

By the Council for Smarter Government and Representatives
Brummer and Cantens

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, and
8 24.123, F.S.; deleting references to the State
9 Lottery Commission, to conform; repealing s.
10 228.054, F.S., to abolish the Joint
11 Developmental Research School Planning,
12 Articulation, and Evaluation Committee;
13 amending s. 228.053, F.S.; transferring to the
14 Commissioner of Education duties of the Joint
15 Developmental Research School Planning,
16 Articulation, and Evaluation Committee relating
17 to the securing of waivers to the Florida
18 School Code, to conform; amending s. 228.2001,
19 F.S.; deleting provisions authorizing the Task
20 Force on Gender Equity in Education; amending
21 s. 230.2305, F.S., and repealing subsection
22 (7), relating to district interagency
23 coordinating councils on early childhood
24 services, to abolish the councils and delete
25 provisions relating to their duties;
26 transferring to the Department of Education
27 duties of the district interagency coordinating
28 councils, to conform; amending ss. 230.2303,
29 230.2306, 402.3015, 409.178, and 411.01, F.S.;
30 deleting provisions relating to duties of the
31 interagency coordinating councils on early

1 childhood services, to conform; repealing s.
2 232.2466(3), F.S., to delete authority for the
3 college-ready diploma program task forces;
4 repealing s. 255.565, F.S., to abolish the
5 Asbestos Oversight Program Team; amending ss.
6 255.553, 255.556, and 255.563, F.S.; removing
7 references to the Asbestos Oversight Program
8 Team, to conform; repealing s. 258.155, F.S.,
9 to abolish the Judah P. Benjamin Memorial at
10 Gamble Plantation Historical Site Advisory
11 Council and delete provisions relating to its
12 duties; repealing s. 272.12(2)-(6), F.S., to
13 abolish the Capitol Center Planning Commission
14 and delete provisions relating to its duties;
15 amending ss. 272.121 and 295.184, F.S.;
16 removing and revising references to the Capitol
17 Center Planning Commission, to conform;
18 transferring duties of the Capitol Center
19 Planning Commission to the City of Tallahassee
20 and the Department of Management Services;
21 providing for current owners' permits within
22 the Capitol Center Planning District to
23 continue; repealing s. 282.3095, F.S., to
24 abolish the Task Force on Privacy and
25 Technology created by the State Technology
26 Office; repealing s. 285.19, F.S., to abolish
27 the Creek Indian Council; repealing s. 286.30,
28 F.S., to abolish the Commission on Government
29 Accountability to the People; amending s.
30 216.235, F.S.; providing for appointment of a
31 member to the State Innovation Committee by the

1 Governor in lieu of the Commission on
2 Government Accountability to the People, to
3 conform; repealing s. 391.222, F.S., to abolish
4 the Cardiac Advisory Council; amending s.
5 402.40, F.S.; deleting an obsolete reference to
6 the Child Welfare Training Council; repealing
7 s. 404.056(2), F.S., to abolish the Florida
8 Coordinating Council on Radon Protection;
9 amending s. 440.49, F.S., and repealing
10 subsections (13) and (14), relating to the
11 Special Disability Trust Fund Privatization
12 Commission and the Florida Special Disability
13 Trust Fund Financing Corporation, to abolish
14 the commission and corporation and delete or
15 revise references thereto; abolishing the
16 advisory committee on conservation of the fund;
17 repealing s. 442.105, F.S., to abolish the
18 Toxic Substances Advisory Council; repealing
19 ss. 499.005(26) and 499.05(1)(c), F.S., to
20 delete obsolete references to the Florida Drug
21 Technical Review Panel and the investigational
22 drug program; amending s. 499.015, F.S.;
23 deleting an obsolete reference to the
24 investigational drug program; repealing s.
25 548.045, F.S., to abolish the Medical Advisory
26 Council under the Florida State Boxing
27 Commission; amending s. 548.046, F.S.; deleting
28 reference to the Medical Advisory Council, to
29 conform; repealing s. 580.151, F.S., to abolish
30 the Commercial Feed Technical Council;
31 repealing s. 13, ch. 99-332, Laws of Florida,

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

1 State Farmers Market Advisory Council, Fort
2 Pierce State Farmers Market Advisory Council,
3 Gadsden County State Farmers Market Advisory
4 Council, Immokalee State Farmers Market
5 Advisory Council, Nitrate Bill Best Management
6 Practices Advisory Group, Palatka State Farmers
7 Market Advisory Council, Plant City State
8 Farmers Market Advisory Council, Pompano Beach
9 Farmers Market Authority, Sanford State Farmers
10 Market Advisory Council, Seed Potato Advisory
11 Council, Starke State Farmers Market Advisory
12 Council, Suwannee Valley State Farmers Market
13 Advisory Council, Trenton State Farmers Market
14 Advisory Council, Tropical Soda Apple Task
15 Force, and Wauchula State Farmers Market
16 Advisory Council; providing effective dates.

17

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

19

20 Section 1. Subsection (3) of section 24.103, Florida
21 Statutes, and section 24.106, Florida Statutes, are repealed.

22

23 Section 2. Section 24.105, Florida Statutes, is
24 amended to read:

25

26 24.105 Powers and duties of department.--The
27 department shall:

28

29 (1) Have the authority to sue or be sued in the
30 corporate name of the department and to adopt a corporate seal
31 and symbol.

32

33 (2) Supervise and administer the operation of the
34 lottery in accordance with the provisions of this act and
35 rules adopted pursuant thereto.

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

6 ~~(4) Make available to the commission any record or~~
7 ~~other information relating to the lottery that the commission~~
8 ~~requests.~~

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

19 (5)~~(6)~~ Adopt by rule a system of internal audits.

20 (6)~~(7)~~ Maintain weekly or more frequent records of
21 lottery transactions, including the distribution of tickets to
22 retailers, revenues received, claims for prizes, prizes paid,
23 and other financial transactions of the department.

24 (7)~~(8)~~ Make a continuing study of the lottery to
25 ascertain any defects of this act or rules adopted thereunder
26 which could result in abuses in the administration of the
27 lottery; make a continuing study of the operation and the
28 administration of similar laws in other states and of federal
29 laws which may affect the lottery; and make a continuing study
30 of the reaction of the public to existing and potential
31 features of the lottery.

1 (8)~~(9)~~ Conduct such market research as is necessary or
2 appropriate, which may include an analysis of the demographic
3 characteristics of the players of each lottery game and an
4 analysis of advertising, promotion, public relations,
5 incentives, and other aspects of communications.

6 (9)~~(10)~~ Adopt rules governing the establishment and
7 operation of the state lottery, including:

8 (a) The type of lottery games to be conducted, except
9 that:

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

14 2. No coins or currency shall be dispensed from any
15 electronic computer terminal or device used in any lottery
16 game.

17 3. Other than as provided in subparagraph 4., no
18 terminal or device may be used for any lottery game which may
19 be operated solely by the player without the assistance of the
20 retailer.

21 4. The only player-activated machine which may be
22 utilized is a machine which dispenses instant lottery game
23 tickets following the insertion of a coin or currency by a
24 ticket purchaser. To be authorized a machine must: be under
25 the supervision and within the direct line of sight of the
26 lottery retailer to ensure that the machine is monitored and
27 only operated by persons at least 18 years of age; be capable
28 of being electronically deactivated by the retailer to
29 prohibit use by persons less than 18 years of age through the
30 use of a lockout device that maintains the machine's
31 deactivation for a period of no less than 5 minutes; and be

1 designed to prevent its use or conversion for use in any
2 manner other than the dispensing of instant lottery tickets.
3 Authorized machines may dispense change to players purchasing
4 tickets but may not be utilized for paying the holders of
5 winning tickets of any kind. At least one clerk must be on
6 duty at the lottery retailer while the machine is in
7 operation. However, at least two clerks must be on duty at any
8 lottery location which has violated s. 24.1055.

9 (b) The sales price of tickets.

10 (c) The number and sizes of prizes.

11 (d) The method of selecting winning tickets. However,
12 if a lottery game involves a drawing, the drawing shall be
13 public and witnessed by an accountant employed by an
14 independent certified public accounting firm. The equipment
15 used in the drawing shall be inspected before and after the
16 drawing.

17 (e) The manner of payment of prizes to holders of
18 winning tickets.

19 (f) The frequency of drawings or selections of winning
20 tickets.

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

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

24 (i) The manner and amount of compensation of
25 retailers.

26 (j) Such other matters necessary or desirable for the
27 efficient or economical operation of the lottery or for the
28 convenience of the public.

29 (10)~~(11)~~ Have the authority to hold copyrights,
30 trademarks, and service marks and enforce its rights with
31 respect thereto.

1 (11)~~(12)~~ In the selection of games and method of
2 selecting winning tickets, be sensitive to the impact of the
3 lottery upon the pari-mutuel industry and, accordingly, the
4 department may use for any game the theme of horseracing,
5 dogracing, or jai alai and may allow a lottery game to be
6 based upon a horserace, dograce, or jai alai activity so long
7 as the outcome of such lottery game is determined entirely by
8 chance.

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

28 (b) Maintain the confidentiality of the street address
29 and the telephone number of a winner, in that such information
30 is confidential and exempt from the provisions of s. 119.07(1)
31 and s. 24(a), Art. I of the State Constitution, unless the

1 winner consents to the release of such information or as
2 provided for in s. 24.115(4) or s. 409.2577.

3 (c) Any information made confidential and exempt from
4 the provisions of s. 119.07(1) under this subsection shall be
5 disclosed ~~to a member of the commission,~~ to the Auditor
6 General, or to the independent auditor selected under s.
7 24.123 upon such person's request therefor. If the President
8 of the Senate or the Speaker of the House of Representatives
9 certifies that information made confidential under this
10 subsection is necessary for effecting legislative changes, the
11 requested information shall be disclosed to him or her, and he
12 or she may disclose such information to members of the
13 Legislature and legislative staff as necessary to effect such
14 purpose.

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

1 (14)~~(15)~~ Have the authority to acquire real property
2 and make improvements thereon. The title to such property
3 shall be vested in the Board of Trustees of the Internal
4 Improvement Trust Fund. The board shall give the department
5 preference in leasing state-owned lands under the board's
6 control and may not exercise any jurisdiction over lands
7 purchased or leased by the department while such lands are
8 actively used by the department. Actions of the department
9 under this subsection are exempt from the time limitations and
10 deadlines of chapter 253.

11 (15)~~(16)~~ Have the authority to charge fees to persons
12 applying for contracts as vendors or retailers, which fees are
13 reasonably calculated to cover the costs of investigations and
14 other activities related to the processing of the application.

15 (16)~~(17)~~ Enter into contracts for the purchase, lease,
16 or lease-purchase of such goods and services as are necessary
17 for the operation and promotion of the state lottery,
18 including assistance provided by any governmental agency.

19 (17)~~(18)~~ In accordance with the provisions of this
20 act, enter into contracts with retailers so as to provide
21 adequate and convenient availability of tickets to the public
22 for each game.

23 (18)~~(19)~~ Have the authority to enter into agreements
24 with other states for the operation and promotion of a
25 multistate lottery if such agreements are in the best interest
26 of the state lottery. The authority conferred by this
27 subsection is not effective until 1 year after the first day
28 of lottery ticket sales.

29 (19)~~(20)~~ Employ division directors and other staff as
30 may be necessary to carry out the provisions of this act;
31 however:

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

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

8 2. Subsequent to such conviction or entry of plea the
9 person has engaged in the kind of law-abiding commerce and
10 good citizenship that would reflect well upon the integrity of
11 the lottery.

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

26 (c) No officer or employee of the department who
27 leaves the employ of the department shall represent any vendor
28 or retailer before the department regarding any specific
29 matter in which the officer or employee was involved while
30 employed by the department, for a period of 1 year following
31

1 cessation of employment with the department. A violation of
2 this paragraph is punishable in accordance with s. 112.317.

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

30 (20)~~(21)~~ Adopt by rule a code of ethics for officers
31 and employees of the department which supplements the

1 standards of conduct for public officers and employees imposed
2 by law.

3 Section 3. Paragraph (b) of subsection (7) of section
4 24.108, Florida Statutes, is amended to read:

5 24.108 Division of Security; duties; security
6 report.--

7 (7)

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

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

30 24.123 Annual audit of financial records and
31 reports.--

1 (3) A copy of any audit performed pursuant to this
2 section shall be submitted to the secretary, ~~the commission,~~
3 the Governor, the President of the Senate, the Speaker of the
4 House of Representatives, and members of the Legislative
5 Auditing Committee.

6 Section 5. Section 228.054, Florida Statutes, is
7 repealed.

8 Section 6. Subsection (12) of section 228.053, Florida
9 Statutes, is amended to read:

10 228.053 Developmental research schools.--

11 (12) EXCEPTIONS TO LAW.--To encourage innovative
12 practices and facilitate the mission of the developmental
13 research schools, in addition to the exceptions to law
14 specified in s. 229.592, the following exceptions shall be
15 permitted for developmental research schools:

16 (a) The methods and requirements of the following
17 statutes shall be held in abeyance: ss. 230.01; 230.02;
18 230.03; 230.04; 230.05; 230.061; 230.10; 230.105; 230.11;
19 230.12; 230.15; 230.16; 230.17; 230.173; 230.18; 230.19;
20 230.201; 230.202; 230.21; 230.22; 230.2318; 230.24; 230.241;
21 230.26; 230.28; 230.30; 230.303; 230.31; 230.32; 230.321;
22 230.33; 230.35; 230.39; 230.63; 230.64; 230.643; 234.01;
23 234.021; 236.25; 236.261; 236.29; 236.31; 236.32; 236.35;
24 236.36; 236.37; 236.38; 236.39; 236.40; 236.41; 236.42;
25 236.43; 236.44; 236.45; 236.46; 236.47; 236.48; 236.49;
26 236.50; 236.51; 236.52; 236.55; 236.56; 237.051; 237.071;
27 237.091; 237.201; 237.40; and 316.75. With the exception of
28 subsection (16) of s. 230.23, s. 230.23 shall be held in
29 abeyance. Reference to school boards in s. 230.23(16) shall
30 mean the president of the university or the president's
31 designee.

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

16 1. Two or more developmental research schools may
17 jointly originate a request for waiver and submit the request
18 to the commissioner ~~committee~~ if such waiver is approved by
19 the school advisory council of each developmental research
20 school desiring the waiver.

21 2. A developmental research school may submit a
22 request to the commissioner ~~committee~~ for a waiver if such
23 request is presented by a school advisory council established
24 pursuant to s. 229.58, if such waiver is required to implement
25 a school improvement plan required by s. 230.23(16), and if
26 such request is made using forms established pursuant to s.
27 229.592. The department ~~Joint Developmental Research School~~
28 ~~Planning, Articulation, and Evaluation Committee~~ shall monitor
29 the waiver activities of all developmental research schools
30 ~~and shall report annually to the department, in conjunction~~
31 ~~with the feedback report required pursuant to s. 229.592, the~~

1 ~~number of waivers requested and submitted to the committee by~~
2 ~~developmental research schools, and the number of such waiver~~
3 ~~requests not approved. For each waiver request not approved,~~
4 ~~the committee shall report the statute or rule for which the~~
5 ~~waiver was requested, the rationale for the developmental~~
6 ~~research school request, and the reason the request was not~~
7 ~~approved.~~

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

17 (d) Notwithstanding the request provisions of s.
18 229.592, developmental research schools shall request all
19 waivers through the commissioner ~~Joint Developmental Research~~
20 ~~School Planning, Articulation, and Evaluation Committee, as~~
21 ~~established in s. 228.054. The commissioner ~~committee~~ shall~~
22 ~~approve or disapprove said requests pursuant to this~~
23 ~~subsection and s. 229.592; however, the Commissioner of~~
24 ~~Education shall have standing to challenge any decision of the~~
25 ~~committee should it adversely affect the health, safety,~~
26 ~~welfare, or civil rights of the students or public interest.~~
27 ~~The department shall immediately notify the committee and~~
28 ~~developmental research school of the decision and provide a~~
29 ~~rationale therefor.~~

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

1 228.2001 Discrimination against students and employees
2 in state system of public education; prohibitions; equality of
3 access; strategies to overcome underrepresentation;
4 remedies.--

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

8 (a) Requiring all boards to develop and submit plans
9 for the implementation of this section to the Department of
10 Education.

11 (b) Conducting periodic reviews of educational
12 agencies to determine compliance with this section and, after
13 a finding that an educational agency is not in compliance with
14 this section, notifying the agency of the steps that it must
15 take to attain compliance.

16 (c) Providing technical assistance, including
17 assisting educational agencies in identifying unlawful
18 discrimination and instructing them in remedies for correction
19 and prevention of such discrimination.

20 (d) Conducting studies of the effectiveness of methods
21 and strategies designed to increase the participation of
22 students in programs and courses in which students of a
23 particular race, national origin, sex, handicap, or marital
24 status have been traditionally underrepresented and monitoring
25 the success of students in such programs of courses.

26 (e) Requiring all boards to submit data and
27 information necessary to determine compliance with this
28 section. The Commissioner of Education shall prescribe the
29 format and the date for submission of such data and any other
30 educational equity data. If any district does not submit the
31 required compliance data or other required educational equity

1 data by the prescribed date, the commissioner shall notify the
2 district school board of this fact and, if the appropriate
3 action is not taken to immediately submit the required report,
4 the school board shall be directed to proceed pursuant to the
5 provisions of s. 230.23(11)(b). If any community college or
6 university does not submit required data and information by
7 the prescribed date, the same policy as prescribed for school
8 districts shall be implemented.

9 ~~(f) Coordinating the work of a Task Force on Gender~~
10 ~~Equity in Education. The task force shall consist of 11~~
11 ~~members. The Commissioner of Education shall appoint three~~
12 ~~members: two shall be athletic directors at public high~~
13 ~~schools and one may be a member at large. The Chancellor of~~
14 ~~the State University System shall appoint two members who are~~
15 ~~athletic directors at state universities that offer~~
16 ~~scholarships for athletes in all major sports. The Executive~~
17 ~~Director of the Community College System shall appoint two~~
18 ~~members who are athletic directors at community colleges. The~~
19 ~~President of the Senate shall appoint two members and the~~
20 ~~Speaker of the House of Representatives shall appoint two~~
21 ~~members. The Commissioner of Education, the Chancellor of the~~
22 ~~State University System, the Executive Director of the~~
23 ~~Community College System, the President of the Senate, and the~~
24 ~~Speaker of the House of Representatives shall coordinate their~~
25 ~~appointments to ensure that the task force represents, to the~~
26 ~~maximum extent possible, the gender, racial, and ethnic~~
27 ~~diversity of the state. By July 1, 1994, the task force shall~~
28 ~~define equity in athletics at all levels of public education~~
29 ~~and shall recommend to the Commissioner of Education rules for~~
30 ~~appropriate enforcement mechanisms to ensure equity. The~~
31 ~~recommendations must include:~~

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

4 2. ~~A determination of the appropriate consideration of~~
5 ~~revenues when making decisions about equitable use of funds~~
6 ~~for support of athletic activities. In making this~~
7 ~~determination, the task force shall consider all funds~~
8 ~~received and expended for athletic promotion or support,~~
9 ~~including revenues from direct-support organizations~~
10 ~~established under s. 237.40, s. 240.299, or s. 240.363.~~

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

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

1 1. Declare the educational agency ineligible for
2 competitive state grants.

3 2. Notwithstanding the provisions of s. 216.192,
4 direct the Comptroller to withhold general revenue funds
5 sufficient to obtain compliance from the educational agency.

6
7 The educational agency shall remain ineligible and the funds
8 shall not be paid until the agency comes into compliance or
9 the commissioner approves a plan for compliance.

10 Section 8. Subsection (7) of section 230.2305, Florida
11 Statutes, is repealed, and paragraph (b) of subsection (2),
12 paragraphs (h) and (i) of subsection (3), and subsection (5)
13 of said section are amended to read:

14 230.2305 Prekindergarten early intervention program.--

15 (2) ELIGIBILITY.--There is hereby created the
16 prekindergarten early intervention program for children who
17 are 3 and 4 years of age. A prekindergarten early
18 intervention program shall be administered by a district
19 school board and shall receive state funds pursuant to
20 subsection (6). Each public school district shall make
21 reasonable efforts to accommodate the needs of children for
22 extended day and extended year services without compromising
23 the quality of the 6-hour, 180-day program. The school
24 district shall report on such efforts. School district
25 participation in the prekindergarten early intervention
26 program shall be at the discretion of each school district.

27 (b) An "economically disadvantaged" child shall be
28 defined as a child eligible to participate in the free lunch
29 program. Notwithstanding any change in a family's economic
30 status or in the federal eligibility requirements for free
31 lunch, a child who meets the eligibility requirements upon

1 initial registration for the program shall be considered
2 eligible until the child reaches kindergarten age. In order
3 to assist the school district in establishing the priority in
4 which children shall be served, and to increase the efficiency
5 in the provision of child care services in each district, the
6 district shall enter into a written collaborative agreement
7 with other publicly funded early education and child care
8 programs within the district. Such agreement shall ~~be~~
9 ~~facilitated by the interagency coordinating council and shall~~
10 set forth, among other provisions, the measures to be
11 undertaken to ensure the programs' achievement and compliance
12 with the performance standards established in subsection (3)
13 and for maximizing the public resources available to each
14 program. In addition, the central agency for state-subsidized
15 child care or the local service district of the Department of
16 Children and Family Services shall provide the school district
17 with an updated list of 3-year-old and 4-year-old children
18 residing in the school district who are on the waiting list
19 for state-subsidized child care.

20 (3) STANDARDS.--

21 (h) Services are to be provided during a school day
22 and school year equal to or exceeding the requirements for
23 kindergarten under ss. 228.041 and 236.013. Strategies to
24 provide care before school, after school, and 12 months a
25 year, when needed, must be developed by the school district in
26 cooperation with the central agency for state-subsidized child
27 care or the local service district of the Department of
28 Children and Family Services ~~and the district interagency~~
29 ~~coordinating council~~. Programs may be provided on Saturdays
30 and through other innovative scheduling arrangements.

31

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

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

22 Section 9. Subsections (3), (7), and (8) of section
23 230.2303, Florida Statutes, are amended to read:

24 230.2303 Florida First Start Program.--

25 (3) PLAN.--Each school board may submit to the
26 Commissioner of Education a plan for conducting a Florida
27 First Start Program. Each plan and subsequent amended plan
28 shall be developed in cooperation with the ~~district~~
29 ~~interagency coordinating council on early childhood services~~
30 ~~established pursuant to s. 230.2305 and the Interagency~~
31 ~~Prekindergarten Council for Children with Disabilities, and~~

1 shall be approved by the commissioner. A district school
2 board's plan must be designed to serve children from birth to
3 3 years of age who are disabled or at risk of future school
4 failure and to serve their parents. For the purposes of this
5 section, the term "children with disabilities or at risk of
6 future school failure" includes any child who has one or more
7 of the characteristics described in s. 411.202(9).

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

17 (8) COORDINATION.--

18 (a) The Florida First Start Program shall be included
19 under the jurisdiction of the State Coordinating Council for
20 School Readiness Programs established pursuant to s. 411.222.
21 The council shall make recommendations for effective
22 implementation of the program and shall advise the Department
23 of Education on needed legislation, rules, and technical
24 assistance to ensure the continued implementation of an
25 effective program.

26 (b) ~~Each school district shall develop, implement, and~~
27 ~~evaluate its program in cooperation with the district~~
28 ~~interagency coordinating council established under s.~~
29 ~~230.2305.~~

30 Section 10. Subsection (1) of section 230.2306,
31 Florida Statutes, is amended to read:

1 230.2306 Prekindergarten children service needs
2 assessments; reports; reasonable efforts by school district.--

3 (1) In each county, the district school board, the
4 central child care agency, the Head Start program, and a
5 private provider of preschool services, ~~in cooperation with~~
6 ~~the district interagency coordinating council established~~
7 ~~under s. 230.2305,~~ shall:

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

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

15 Section 11. Subsection (9) of section 402.3015,
16 Florida Statutes, is amended to read:

17 402.3015 Subsidized child care program; purpose; fees;
18 contracts.--

19 (9) The central agency for state subsidized child care
20 or the local service district of the Department of Children
21 and Family Services shall develop ~~cooperate with the local~~
22 ~~interagency coordinating council as defined in s. 230.2305 in~~
23 ~~the development of~~ written collaborative agreements with each
24 local school district.

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

29 (b) The department shall monitor each subsidized child
30 care provider at least annually to determine compliance with
31 the collaborative agreement ~~facilitated by the local~~

1 ~~interagency coordinating council.~~ If a provider fails to
2 bring its program into compliance with the agreement or the
3 plan within 3 months after an evaluation citing deficiencies,
4 the department must withhold such administrative funds as have
5 been allocated to the program and which have not yet been
6 released.

7 Section 12. Paragraph (d) of subsection (5) of section
8 409.178, Florida Statutes, is amended to read:

9 409.178 Child Care Executive Partnership Act; findings
10 and intent; grant; limitation; rules.--

11 (5)

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

30 Section 13. Paragraph (a) of subsection (5) of section
31 411.01, Florida Statutes, is amended to read:

1 411.01 Florida Partnership for School Readiness;
2 school readiness coalitions.--
3 (5) CREATION OF SCHOOL READINESS COALITIONS.--
4 (a) School readiness coalitions.--
5 1. If a coalition's plan would serve less than 400
6 birth-to-kindergarten age children, the coalition must either
7 join with another county to form a multicounty coalition,
8 enter an agreement with a fiscal agent to serve more than one
9 coalition, or demonstrate to the partnership its ability to
10 effectively and efficiently implement its plan as a
11 single-county coalition and meet all required performance
12 standards and outcome measures.
13 2. Each coalition shall have at least 18 but not more
14 than 25 members and such members must include the following:
15 a. A Department of Children and Family Services
16 district administrator or his or her designee who is
17 authorized to make decisions on behalf of the department.
18 b. A district superintendent of schools or his or her
19 designee who is authorized to make decisions on behalf of the
20 district.
21 c. A regional workforce development board chair or
22 director, where applicable.
23 d. A county health department director or his or her
24 designee.
25 e. A children's services council or juvenile welfare
26 board chair or executive director, if applicable.
27 f. A child care licensing agency head.
28 g. One member appointed by a Department of Children
29 and Family Services district administrator.
30 h. One member appointed by a board of county
31 commissioners.

- 1 i. One member appointed by a district school board.
2 j. A central child care agency administrator.
3 k. A Head Start director.
4 l. A representative of private child care providers.
5 m. A representative of faith-based child care
6 providers.

7
8 More than one-third of the coalition members must be from the
9 private sector, and neither they nor their families may earn
10 an income from the early education and child care industry. To
11 meet this requirement a coalition must appoint additional
12 members from a list of nominees presented to the coalition by
13 a chamber of commerce or economic development council within
14 the geographic area of the coalition.

15 3. No member of a coalition may appoint a designee to
16 act in his or her place. A member may send a representative to
17 coalition meetings, but that representative will have no
18 voting privileges. When a district superintendent of schools
19 or a district administrator for the Department of Children and
20 Family Services appoints a designee to a school readiness
21 coalition, the designee will be the voting member of the
22 coalition, and any individual attending in his or her place,
23 including the district administrator or superintendent, will
24 have no voting privileges.

25 ~~4. The school readiness coalition shall replace the~~
26 ~~district interagency coordinating council required under s.~~
27 ~~230.2305.~~

28 4.5. Members of the coalition are subject to the
29 ethics provisions in part III of chapter 112.
30
31

1 ~~5.6.~~ For the purposes of tort liability, the members
2 of the school readiness coalition and its employees shall be
3 governed by s. 768.28.

4 ~~6.7.~~ Multicounty coalitions shall include
5 representation from each county.

6 ~~7.8.~~ The terms of all appointed members of the
7 coalition must be staggered. Appointed members may serve a
8 maximum of two terms. When a vacancy occurs in an appointed
9 position, the coalition must advertise the vacancy.

10 Section 14. Subsection (3) of section 232.2466,
11 Florida Statutes, is repealed.

12 Section 15. Section 255.565, Florida Statutes, is
13 repealed.

14 Section 16. Section 255.553, Florida Statutes, is
15 amended to read:

16 255.553 Survey required.--Each state agency shall
17 survey or cause to be surveyed for the presence of
18 asbestos-containing materials each public building for which
19 it is responsible. The survey shall be conducted by an
20 asbestos consultant licensed under chapter 469 and shall be
21 conducted in accordance with AHERA initial inspection
22 procedures; Environmental Protection Agency guidelines;
23 National Emission Standards for Hazardous Air Pollutants; and
24 Occupational Safety and Health Administration regulations, ~~and~~
25 ~~any subsequent recommendations made by the Asbestos Oversight~~
26 ~~Program Team established under s. 255.565.~~ The survey shall:

27 (1) Determine all materials which may contain
28 asbestos;

29 (2) Identify the location and quantify the types of
30 asbestos-containing materials;

31

- 1 (3) Assess the hazard of the existing
2 asbestos-containing materials as they relate to any situation
3 where a person may come into contact with asbestos;
4 (4) Prioritize the areas which need immediate asbestos
5 abatement action according to the hazard assessment; and
6 (5) Estimate the cost of recommended abatement
7 alternatives.

8
9 The asbestos program administrator shall review the asbestos
10 surveys and consult with the affected agency to determine on a
11 priority basis the need for instituting abatement procedures,
12 and the asbestos program administrator shall institute
13 abatement procedures on a priority basis as directed by the
14 secretary of the Department of Labor and Employment Security.

15 Section 17. Section 255.556, Florida Statutes, is
16 amended to read:

17 255.556 Asbestos assessment.--When the survey
18 indicates the presence of friable asbestos-containing
19 materials in a public building, the survey shall also include
20 an assessment of the level of airborne asbestos fibers. This
21 assessment shall include a visual assessment followed by an
22 analysis of air samples which shall be conducted in accordance
23 with rules of the Department of Labor and Employment Security;
24 Environmental Protection Agency guidelines; National Emission
25 Standards for Hazardous Air Pollutants; and Occupational
26 Safety and Health Administration regulations; ~~and any~~
27 ~~subsequent recommendations made by the Asbestos Oversight~~
28 ~~Program Team established under s. 255.565.~~ If the overall
29 assessment indicates the presence of asbestos greater than
30 0.01 asbestos structures per cubic centimeter during periods
31 of normal activity, response action shall be taken.

1 Section 18. Section 255.563, Florida Statutes, is
2 amended to read:

3 255.563 Rules; Department of Labor and Employment
4 Security.--The Department of Labor and Employment Security
5 shall adopt all rules relating to asbestos in public buildings
6 reasonably necessary to implement the provisions of ss.
7 255.551-255.565. In developing the rules, the department
8 shall consider the criteria established in the Asbestos
9 Identification and Remediation Plan dated January 1, 1987, and
10 issued pursuant to chapter 86-135, Laws of Florida;
11 Environmental Protection Agency guidelines; AHERA; National
12 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.~~

16 Section 19. Section 258.155, Florida Statutes, is
17 repealed.

18 Section 20. Subsections (2), (3), (4), (5), and (6) of
19 section 272.12, Florida Statutes, are repealed.

20 Section 21. Section 272.121, Florida Statutes, is
21 amended to read:

22 272.121 Capitol Center long-range planning.--

23 (1) The Department of Management Services shall
24 develop a comprehensive and long-range plan for the
25 development of state-owned property within the Capitol Center,
26 ~~which plan, and amendments thereto, shall be presented to the~~
27 ~~planning commission for final approval.~~ In developing this
28 plan, the department shall consider:

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

31

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

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

5 (d) The plans adopted by the local planning agencies
6 in Leon County.

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

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

25 (4) The ~~commission and the~~ department shall prepare a
26 report of its ~~their~~ findings and recommendations and submit
27 the same to the Governor and the Legislature every fifth year,
28 except that the next report shall not be due until February 1,
29 1979. Said report shall reflect the actions of ~~the commission~~
30 ~~and~~ the department in carrying out the provisions of this act
31

1 and shall include an updated comprehensive plan to carry out
2 the provisions of this act each time the report is submitted.

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

20 Section 22. Section 295.184, Florida Statutes, is
21 amended to read:

22 295.184 Report; design, cost estimates.--The
23 Commission on Veterans' Affairs shall consider the appropriate
24 design of the memorial and may solicit design proposals from
25 members of the public. The Commission on Veterans' Affairs, in
26 cooperation with the Department of Management Services and the
27 City of Tallahassee ~~Capitol Center Planning Commission~~, shall
28 consider the location of the memorial within the Florida
29 Capitol Center Planning District. On or before January 31,
30 2002, the Commission on Veterans' Affairs shall submit to the
31 Governor, the President of the Senate, and the Speaker of the

1 House of Representatives its recommendations for the location
2 and design of the memorial. The report must include an
3 estimate of the cost to acquire the site for the memorial and
4 of the cost to construct the memorial in accordance with the
5 design proposal recommended by the Commission on Veterans'
6 Affairs, as well as the life-cycle cost estimate required by
7 s. 255.255. The Department of Management Services shall assist
8 the Commission on Veterans' Affairs in preparing the estimates
9 for timely inclusion in the report.

10 Section 23. (1) All rules, regulations, or orders of
11 the Capitol Center Planning Commission regulating development
12 within the Capitol Center Planning District in effect at the
13 time of the effective date of this act shall remain in effect
14 until superseded by regulation or order of the City of
15 Tallahassee.

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

24 Section 24. Section 282.3095, Florida Statutes, is
25 repealed.

26 Section 25. Section 285.19, Florida Statutes, is
27 repealed.

28 Section 26. Section 286.30, Florida Statutes, is
29 repealed.

30 Section 27. Paragraph (d) of subsection (4) of section
31 216.235, Florida Statutes, is amended to read:

1 216.235 Innovation Investment Program; intent;
2 definitions; composition and responsibilities of State
3 Innovation Committee; responsibilities of the Department of
4 Management Services, the Information Resource Commission, and
5 the review board; procedures for innovative project
6 submission, review, evaluation, and approval; criteria to be
7 considered.--

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

14 (d) One representative of the private sector appointed
15 by the Governor ~~Commission on Government Accountability to the~~
16 ~~People~~.

17
18 The Secretary of Management Services shall serve as an
19 alternate in the event a member is unable to attend the
20 committee meeting.

21 Section 28. Section 391.222, Florida Statutes, is
22 repealed.

23 Section 29. Paragraph (a) of subsection (4) and
24 subsection (5) of section 402.40, Florida Statutes, are
25 amended to read:

26 402.40 Child welfare training.--

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

28 (a) There is created within the State Treasury a Child
29 Welfare Training Trust Fund to be used by the Department of
30 Children and Family Services for the purpose of funding a
31 comprehensive system of child welfare training, including the

1 | securing of consultants to develop the system and the
2 | developing of, the staff of the council, the expenses of the
3 | council members, the child welfare training academies that
4 | include and the participation of dependency program staff in
5 | the training.

6 | (5) ESTABLISHMENT OF TRAINING ACADEMIES.--The
7 | department shall contract for the operation of one or more
8 | training academies with Tallahassee Community College. The
9 | number, location, and timeframe for establishment of
10 | additional training academies shall be ~~according to the~~
11 | ~~recommendation of the council as~~ approved by the Secretary of
12 | Children and Family Services.

13 | Section 30. Subsection (2) of section 404.056, Florida
14 | Statutes, is repealed.

15 | Section 31. Effective January 1, 2002, subsections
16 | (13) and (14) of section 440.49, Florida Statutes, are
17 | repealed, and subsection (2), paragraph (a) of subsection (9),
18 | and subsection (10) of said section are amended to read:

19 | 440.49 Limitation of liability for subsequent injury
20 | through Special Disability Trust Fund.--

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

22 | (a) "Permanent physical impairment" means and is
23 | limited to the conditions listed in paragraph (6)(a).

24 | (b) "Preferred worker" means a worker who, because of
25 | a permanent impairment resulting from a compensable injury or
26 | occupational disease, is unable to return to the worker's
27 | regular employment.

28 | (c) "Merger" describes or means that:

29 | 1. If the permanent physical impairment had not
30 | existed, the subsequent accident or occupational disease would
31 | not have occurred;

1 2. The permanent disability or permanent impairment
2 resulting from the subsequent accident or occupational disease
3 is materially and substantially greater than that which would
4 have resulted had the permanent physical impairment not
5 existed, and the employer has been required to pay, and has
6 paid, permanent total disability or permanent impairment
7 benefits for that materially and substantially greater
8 disability;

9 3. The preexisting permanent physical impairment is
10 aggravated or accelerated as a result of the subsequent injury
11 or occupational disease, or the preexisting impairment has
12 contributed, medically and circumstantially, to the need for
13 temporary compensation, medical, or attendant care and the
14 employer has been required to pay, and has paid, temporary
15 compensation, medical, or attendant care benefits for the
16 aggravated preexisting permanent impairment; or

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

19 (d) "Excess permanent compensation" means that
20 compensation for permanent impairment, or permanent total
21 disability or death benefits, for which the employer or
22 carrier is otherwise entitled to reimbursement from the
23 Special Disability Trust Fund.

24 (e) "Administrator" means the entity selected by the
25 division ~~commission~~ to review, allow, deny, compromise,
26 controvert, and litigate claims of the Special Disability
27 Trust Fund.

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

30
31

1 ~~(g) "Commission" means the Special Disability Trust~~
2 ~~Fund Privatization Commission, as created under subsection~~
3 ~~(13).~~

4
5 In addition to the definitions contained in this subsection,
6 the division may by rule prescribe definitions that are
7 necessary for the effective administration of this section.

8 (9) SPECIAL DISABILITY TRUST FUND.--

9 (a) There is established in the State Treasury a
10 special fund to be known as the "Special Disability Trust
11 Fund," which shall be available only for the purposes stated
12 in this section; and the assets thereof may not at any time be
13 appropriated or diverted to any other use or purpose. The
14 Treasurer shall be the custodian of such fund, and all moneys
15 and securities in such fund shall be held in trust by such
16 Treasurer and shall not be the money or property of the state.
17 The Treasurer is authorized to disburse moneys from such fund
18 only when approved by the division or corporation and upon the
19 order of the Comptroller. The Treasurer shall deposit any
20 moneys paid into such fund into such depository banks as the
21 division ~~or corporation~~ may designate and is authorized to
22 invest any portion of the fund which, in the opinion of the
23 division, is not needed for current requirements, in the same
24 manner and subject to all the provisions of the law with
25 respect to the deposits of state funds by such Treasurer. All
26 interest earned by such portion of the fund as may be invested
27 by the Treasurer shall be collected by her or him and placed
28 to the credit of such fund.

29 (10) DIVISION ADMINISTRATION OF FUND; CLAIMS; ~~ADVISORY~~
30 ~~COMMITTEE~~; EXPENSES.--The division or administrator shall
31 administer the Special Disability Trust Fund with authority to

1 allow, deny, compromise, controvert, and litigate claims made
2 against it and to designate an attorney to represent it in
3 proceedings involving claims against the fund, including
4 negotiation and consummation of settlements, hearings before
5 judges of compensation claims, and judicial review. The
6 division or administrator or the attorney designated by it
7 shall be given notice of all hearings and proceedings
8 involving the rights or obligations of such fund and shall
9 have authority to make expenditures for such medical
10 examinations, expert witness fees, depositions, transcripts of
11 testimony, and the like as may be necessary to the proper
12 defense of any claim. ~~The division shall appoint an advisory
13 committee composed of representatives of management,
14 compensation insurance carriers, and self-insurers to aid it
15 in formulating policies with respect to conservation of the
16 fund, who shall serve without compensation for such terms as
17 specified by it, but be reimbursed for travel expenses as
18 provided in s. 112.061.~~ All expenditures made in connection
19 with conservation of the fund, including the salary of the
20 attorney designated to represent it and necessary travel
21 expenses, shall be allowed and paid from the Special
22 Disability Trust Fund as provided in this section upon the
23 presentation of itemized vouchers therefor approved by the
24 division.

25 Section 32. Section 442.105, Florida Statutes, is
26 repealed.

27 Section 33. Subsection (26) of section 499.005,
28 Florida Statutes, and paragraph (c) of subsection (1) of
29 section 499.05, Florida Statutes, are repealed.

30 Section 34. Paragraph (b) of subsection (1) of section
31 499.015, Florida Statutes, is amended to read:

1 499.015 Registration of drugs, devices, and cosmetics;
2 issuance of certificates of free sale.--

3 (1)

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

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

11 Section 35. Section 548.045, Florida Statutes, is
12 repealed.

13 Section 36. Subsection (2) of section 548.046, Florida
14 Statutes, is amended to read:

15 548.046 Physician's attendance at match; examinations;
16 cancellation of match.--

17 (2) In addition to any other required examination,
18 each participant shall be examined by the attending physician
19 at the time of weigh-in. If the physician determines that a
20 participant is physically or mentally unfit to proceed, the
21 physician shall notify any commissioner or the commission
22 representative who shall immediately cancel the match. The
23 examination shall conform to rules adopted by the commission
24 ~~based on the advice of the medical advisory council.~~ The
25 result of the examination shall be reported in a writing
26 signed by the physician and filed with the commission prior to
27 completion of the weigh-in.

28 Section 37. Section 580.151, Florida Statutes, is
29 repealed.

30 Section 38. Section 13 of chapter 99-332, Laws of
31 Florida, is repealed.

1 Section 39. Section 11 of chapter 99-354, Laws of
2 Florida, and subsection (11) of section 240.5186, Florida
3 Statutes, are repealed.

4 Section 40. Section 6 of chapter 99-393, Laws of
5 Florida, is repealed.

6 Section 41. Section 192 of chapter 99-397, Laws of
7 Florida, is repealed.

8 Section 42. The Diversity Council and the State
9 Customer Advisory Council created pursuant to authority of the
10 Department of Labor and Employment Security under s. 20.171,
11 Florida Statutes, are abolished.

12 Section 43. The State Agency Law Enforcement Radio
13 System Review Panel created pursuant to authority of the
14 Department of Management Services under s. 282.111, Florida
15 Statutes, is abolished.

16 Section 44. The Driver's Under the Influence (DUI)
17 Advisory Council and the Florida Rider Training Program
18 Citizen Motorcycle Safety Council created pursuant to
19 authority of the Department of Highway Safety and Motor
20 Vehicles under s. 322.025, Florida Statutes, are abolished.

21 Section 45. The following councils, created pursuant
22 to s. 570.0705, Florida Statutes, are abolished:

23 (1) Bonifay State Farmers Market Advisory Council.

24 (2) Florida City State Farmers Market Advisory
25 Committee.

26 (3) Fort Myers State Farmers Market Advisory Council.

27 (4) Fort Pierce State Farmers Market Advisory Council.

28 (5) Gadsden County State Farmers Market Advisory
29 Council.

30 (6) Immokalee State Farmers Market Advisory Council.

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- 1 (7) Nitrate Bill Best Management Practices Advisory
2 Group.
3 (8) Palatka State Farmers Market Advisory Council.
4 (9) Plant City State Farmers Market Advisory Council.
5 (10) Pompano Beach Farmers Market Authority.
6 (11) Sanford State Farmers Market Advisory Council.
7 (12) Seed Potato Advisory Council.
8 (13) Starke State Farmers Market Advisory Council.
9 (14) Suwannee Valley State Farmers Market Advisory
10 Council.
11 (15) Trenton State Farmers Market Advisory Council.
12 (16) Tropical Soda Apple Task Force.
13 (17) Wauchula State Farmers Market Advisory Council.
14 Section 46. Except as otherwise provided herein, this
15 act shall take effect June 30, 2001.
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