

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. 272.12(2)-(6),
9 F.S., to abolish the Capitol Center Planning
10 Commission and delete provisions relating to
11 its duties; amending ss. 272.121 and 295.184,
12 F.S.; removing and revising references to the
13 Capitol Center Planning Commission, to conform;
14 transferring duties of the Capitol Center
15 Planning Commission to the City of Tallahassee
16 and the Department of Management Services;
17 providing for current owners' permits within
18 the Capitol Center Planning District to
19 continue; repealing s. 282.3095, F.S., to
20 abolish the Task Force on Privacy and
21 Technology created by the State Technology
22 Office; repealing s. 285.19, F.S., to abolish
23 the Creek Indian Council; repealing s. 286.30,
24 F.S., to abolish the Commission on Government
25 Accountability to the People; amending s.
26 216.235, F.S.; providing for appointment of a
27 member to the State Innovation Committee by the
28 Governor in lieu of the Commission on
29 Government Accountability to the People, to
30 conform; repealing s. 391.222, F.S., to abolish
31 the Cardiac Advisory Council; amending s.

1 402.40, F.S.; deleting an obsolete reference to
2 the Child Welfare Training Council; repealing
3 s. 404.056(2), F.S., to abolish the Florida
4 Coordinating Council on Radon Protection;
5 amending s. 440.49, F.S., and repealing
6 subsections (13) and (14), relating to the
7 Special Disability Trust Fund Privatization
8 Commission and the Florida Special Disability
9 Trust Fund Financing Corporation, to abolish
10 the commission and corporation and delete or
11 revise references thereto; abolishing the
12 advisory committee on conservation of the fund;
13 repealing s. 442.105, F.S., to abolish the
14 Toxic Substances Advisory Council; repealing
15 ss. 499.005(26) and 499.05(1)(c), F.S., to
16 delete obsolete references to the Florida Drug
17 Technical Review Panel and the investigational
18 drug program; amending s. 499.015, F.S.;
19 deleting an obsolete reference to the
20 investigational drug program; repealing s.
21 548.045, F.S., to abolish the Medical Advisory
22 Council under the Florida State Boxing
23 Commission; amending s. 548.046, F.S.; deleting
24 reference to the Medical Advisory Council, to
25 conform; repealing s. 580.151, F.S., to abolish
26 the Commercial Feed Technical Council;
27 repealing s. 13, ch. 99-332, Laws of Florida,
28 to abolish the Task Force on Home Health
29 Services Licensure Provisions; repealing s. 11,
30 ch. 99-354, Laws of Florida, to abolish the
31 Information Service Technology Development Task

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

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

14 Be It Enacted by the Legislature of the State of Florida:
15

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

18 Section 2. Section 24.105, Florida Statutes, is
19 amended to read:

20 24.105 Powers and duties of department.--The
21 department shall:

22 (1) Have the authority to sue or be sued in the
23 corporate name of the department and to adopt a corporate seal
24 and symbol.

25 (2) Supervise and administer the operation of the
26 lottery in accordance with the provisions of this act and
27 rules adopted pursuant thereto.

28 (3) For purposes of any investigation or proceeding
29 conducted by the department, have the power to administer
30 oaths, require affidavits, take depositions, issue subpoenas,
31

1 and compel the attendance of witnesses and the production of
2 books, papers, documents, and other evidence.

3 ~~(4) Make available to the commission any record or~~
4 ~~other information relating to the lottery that the commission~~
5 ~~requests.~~

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

16 (5)~~(6)~~ Adopt by rule a system of internal audits.

17 (6)~~(7)~~ Maintain weekly or more frequent records of
18 lottery transactions, including the distribution of tickets to
19 retailers, revenues received, claims for prizes, prizes paid,
20 and other financial transactions of the department.

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

29 (8)~~(9)~~ Conduct such market research as is necessary or
30 appropriate, which may include an analysis of the demographic
31 characteristics of the players of each lottery game and an

1 analysis of advertising, promotion, public relations,
2 incentives, and other aspects of communications.

3 (9)~~(10)~~ Adopt rules governing the establishment and
4 operation of the state lottery, including:

5 (a) The type of lottery games to be conducted, except
6 that:

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

11 2. No coins or currency shall be dispensed from any
12 electronic computer terminal or device used in any lottery
13 game.

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

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

1 tickets but may not be utilized for paying the holders of
2 winning tickets of any kind. At least one clerk must be on
3 duty at the lottery retailer while the machine is in
4 operation. However, at least two clerks must be on duty at any
5 lottery location which has violated s. 24.1055.

6 (b) The sales price of tickets.

7 (c) The number and sizes of prizes.

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

14 (e) The manner of payment of prizes to holders of
15 winning tickets.

16 (f) The frequency of drawings or selections of winning
17 tickets.

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

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

21 (i) The manner and amount of compensation of
22 retailers.

23 (j) Such other matters necessary or desirable for the
24 efficient or economical operation of the lottery or for the
25 convenience of the public.

26 (10)~~(11)~~ Have the authority to hold copyrights,
27 trademarks, and service marks and enforce its rights with
28 respect thereto.

29 (11)~~(12)~~ In the selection of games and method of
30 selecting winning tickets, be sensitive to the impact of the
31 lottery upon the pari-mutuel industry and, accordingly, the

1 department may use for any game the theme of horseracing,
2 dogracing, or jai alai and may allow a lottery game to be
3 based upon a horserace, dograce, or jai alai activity so long
4 as the outcome of such lottery game is determined entirely by
5 chance.

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

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

31

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

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

30 (14)~~(15)~~ Have the authority to acquire real property
31 and make improvements thereon. The title to such property

1 shall be vested in the Board of Trustees of the Internal
2 Improvement Trust Fund. The board shall give the department
3 preference in leasing state-owned lands under the board's
4 control and may not exercise any jurisdiction over lands
5 purchased or leased by the department while such lands are
6 actively used by the department. Actions of the department
7 under this subsection are exempt from the time limitations and
8 deadlines of chapter 253.

9 (15)~~(16)~~ Have the authority to charge fees to persons
10 applying for contracts as vendors or retailers, which fees are
11 reasonably calculated to cover the costs of investigations and
12 other activities related to the processing of the application.

13 (16)~~(17)~~ Enter into contracts for the purchase, lease,
14 or lease-purchase of such goods and services as are necessary
15 for the operation and promotion of the state lottery,
16 including assistance provided by any governmental agency.

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

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

27 (19)~~(20)~~ Employ division directors and other staff as
28 may be necessary to carry out the provisions of this act;
29 however:

30 (a) No person shall be employed by the department who
31 has been convicted of, or entered a plea of guilty or nolo

1 | contendere to, a felony committed in the preceding 10 years,
2 | regardless of adjudication, unless the department determines
3 | that:

4 | 1. The person has been pardoned or his or her civil
5 | rights have been restored; or

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

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

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

31 |

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

1 Section 3. Paragraph (b) of subsection (7) of section
2 24.108, Florida Statutes, is amended to read:

3 24.108 Division of Security; duties; security
4 report.--

5 (7)

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

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

28 24.123 Annual audit of financial records and
29 reports.--

30 (3) A copy of any audit performed pursuant to this
31 section shall be submitted to the secretary, ~~the commission,~~

1 the Governor, the President of the Senate, the Speaker of the
2 House of Representatives, and members of the Legislative
3 Auditing Committee.

4 Section 5. Section 228.054, Florida Statutes, is
5 repealed.

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

8 228.053 Developmental research schools.--

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

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

30 (b) The following statutes or related rules may be
31 waived for any developmental research school so requesting,

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

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

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

1 ~~requests not approved. For each waiver request not approved,~~
2 ~~the committee shall report the statute or rule for which the~~
3 ~~waiver was requested, the rationale for the developmental~~
4 ~~research school request, and the reason the request was not~~
5 ~~approved.~~

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

15 (d) Notwithstanding the request provisions of s.
16 229.592, developmental research schools shall request all
17 waivers through the commissioner ~~Joint Developmental Research~~
18 ~~School Planning, Articulation, and Evaluation Committee, as~~
19 ~~established in s. 228.054.~~ The commissioner ~~committee~~ shall
20 approve or disapprove said requests pursuant to this
21 subsection and s. 229.592; ~~however, the Commissioner of~~
22 ~~Education shall have standing to challenge any decision of the~~
23 ~~committee should it adversely affect the health, safety,~~
24 ~~welfare, or civil rights of the students or public interest.~~
25 ~~The department shall immediately notify the committee and~~
26 ~~developmental research school of the decision and provide a~~
27 ~~rationale therefor.~~

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

30 228.2001 Discrimination against students and employees
31 in state system of public education; prohibitions; equality of

1 access; strategies to overcome underrepresentation;
2 remedies.--

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

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

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

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

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

24 (e) Requiring all boards to submit data and
25 information necessary to determine compliance with this
26 section. The Commissioner of Education shall prescribe the
27 format and the date for submission of such data and any other
28 educational equity data. If any district does not submit the
29 required compliance data or other required educational equity
30 data by the prescribed date, the commissioner shall notify the
31 district school board of this fact and, if the appropriate

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

7 ~~(f) Coordinating the work of a Task Force on Gender~~
8 ~~Equity in Education. The task force shall consist of 11~~
9 ~~members. The Commissioner of Education shall appoint three~~
10 ~~members: two shall be athletic directors at public high~~
11 ~~schools and one may be a member at large. The Chancellor of~~
12 ~~the State University System shall appoint two members who are~~
13 ~~athletic directors at state universities that offer~~
14 ~~scholarships for athletes in all major sports. The Executive~~
15 ~~Director of the Community College System shall appoint two~~
16 ~~members who are athletic directors at community colleges. The~~
17 ~~President of the Senate shall appoint two members and the~~
18 ~~Speaker of the House of Representatives shall appoint two~~
19 ~~members. The Commissioner of Education, the Chancellor of the~~
20 ~~State University System, the Executive Director of the~~
21 ~~Community College System, the President of the Senate, and the~~
22 ~~Speaker of the House of Representatives shall coordinate their~~
23 ~~appointments to ensure that the task force represents, to the~~
24 ~~maximum extent possible, the gender, racial, and ethnic~~
25 ~~diversity of the state. By July 1, 1994, the task force shall~~
26 ~~define equity in athletics at all levels of public education~~
27 ~~and shall recommend to the Commissioner of Education rules for~~
28 ~~appropriate enforcement mechanisms to ensure equity. The~~
29 ~~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. Subsections (2), (3), (4), (5), and (6) of
17 section 272.12, Florida Statutes, are repealed.

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

20 272.121 Capitol Center long-range planning.--

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

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

28 (b) The architectural and aesthetic coordination of
29 the proposed plan with the existing structures.
30
31

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

3 (d) The plans adopted by the local planning agencies
4 in Leon County.

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

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

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

31

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

18 Section 21. Section 295.184, Florida Statutes, is
19 amended to read:

20 295.184 Report; design, cost estimates.--The
21 Commission on Veterans' Affairs shall consider the appropriate
22 design of the memorial and may solicit design proposals from
23 members of the public. The Commission on Veterans' Affairs, in
24 cooperation with the Department of Management Services and the
25 City of Tallahassee ~~Capitol Center Planning Commission~~, shall
26 consider the location of the memorial within the Florida
27 Capitol Center Planning District. On or before January 31,
28 2002, the Commission on Veterans' Affairs shall submit to the
29 Governor, the President of the Senate, and the Speaker of the
30 House of Representatives its recommendations for the location
31 and design of the memorial. The report must include an

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

8 Section 22. (1) All rules, regulations, or orders of
9 the Capitol Center Planning Commission regulating development
10 within the Capitol Center Planning District in effect at the
11 time of the effective date of this act shall remain in effect
12 until superseded by regulation or order of the City of
13 Tallahassee.

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

22 Section 23. Section 282.3095, Florida Statutes, is
23 repealed.

24 Section 24. Section 285.19, Florida Statutes, is
25 repealed.

26 Section 25. Section 286.30, Florida Statutes, is
27 repealed.

28 Section 26. Paragraph (d) of subsection (4) of section
29 216.235, Florida Statutes, is amended to read:

30 216.235 Innovation Investment Program; intent;
31 definitions; composition and responsibilities of State

1 Innovation Committee; responsibilities of the Department of
2 Management Services, the Information Resource Commission, and
3 the review board; procedures for innovative project
4 submission, review, evaluation, and approval; criteria to be
5 considered.--

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

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

15
16 The Secretary of Management Services shall serve as an
17 alternate in the event a member is unable to attend the
18 committee meeting.

19 Section 27. Section 391.222, Florida Statutes, is
20 repealed.

21 Section 28. Paragraph (a) of subsection (4) and
22 subsection (5) of section 402.40, Florida Statutes, are
23 amended to read:

24 402.40 Child welfare training.--

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

26 (a) There is created within the State Treasury a Child
27 Welfare Training Trust Fund to be used by the Department of
28 Children and Family Services for the purpose of funding a
29 comprehensive system of child welfare training, including the
30 securing of consultants to develop the system and the
31 developing of, ~~the staff of the council, the expenses of the~~

1 ~~council members, the~~ child welfare training academies that
2 include ~~and~~ the participation of dependency program staff ~~in~~
3 ~~the training.~~

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

11 Section 29. Subsection (2) of section 404.056, Florida
12 Statutes, is repealed.

13 Section 30. Effective January 1, 2002, subsections
14 (13) and (14) of section 440.49, Florida Statutes, are
15 repealed, and subsection (2), paragraph (a) of subsection (9),
16 and subsection (10) of said section are amended to read:

17 440.49 Limitation of liability for subsequent injury
18 through Special Disability Trust Fund.--

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

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

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

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

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

30 2. The permanent disability or permanent impairment
31 resulting from the subsequent accident or occupational disease

1 is materially and substantially greater than that which would
2 have resulted had the permanent physical impairment not
3 existed, and the employer has been required to pay, and has
4 paid, permanent total disability or permanent impairment
5 benefits for that materially and substantially greater
6 disability;

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

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

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

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

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

28 ~~(g) "Commission" means the Special Disability Trust~~
29 ~~Fund Privatization Commission, as created under subsection~~
30 ~~(13).~~

31

1 In addition to the definitions contained in this subsection,
2 the division may by rule prescribe definitions that are
3 necessary for the effective administration of this section.

4 (9) SPECIAL DISABILITY TRUST FUND.--

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

25 (10) DIVISION ADMINISTRATION OF FUND; CLAIMS; ~~ADVISORY~~
26 ~~COMMITTEE~~; EXPENSES.--The division or administrator shall
27 administer the Special Disability Trust Fund with authority to
28 allow, deny, compromise, controvert, and litigate claims made
29 against it and to designate an attorney to represent it in
30 proceedings involving claims against the fund, including
31 negotiation and consummation of settlements, hearings before

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

21 Section 31. Section 442.105, Florida Statutes, is
22 repealed.

23 Section 32. Subsection (26) of section 499.005,
24 Florida Statutes, and paragraph (c) of subsection (1) of
25 section 499.05, Florida Statutes, are repealed.

26 Section 33. Paragraph (b) of subsection (1) of section
27 499.015, Florida Statutes, is amended to read:

28 499.015 Registration of drugs, devices, and cosmetics;
29 issuance of certificates of free sale.--

30 (1)

31

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

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

8 Section 34. Section 548.045, Florida Statutes, is
9 repealed.

10 Section 35. Subsection (2) of section 548.046, Florida
11 Statutes, is amended to read:

12 548.046 Physician's attendance at match; examinations;
13 cancellation of match.--

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

25 Section 36. Section 580.151, Florida Statutes, is
26 repealed.

27 Section 37. Section 13 of chapter 99-332, Laws of
28 Florida, is repealed.

29 Section 38. Section 11 of chapter 99-354, Laws of
30 Florida, and subsection (11) of section 240.5186, Florida
31 Statutes, are repealed.

1 Section 39. Section 6 of chapter 99-393, Laws of
2 Florida, is repealed.

3 Section 40. Section 192 of chapter 99-397, Laws of
4 Florida, is repealed.

5 Section 41. The Diversity Council and the State
6 Customer Advisory Council created pursuant to authority of the
7 Department of Labor and Employment Security under s. 20.171,
8 Florida Statutes, are abolished.

9 Section 42. The State Agency Law Enforcement Radio
10 System Review Panel created pursuant to authority of the
11 Department of Management Services under s. 282.111, Florida
12 Statutes, is abolished.

13 Section 43. The Driver's Under the Influence (DUI)
14 Advisory Council and the Florida Rider Training Program
15 Citizen Motorcycle Safety Council created pursuant to
16 authority of the Department of Highway Safety and Motor
17 Vehicles under s. 322.025, Florida Statutes, are abolished.

18 Section 44. The following councils, created pursuant
19 to s. 570.0705, Florida Statutes, are abolished:

20 (1) Bonifay State Farmers Market Advisory Council.

21 (2) Florida City State Farmers Market Advisory
22 Committee.

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

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

25 (5) Gadsden County State Farmers Market Advisory
26 Council.

27 (6) Immokalee State Farmers Market Advisory Council.

28 (7) Nitrate Bill Best Management Practices Advisory
29 Group.

30 (8) Palatka State Farmers Market Advisory Council.

31 (9) Plant City State Farmers Market Advisory Council.

- 1 (10) Pompano Beach Farmers Market Authority.
2 (11) Sanford State Farmers Market Advisory Council.
3 (12) Seed Potato Advisory Council.
4 (13) Starke State Farmers Market Advisory Council.
5 (14) Suwannee Valley State Farmers Market Advisory
6 Council.
7 (15) Trenton State Farmers Market Advisory Council.
8 (16) Tropical Soda Apple Task Force.
9 (17) Wauchula State Farmers Market Advisory Council.

10 Section 45. Except as otherwise provided herein, this
11 act shall take effect June 30, 2001.

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