; Department of Labor and Employment
23 Security.--The Department of Labor and Employment Security
24 shall adopt all rules relating to asbestos in public buildings
25 reasonably necessary to implement the provisions of ss.
26 255.551-255.565. In developing the rules, the department
27 shall consider the criteria established in the Asbestos
28 Identification and Remediation Plan dated January 1, 1987, and
29 issued pursuant to chapter 86-135, Laws of Florida;
30 Environmental Protection Agency guidelines; AHERA; National
31 Emission Standards for Hazardous Air Pollutants; and

1 Occupational Safety and Health Administration regulations; ~~and~~
2 ~~any subsequent recommendations made by the Asbestos Oversight~~
3 ~~Program Team established under s. 255.565.~~

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

6 Section 23. Section 272.121, Florida Statutes, is
7 amended to read:

8 272.121 Capitol Center long-range planning.--

9 (1) The Department of Management Services shall
10 develop a comprehensive and long-range plan for the
11 development of state-owned property within the Capitol Center,
12 ~~which plan, and amendments thereto, shall be presented to the~~
13 ~~planning commission for final approval.~~ In developing this
14 plan, the department shall consider:

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

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

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

21 (d) The plans adopted by the local planning agencies
22 in Leon County.

23 (2) The department shall further determine the needs
24 of state government and the various agencies thereof occupying
25 the Capitol Center and activities requiring space or
26 facilities in the Capitol Center. When these needs have been
27 determined the department shall develop a comprehensive plan
28 for meeting these needs and for providing immediate facilities
29 for state government and its agencies to effectively and
30 efficiently discharge their duties and responsibilities, ~~which~~

31

1 ~~plan shall be consistent with the plan for development of the~~
2 ~~Capitol Center Planning District.~~

3 (3) In carrying out the provisions of the foregoing,
4 the department ~~shall consult with the Capitol Center Planning~~
5 ~~Commission and~~ shall request the cooperation of those state
6 and private architects, engineers and interior designers
7 determined by the department to possess expertise or
8 information helpful to the development of a Capitol Plan and
9 solicit and accept information, suggestions, and
10 recommendations from all interested parties.

11 (4) The ~~commission and the~~ department shall prepare a
12 report of its ~~their~~ findings and recommendations and submit
13 the same to the Governor and the Legislature every fifth year,
14 except that the next report shall not be due until February 1,
15 1979. Said report shall reflect the actions of ~~the commission~~
16 ~~and~~ the department in carrying out the provisions of this act
17 and shall include an updated comprehensive plan to carry out
18 the provisions of this act each time the report is submitted.

19 (5) The department is authorized to contract with the
20 City of Tallahassee, Leon County, the Tallahassee-Leon County
21 Planning Department, or any other agency of such city or
22 county to obtain planning services and functions required for
23 the planning and development of the district in harmony with
24 the coordinated planning of the city and the county. Services
25 and functions covered under such agreements may include, but
26 shall not be limited to, topographic surveys; base mapping;
27 inventory of land use, employment, parking, and building floor
28 areas; land acquisition information; analysis of trends;
29 physical planning activities, including a master plan and any
30 other required planning studies; ~~preparation of zoning codes~~
31 ~~to provide for compatible development within the Capitol~~

1 ~~Center area and in the vicinity thereof;~~ coordination of plans
2 for development in of the district with city and county
3 development plans; and application for and use of federal
4 funds which may be available for planning or related purposes.

5 Section 24. Section 295.184, Florida Statutes, is
6 amended to read:

7 295.184 Report; design, cost estimates.--The
8 Commission on Veterans' Affairs shall consider the appropriate
9 design of the memorial and may solicit design proposals from
10 members of the public. The Commission on Veterans' Affairs, in
11 cooperation with the Department of Management Services and the
12 City of Tallahassee Capitol Center Planning Commission, shall
13 consider the location of the memorial within the Florida
14 Capitol Center Planning District. On or before January 31,
15 2002, the Commission on Veterans' Affairs shall submit to the
16 Governor, the President of the Senate, and the Speaker of the
17 House of Representatives its recommendations for the location
18 and design of the memorial. The report must include an
19 estimate of the cost to acquire the site for the memorial and
20 of the cost to construct the memorial in accordance with the
21 design proposal recommended by the Commission on Veterans'
22 Affairs, as well as the life-cycle cost estimate required by
23 s. 255.255. The Department of Management Services shall assist
24 the Commission on Veterans' Affairs in preparing the estimates
25 for timely inclusion in the report.

26 Section 25. (1) All rules, regulations, or orders of
27 the Capitol Center Planning Commission regulating development
28 within the Capitol Center Planning District in effect at the
29 time of the effective date of this act shall remain in effect
30 until superseded by regulation or order of the City of
31 Tallahassee.

1 (2) Any owner of property within the Capitol Center
2 Planning District who, prior to the effective date of this
3 act, has obtained any permit, certification, or other
4 development approval from the Capitol Center Planning
5 Commission shall be allowed to continue the development so
6 authorized in accordance with the regulations in effect at the
7 time of the issuance of such permit, certification, or other
8 development approval.

9 Section 26. Section 282.3095, Florida Statutes, is
10 repealed.

11 Section 27. Section 285.19, Florida Statutes, is
12 repealed.

13 Section 28. Section 286.30, Florida Statutes, is
14 repealed.

15 Section 29. Paragraph (d) of subsection (4) of section
16 216.235, Florida Statutes, is amended to read:

17 216.235 Innovation Investment Program; intent;
18 definitions; composition and responsibilities of State
19 Innovation Committee; responsibilities of the Department of
20 Management Services, the Information Resource Commission, and
21 the review board; procedures for innovative project
22 submission, review, evaluation, and approval; criteria to be
23 considered.--

24 (4) There is hereby created the State Innovation
25 Committee, which shall have final approval authority as to
26 which innovative investment projects submitted under this
27 section shall be funded. Such committee shall be comprised of
28 five members. Appointed members shall serve terms of 1 year
29 and may be reappointed. The committee shall include:

30
31

1 (d) One representative of the private sector appointed
2 by the Governor ~~Commission on Government Accountability to the~~
3 ~~People.~~

4
5 The Secretary of Management Services shall serve as an
6 alternate in the event a member is unable to attend the
7 committee meeting.

8 Section 30. Section 391.222, Florida Statutes, is
9 repealed.

10 Section 31. Paragraph (a) of subsection (4) and
11 subsection (5) of section 402.40, Florida Statutes, are
12 amended to read:

13 402.40 Child welfare training.--

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

15 (a) There is created within the State Treasury a Child
16 Welfare Training Trust Fund to be used by the Department of
17 Children and Family Services for the purpose of funding a
18 comprehensive system of child welfare training, including the
19 securing of consultants to develop the system and the
20 ~~developing of, the staff of the council, the expenses of the~~
21 ~~council members, the child welfare training academies that~~
22 include ~~and~~ the participation of dependency program staff ~~in~~
23 ~~the training.~~

24 (5) ESTABLISHMENT OF TRAINING ACADEMIES.--The
25 department shall contract for the operation of one or more
26 training academies with Tallahassee Community College. The
27 number, location, and timeframe for establishment of
28 additional training academies shall be ~~according to the~~
29 ~~recommendation of the council as~~ approved by the Secretary of
30 Children and Family Services.

31

1 Section 32. Subsection (2) of section 404.056, Florida
2 Statutes, is repealed.

3 Section 33. Subsections (13) and (14) of section
4 440.49, Florida Statutes, are repealed, and subsection (2),
5 paragraph (a) of subsection (9), and subsection (10) of that
6 section are amended to read:

7 440.49 Limitation of liability for subsequent injury
8 through Special Disability Trust Fund.--

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

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

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

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

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

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

28 3. The preexisting permanent physical impairment is
29 aggravated or accelerated as a result of the subsequent injury
30 or occupational disease, or the preexisting impairment has
31 contributed, medically and circumstantially, to the need for

1 temporary compensation, medical, or attendant care and the
2 employer has been required to pay, and has paid, temporary
3 compensation, medical, or attendant care benefits for the
4 aggravated preexisting permanent impairment; or

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

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

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

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

18 ~~(g) "Commission" means the Special Disability Trust
19 Fund Privatization Commission, as created under subsection
20 (13).~~

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

25 (9) SPECIAL DISABILITY TRUST FUND.--

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

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

15 (10) DIVISION ADMINISTRATION OF FUND; CLAIMS; ~~ADVISORY~~
16 ~~COMMITTEE~~; EXPENSES.--The division or administrator shall
17 administer the Special Disability Trust Fund with authority to
18 allow, deny, compromise, controvert, and litigate claims made
19 against it and to designate an attorney to represent it in
20 proceedings involving claims against the fund, including
21 negotiation and consummation of settlements, hearings before
22 judges of compensation claims, and judicial review. The
23 division or administrator or the attorney designated by it
24 shall be given notice of all hearings and proceedings
25 involving the rights or obligations of such fund and shall
26 have authority to make expenditures for such medical
27 examinations, expert witness fees, depositions, transcripts of
28 testimony, and the like as may be necessary to the proper
29 defense of any claim. ~~The division shall appoint an advisory~~
30 ~~committee composed of representatives of management,~~
31 ~~compensation insurance carriers, and self-insurers to aid it~~

1 ~~in formulating policies with respect to conservation of the~~
2 ~~fund, who shall serve without compensation for such terms as~~
3 ~~specified by it, but be reimbursed for travel expenses as~~
4 ~~provided in s. 112.061.~~ All expenditures made in connection
5 with conservation of the fund, including the salary of the
6 attorney designated to represent it and necessary travel
7 expenses, shall be allowed and paid from the Special
8 Disability Trust Fund as provided in this section upon the
9 presentation of itemized vouchers therefor approved by the
10 division.

11 Section 34. Section 442.105, Florida Statutes, is
12 repealed.

13 Section 35. Subsection (26) of section 499.005,
14 Florida Statutes, and paragraph (c) of subsection (1) of
15 section 499.05, Florida Statutes, are repealed.

16 Section 36. Paragraph (b) of subsection (1) of section
17 499.015, Florida Statutes, is amended to read:

18 499.015 Registration of drugs, devices, and cosmetics;
19 issuance of certificates of free sale.--

20 (1)

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

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

28 Section 37. Section 548.045, Florida Statutes, is
29 repealed.

30 Section 38. Subsection (2) of section 548.046, Florida
31 Statutes, is amended to read:

1 548.046 Physician's attendance at match; examinations;
2 cancellation of match.--

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

14 Section 39. Section 570.248, Florida Statutes, is
15 repealed.

16 Section 40. Section 13 of chapter 99-332, Laws of
17 Florida, is repealed.

18 Section 41. Section 11 of chapter 99-354, Laws of
19 Florida, and subsection (11) of section 240.5186, Florida
20 Statutes, are repealed.

21 Section 42. Section 6 of chapter 99-393, Laws of
22 Florida, is repealed.

23 Section 43. Section 192 of chapter 99-397, Laws of
24 Florida, is repealed.

25 Section 44. 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 45. 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 46. 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 47. 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 48. 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.

1 (15) Suwannee Valley State Farmers Market Advisory
2 Council.
3 (16) Trenton State Farmers Market Advisory Council.
4 (17) Tropical Soda Apple Task Force.
5 (18) Wauchula State Farmers Market Advisory Council.
6 Section 49. This act shall take effect June 30, 2001.
7
8 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
9 COMMITTEE SUBSTITUTE FOR
10 SB 1410
11 Removes section that would repeal the A.G.Holley State
12 Hospital Governing Body.
13 Removes section that would repeal the Department of Elderly
14 Affairs Advisory Council.
15 Removes section that would repeal the Commercial Feed
16 Technical Council.
17 Removes section that would repeal the Workers' Compensation
18 Oversight Board.
19 Repeals section that would repeal the State Council on
20 Competitive Government.
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