

By Senator Lee

rb01-8

1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes;
3 amending ss. 11.90, 228.082, 445.004, 570.61,
4 and 893.138, F.S., to conform to the directive
5 in s. 1, ch. 93-199, Laws of Florida, to remove
6 gender-specific references applicable to human
7 beings from the Florida Statutes without
8 substantive change in legal effect.

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

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12 Section 1. Subsections (1) and (3) of section 11.90,
13 Florida Statutes, are amended to read:

14 11.90 Legislative Budgeting Commission.--

15 (1) There is created a standing joint committee of the
16 Legislature designated the Legislative Budgeting Commission,
17 composed of 14 members as follows: seven members of the
18 Senate appointed by the President of the Senate, to include
19 the Chair ~~Chairman~~ of the Senate Budget Committee or its
20 successor, and seven members of the House of Representatives
21 appointed by the Speaker of the House of Representatives, to
22 include the Chair ~~Chairman~~ of the Fiscal Responsibility
23 Council or its successor. The terms of members shall be for 2
24 years and shall run from the organization of one Legislature
25 to the organization of the next Legislature. Vacancies
26 occurring during the interim period shall be filled in the
27 same manner as the original appointment. The members of the
28 committee shall elect a chair and vice chair. During the
29 2-year term, a member of each house shall serve as chair for 1
30 year.

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1 (3) The commission shall meet at least quarterly and
2 more frequently at the direction of the presiding officers or
3 upon call of the chair ~~chairman~~. A quorum shall consist of a
4 majority of members from each house, plus one additional
5 member from either house. Action by the commission requires a
6 majority vote of the members present of each house.

7 Section 2. Subsection (2) of section 228.082, Florida
8 Statutes, is amended to read:

9 228.082 The Florida On-Line High School.--

10 (2) The Florida On-Line High School shall be governed
11 by a board of trustees comprised of seven members appointed by
12 the Governor to 4-year staggered terms, one of whom shall be
13 the current chair of the Florida High School Advisory Board
14 and one of whom shall be a representative of the fiscal agent,
15 and one of whom shall be the Chief Information Officer or his
16 or her designee from the State Technology Office pursuant to
17 ch. 2000-164, Laws of Florida. The board shall be a public
18 agency entitled to sovereign immunity pursuant to s. 768.28,
19 and board members shall be public officers who shall bear
20 fiduciary responsibility for the Florida On-Line High School.
21 The board of trustees shall have the following powers and
22 duties:

23 (a) The board of trustees shall meet within 30 days of
24 July 1, 2000, and shall continue to meet at least 4 times each
25 year, upon the call of the chair, or at the request of a
26 majority of the membership.

27 (b) Until not more than 60 days after the initial
28 meeting of the board, the current governance structure of the
29 Florida On-Line High School shall be maintained.

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1 (c) The fiscal year for the Florida On-Line High
2 School shall be the state fiscal year as provided in s.
3 216.011(1)(n).

4 (d) The board of trustees shall enter into agreements
5 with distance learning providers and may acquire, enjoy, use,
6 and dispose of patents, copyrights, and trademarks and any
7 licenses and other rights or interests thereunder or therein.
8 Ownership of all such patents, copyrights, trademarks,
9 licenses, and rights or interests thereunder or therein shall
10 vest in the state, with the board having full right of use and
11 full right to retain the revenues derived therefrom. Any funds
12 realized from patents, copyrights, trademarks, or licenses
13 shall be used to support the school's research and development
14 activities in order to improve courseware and services to its
15 students.

16 (e) The board of trustees shall annually prepare and
17 submit a legislative budget request, including funding
18 requests for computers for public school students who do not
19 have access to public school computers, in accordance with
20 chapter 216 and s. 235.41. The legislative budget request of
21 the Florida On-Line High School shall be prepared using the
22 same format, procedures, and timelines required for the
23 submission of the legislative budget of the Department of
24 Education.

25 (f) The board of trustees shall administer and
26 maintain personnel programs for all employees of the board of
27 trustees and the Florida On-Line High School. The board of
28 trustees may adopt rules, policies, and procedures related to
29 the appointment, employment, and removal of personnel.

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1 1. The board of trustees shall determine the
2 compensation, including salaries and fringe benefits, and
3 other conditions of employment for such personnel.

4 2. The board of trustees may establish and maintain a
5 personnel loan or exchange program by which persons employed
6 by the board for the Florida On-Line High School as academic
7 administrative and instructional staff may be loaned to, or
8 exchanged with persons employed in like capacities by, public
9 agencies either within or without this state, or by private
10 industry. With respect to public agency employees, the program
11 authorized by this subparagraph shall be consistent with the
12 requirements of part II of chapter 112. The salary and
13 benefits of board personnel participating in the loan or
14 exchange program shall be continued during the period of time
15 they participate in a loan or exchange program, and such
16 personnel shall be deemed to have no break in creditable or
17 continuous service or employment during such time. The salary
18 and benefits of persons participating in the personnel loan or
19 exchange program who are employed by public agencies or
20 private industry shall be paid by the originating employers of
21 those participants, and such personnel shall be deemed to have
22 no break in creditable or continuous service or employment
23 during such time.

24 3. The employment of all Florida On-Line High School
25 academic administrative and instructional personnel shall be
26 subject to rejection for cause by the board of trustees, and
27 shall be subject to policies of the board of trustees relative
28 to certification, tenure, leaves of absence, sabbaticals,
29 remuneration, and such other conditions of employment as the
30 board deems necessary and proper, not inconsistent with law.

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1 4. Each person employed by the board of trustees in an
2 academic administrative or instructional capacity with the
3 Florida On-Line High School shall be entitled to a contract as
4 provided by rules of the board.

5 5. All employees except temporary, seasonal, and
6 student employees may be state employees for the purpose of
7 being eligible to participate in the Florida Retirement System
8 and receive benefits. The classification and pay plan,
9 including terminal leave and other benefits, and any
10 amendments thereto, shall be subject to review and approval by
11 the Department of Management Services and the Executive Office
12 of the Governor prior to adoption. In the event that the board
13 of trustees assumes responsibility for governance pursuant to
14 this section before approval is obtained, employees shall be
15 compensated pursuant to the system in effect for the employees
16 of the fiscal agent.

17 (g) The board of trustees shall establish priorities
18 for admission of students.

19 (h) The board of trustees shall establish and
20 distribute to all school districts and high schools in the
21 state procedures for enrollment of students into courses
22 offered by the Florida On-Line High School. Such procedures
23 shall be designed to minimize paperwork and maximize
24 participation by students.

25 (i) The board of trustees shall annually submit to the
26 Department of Education both forecasted and actual enrollments
27 for the Florida On-Line High School, according to procedures
28 established by the Department of Education. At a minimum, such
29 procedures must include the number of public, private, and
30 home school students served by district.

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1 (j) The board of trustees shall provide for the
2 content and custody of student and employee personnel records.
3 Student records shall be subject to the provisions of s.
4 228.093. Employee records shall be subject to the provisions
5 of s. 231.291.

6 (k) The financial records and accounts of the Florida
7 On-Line High School shall be maintained under the direction of
8 the board of trustees and under regulations prescribed by the
9 State Board of Education for the uniform system of financial
10 records and accounts for the schools of the state.

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12 The Governor shall designate the initial chair of the board of
13 trustees to serve a term of 4 years. Members of the board of
14 trustees shall serve without compensation, but may be
15 reimbursed for per diem and travel expenses pursuant to s.
16 112.061. The board of trustees shall be a body corporate with
17 all the powers of a body corporate and such authority as is
18 needed for the proper operation and improvement of the Florida
19 On-Line High School. The board of trustees is specifically
20 authorized to adopt rules, policies, and procedures,
21 consistent with law related to governance, personnel, budget
22 and finance, administration, programs, curriculum and
23 instruction, travel and purchasing, technology, students,
24 contracts and grants, and property as necessary for optimal,
25 efficient operation of the Florida On-Line High School.
26 Tangible personal property owned by the board of trustees
27 shall be subject to the provisions of chapter 273.

28 Section 3. Paragraph (c) of subsection (3) of section
29 445.004, Florida Statutes, is amended to read:

30 445.004 Workforce Florida, Inc.; creation; purpose;
31 membership; duties and powers.--

1 (3)

2 (c) Members appointed by the Governor must be
3 appointed for 2-year terms. Private sector representatives of
4 businesses, appointed by the Governor pursuant to Pub. L. No.
5 105-220, shall constitute a majority of the membership of the
6 board. Private sector representatives shall be appointed from
7 nominations received by the Governor from any member of the
8 Legislature. A member of the Legislature may submit more than
9 one board nomination to the Governor through his or her
10 respective presiding officer. Private sector appointments to
11 the board shall be representative of the business community of
12 this state, and no less than one-half of the appointments to
13 the board must be representative of small businesses. Members
14 appointed by the Governor serve at the pleasure of the
15 Governor and are eligible for reappointment.

16 Section 4. Section 570.61, Florida Statutes, is
17 amended to read:

18 570.61 Division of Aquaculture; powers and
19 duties.--The powers and duties of the Division of Aquaculture
20 shall include, but are not limited to, administering the
21 aquaculture certification program; enforcing shellfish
22 sanitation standards; administering the aquaculture and
23 shellfish lease programs; ensuring that shellfish processing
24 facilities comply with applicable food safety requirements;
25 mitigating, creating, and enhancing natural shellfish
26 harvesting areas; providing education to fishers ~~fishermen~~ and
27 aquaculturists; promoting aquaculture development; purchasing
28 commodities as necessary to carry out the provisions of this
29 section; receiving and accepting grants, aids, gifts, and
30 donations; providing grants, aids, and other technical
31 assistance; and ensuring the safety of Florida waters.

1 Section 5. Subsection (10) of section 893.138, Florida
2 Statutes, is amended to read:

3 893.138 Local administrative action to abate
4 drug-related, prostitution-related, or stolen-property-related
5 public nuisances and criminal street gang activity.--

6 (10) The provisions of this section may be
7 supplemented by a county or municipal ordinance. The
8 ordinance may include, but is not limited to, provisions that
9 establish additional penalties for public nuisances, including
10 fines not to exceed \$250 per day; provide for the payment of
11 reasonable costs, including reasonable attorney fees
12 associated with investigations of and hearings on public
13 nuisances; provide for continuing jurisdiction for a period of
14 1 year over any place or premises that has been or is declared
15 to be a public nuisance; establish penalties, including fines
16 not to exceed \$500 per day for recurring public nuisances;
17 provide for the recording of orders on public nuisances so
18 that notice must be given to subsequent purchasers, successors
19 in interest, or assigns of the real property that is the
20 subject of the order; provide that recorded orders on public
21 nuisances may become liens against the real property that is
22 the subject of the order; and provide for the foreclosure of
23 property subject to a lien and the recovery of all costs,
24 including reasonable attorney fees, associated with the
25 recording of orders and foreclosure. No lien created pursuant
26 to the provisions of this section may be foreclosed on real
27 property which is a homestead under s. 4, Art. X of the State
28 Constitution. Where a local government seeks to bring an
29 administrative action, based on a stolen property nuisance,
30 against a property owner operating an establishment where
31 multiple tenants, on one site, conduct their own retail

1 business, the property owner shall not be subject to a lien
2 against his or her property or the prohibition of operation
3 provision if the property owner evicts the business declared
4 to be a nuisance within 90 days after notification by
5 registered mail to the property owner of a second stolen
6 property conviction of the tenant. The total fines imposed
7 pursuant to the authority of this section shall not exceed
8 \$15,000. Nothing contained within this section prohibits a
9 county or municipality from proceeding against a public
10 nuisance by any other means.

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12 Reviser's note.--Amended pursuant to the
13 directive of the Legislature in s. 1, ch.
14 93-199, Laws of Florida, to remove
15 gender-specific references applicable to human
16 beings from the Florida Statutes without
17 substantive change in legal effect.

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