

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. 13, ch. 99-332, Laws of  
26 Florida, to abolish the Task Force on Home  
27 Health Services Licensure Provisions; repealing  
28 s. 11, ch. 99-354, Laws of Florida, to abolish  
29 the Information Service Technology Development  
30 Task Force; repealing s. 240.5186(11), F.S.,  
31 relating to authority of the Institute on Urban

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

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

12 Be It Enacted by the Legislature of the State of Florida:  
13

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

16 Section 2. Section 24.105, Florida Statutes, is  
17 amended to read:

18 24.105 Powers and duties of department.--The  
19 department shall:

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

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

26 (3) For purposes of any investigation or proceeding  
27 conducted by the department, have the power to administer  
28 oaths, require affidavits, take depositions, issue subpoenas,  
29 and compel the attendance of witnesses and the production of  
30 books, papers, documents, and other evidence.  
31

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

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

14           (5)~~(6)~~ Adopt by rule a system of internal audits.

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

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

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

1            (9)~~(10)~~ Adopt rules governing the establishment and  
2 operation of the state lottery, including:

3            (a) The type of lottery games to be conducted, except  
4 that:

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

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

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

16           4. The only player-activated machine which may be  
17 utilized is a machine which dispenses instant lottery game  
18 tickets following the insertion of a coin or currency by a  
19 ticket purchaser. To be authorized a machine must: be under  
20 the supervision and within the direct line of sight of the  
21 lottery retailer to ensure that the machine is monitored and  
22 only operated by persons at least 18 years of age; be capable  
23 of being electronically deactivated by the retailer to  
24 prohibit use by persons less than 18 years of age through the  
25 use of a lockout device that maintains the machine's  
26 deactivation for a period of no less than 5 minutes; and be  
27 designed to prevent its use or conversion for use in any  
28 manner other than the dispensing of instant lottery tickets.  
29 Authorized machines may dispense change to players purchasing  
30 tickets but may not be utilized for paying the holders of  
31 winning tickets of any kind. At least one clerk must be on

1 duty at the lottery retailer while the machine is in  
2 operation. However, at least two clerks must be on duty at any  
3 lottery location which has violated s. 24.1055.

4 (b) The sales price of tickets.

5 (c) The number and sizes of prizes.

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

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

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

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

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

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

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

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

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



1 based upon a horserace, dograce, or jai alai activity so long  
2 as the outcome of such lottery game is determined entirely by  
3 chance.

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

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

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

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

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

27 (14)~~(15)~~ Have the authority to acquire real property  
28 and make improvements thereon. The title to such property  
29 shall be vested in the Board of Trustees of the Internal  
30 Improvement Trust Fund. The board shall give the department  
31 preference in leasing state-owned lands under the board's

1 control and may not exercise any jurisdiction over lands  
2 purchased or leased by the department while such lands are  
3 actively used by the department. Actions of the department  
4 under this subsection are exempt from the time limitations and  
5 deadlines of chapter 253.

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

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

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

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

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

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

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

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

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

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

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

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

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

28 Section 3. Paragraph (b) of subsection (7) of section  
29 24.108, Florida Statutes, is amended to read:

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

1 (7)

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

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

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

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

31

1           Section 5. Section 228.054, Florida Statutes, is  
2 repealed.

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

5           228.053 Developmental research schools.--

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

11           (a) The methods and requirements of the following  
12 statutes shall be held in abeyance: ss. 230.01; 230.02;  
13 230.03; 230.04; 230.05; 230.061; 230.10; 230.105; 230.11;  
14 230.12; 230.15; 230.16; 230.17; 230.173; 230.18; 230.19;  
15 230.201; 230.202; 230.21; 230.22; 230.2318; 230.24; 230.241;  
16 230.26; 230.28; 230.30; 230.303; 230.31; 230.32; 230.321;  
17 230.33; 230.35; 230.39; 230.63; 230.64; 230.643; 234.01;  
18 234.021; 236.25; 236.261; 236.29; 236.31; 236.32; 236.35;  
19 236.36; 236.37; 236.38; 236.39; 236.40; 236.41; 236.42;  
20 236.43; 236.44; 236.45; 236.46; 236.47; 236.48; 236.49;  
21 236.50; 236.51; 236.52; 236.55; 236.56; 237.051; 237.071;  
22 237.091; 237.201; 237.40; and 316.75. With the exception of  
23 subsection (16) of s. 230.23, s. 230.23 shall be held in  
24 abeyance. Reference to school boards in s. 230.23(16) shall  
25 mean the president of the university or the president's  
26 designee.

27           (b) The following statutes or related rules may be  
28 waived for any developmental research school so requesting,  
29 provided the general statutory purpose of each section is met  
30 and the developmental research school has submitted a written  
31 request to the Commissioner of Education ~~Joint Developmental~~

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

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

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



1 ~~research school request, and the reason the request was not~~  
 2 ~~approved.~~

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

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

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

27 228.2001 Discrimination against students and employees  
 28 in state system of public education; prohibitions; equality of  
 29 access; strategies to overcome underrepresentation;  
 30 remedies.--

31

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

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

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

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

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

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

1 provisions of s. 230.23(11)(b). If any community college or  
2 university does not submit required data and information by  
3 the prescribed date, the same policy as prescribed for school  
4 districts shall be implemented.

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

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

31

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

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

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

29           1. Declare the educational agency ineligible for  
30 competitive state grants.

31

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

4  
5 The educational agency shall remain ineligible and the funds  
6 shall not be paid until the agency comes into compliance or  
7 the commissioner approves a plan for compliance.

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

12           230.2305 Prekindergarten early intervention program.--

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

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

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

18 (3) STANDARDS.--

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

29 (i) The school district must make efforts to meet the  
30 first state education goal, readiness to start school,  
31 including the involvement of nonpublic schools, public and

1 private providers of day care and early education, and other  
2 community agencies that provide services to young children.  
3 This may include private child care programs, subsidized child  
4 care programs, and Head Start programs. ~~A written description~~  
5 ~~of these efforts must be provided to the district interagency~~  
6 ~~coordinating council on early childhood services.~~

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

19 Section 9. Subsections (3), (7), and (8) of section  
20 230.2303, Florida Statutes, are amended to read:

21 230.2303 Florida First Start Program.--

22 (3) PLAN.--Each school board may submit to the  
23 Commissioner of Education a plan for conducting a Florida  
24 First Start Program. Each plan and subsequent amended plan  
25 shall be developed in cooperation with the ~~district~~  
26 ~~interagency coordinating council on early childhood services~~  
27 ~~established pursuant to s. 230.2305 and the Interagency~~  
28 ~~Prekindergarten Council for Children with Disabilities, and~~  
29 shall be approved by the commissioner. A district school  
30 board's plan must be designed to serve children from birth to  
31 3 years of age who are disabled or at risk of future school

1 failure and to serve their parents. For the purposes of this  
2 section, the term "children with disabilities or at risk of  
3 future school failure" includes any child who has one or more  
4 of the characteristics described in s. 411.202(9).

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

14 (8) COORDINATION.--

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

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

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

29 230.2306 Prekindergarten children service needs  
30 assessments; reports; reasonable efforts by school district.--

31



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

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

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

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

15 402.3015 Subsidized child care program; purpose; fees;  
16 contracts.--

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

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

27 (b) The department shall monitor each subsidized child  
28 care provider at least annually to determine compliance with  
29 the collaborative agreement ~~facilitated by the local~~  
30 ~~interagency coordinating council~~. If a provider fails to  
31 bring its program into compliance with the agreement or the

1 plan within 3 months after an evaluation citing deficiencies,  
2 the department must withhold such administrative funds as have  
3 been allocated to the program and which have not yet been  
4 released.

5 Section 12. Paragraph (d) of subsection (5) of section  
6 409.178, Florida Statutes, is amended to read:

7 409.178 Child Care Executive Partnership Act; findings  
8 and intent; grant; limitation; rules.--

9 (5)

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

28 Section 13. Paragraph (a) of subsection (5) of section  
29 411.01, Florida Statutes, is amended to read:

30 411.01 Florida Partnership for School Readiness;  
31 school readiness coalitions.--

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

2 (a) School readiness coalitions.--

3 1. If a coalition's plan would serve less than 400  
4 birth-to-kindergarten age children, the coalition must either  
5 join with another county to form a multicounty coalition,  
6 enter an agreement with a fiscal agent to serve more than one  
7 coalition, or demonstrate to the partnership its ability to  
8 effectively and efficiently implement its plan as a  
9 single-county coalition and meet all required performance  
10 standards and outcome measures.

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

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

16 b. A district superintendent of schools or his or her  
17 designee who is authorized to make decisions on behalf of the  
18 district.

19 c. A regional workforce development board chair or  
20 director, where applicable.

21 d. A county health department director or his or her  
22 designee.

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

25 f. A child care licensing agency head.

26 g. One member appointed by a Department of Children  
27 and Family Services district administrator.

28 h. One member appointed by a board of county  
29 commissioners.

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

31 j. A central child care agency administrator.

- 1 k. A Head Start director.  
2 l. A representative of private child care providers.  
3 m. A representative of faith-based child care  
4 providers.

5  
6 More than one-third of the coalition members must be from the  
7 private sector, and neither they nor their families may earn  
8 an income from the early education and child care industry. To  
9 meet this requirement a coalition must appoint additional  
10 members from a list of nominees presented to the coalition by  
11 a chamber of commerce or economic development council within  
12 the geographic area of the coalition.

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

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

26 4.5. Members of the coalition are subject to the  
27 ethics provisions in part III of chapter 112.

28 5.6. For the purposes of tort liability, the members  
29 of the school readiness coalition and its employees shall be  
30 governed by s. 768.28.

31

1           6.7. Multicounty coalitions shall include  
2 representation from each county.

3           ~~7.8.~~ The terms of all appointed members of the  
4 coalition must be staggered. Appointed members may serve a  
5 maximum of two terms. When a vacancy occurs in an appointed  
6 position, the coalition must advertise the vacancy.

7           Section 14. Subsection (3) of section 232.2466,  
8 Florida Statutes, is repealed.

9           Section 15. Section 255.565, Florida Statutes, is  
10 repealed.

11           Section 16. Section 255.553, Florida Statutes, is  
12 amended to read:

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

24           (1) Determine all materials which may contain  
25 asbestos;

26           (2) Identify the location and quantify the types of  
27 asbestos-containing materials;

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

31

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

3 (5) Estimate the cost of recommended abatement  
4 alternatives.  
5

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

12 Section 17. Section 255.556, Florida Statutes, is  
13 amended to read:

14 255.556 Asbestos assessment.--When the survey  
15 indicates the presence of friable asbestos-containing  
16 materials in a public building, the survey shall also include  
17 an assessment of the level of airborne asbestos fibers. This  
18 assessment shall include a visual assessment followed by an  
19 analysis of air samples which shall be conducted in accordance  
20 with rules of the Department of Labor and Employment Security;  
21 Environmental Protection Agency guidelines; National Emission  
22 Standards for Hazardous Air Pollutants; and Occupational  
23 Safety and Health Administration regulations; ~~and any~~  
24 ~~subsequent recommendations made by the Asbestos Oversight~~  
25 ~~Program Team established under s. 255.565.~~ If the overall  
26 assessment indicates the presence of asbestos greater than  
27 0.01 asbestos structures per cubic centimeter during periods  
28 of normal activity, response action shall be taken.

29 Section 18. Section 255.563, Florida Statutes, is  
30 amended to read:  
31

1           255.563 Rules; Department of Labor and Employment  
2 Security.--The Department of Labor and Employment Security  
3 shall adopt all rules relating to asbestos in public buildings  
4 reasonably necessary to implement the provisions of ss.  
5 255.551-255.565. In developing the rules, the department  
6 shall consider the criteria established in the Asbestos  
7 Identification and Remediation Plan dated January 1, 1987, and  
8 issued pursuant to chapter 86-135, Laws of Florida;  
9 Environmental Protection Agency guidelines; AHERA; National  
10 Emission Standards for Hazardous Air Pollutants; and  
11 Occupational Safety and Health Administration regulations; ~~and~~  
12 ~~any subsequent recommendations made by the Asbestos Oversight~~  
13 ~~Program Team established under s. 255.565.~~

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

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

18           272.121 Capitol Center long-range planning.--

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

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

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

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

31

1 (d) The plans adopted by the local planning agencies  
2 in Leon County.

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

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

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

29 (5) The department is authorized to contract with the  
30 City of Tallahassee, Leon County, the Tallahassee-Leon County  
31 Planning Department, or any other agency of such city or



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

15 Section 21. Section 295.184, Florida Statutes, is  
 16 amended to read:

17 295.184 Report; design, cost estimates.--The  
 18 Commission on Veterans' Affairs shall consider the appropriate  
 19 design of the memorial and may solicit design proposals from  
 20 members of the public. The Commission on Veterans' Affairs, in  
 21 cooperation with the Department of Management Services and the  
 22 City of Tallahassee ~~Capitol Center Planning Commission~~, shall  
 23 consider the location of the memorial within the Florida  
 24 Capitol Center Planning District. On or before January 31,  
 25 2002, the Commission on Veterans' Affairs shall submit to the  
 26 Governor, the President of the Senate, and the Speaker of the  
 27 House of Representatives its recommendations for the location  
 28 and design of the memorial. The report must include an  
 29 estimate of the cost to acquire the site for the memorial and  
 30 of the cost to construct the memorial in accordance with the  
 31 design proposal recommended by the Commission on Veterans'

1 Affairs, as well as the life-cycle cost estimate required by  
2 s. 255.255. The Department of Management Services shall assist  
3 the Commission on Veterans' Affairs in preparing the estimates  
4 for timely inclusion in the report.

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

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

19 Section 23. Section 282.3095, Florida Statutes, is  
20 repealed.

21 Section 24. Section 285.19, Florida Statutes, is  
22 repealed.

23 Section 25. Section 286.30, Florida Statutes, is  
24 repealed.

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

27 216.235 Innovation Investment Program; intent;  
28 definitions; composition and responsibilities of State  
29 Innovation Committee; responsibilities of the Department of  
30 Management Services, the Information Resource Commission, and  
31 the review board; procedures for innovative project

1 submission, review, evaluation, and approval; criteria to be  
2 considered.--

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

9 (d) One representative of the private sector appointed  
10 by the Governor ~~Commission on Government Accountability to the~~  
11 ~~People.~~

12

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

16 Section 27. Section 391.222, Florida Statutes, is  
17 repealed.

18 Section 28. Paragraph (a) of subsection (4) and  
19 subsection (5) of section 402.40, Florida Statutes, are  
20 amended to read:

21 402.40 Child welfare training.--

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

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

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

8           Section 29. Subsection (2) of section 404.056, Florida  
9 Statutes, is repealed.

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

14           440.49 Limitation of liability for subsequent injury  
15 through Special Disability Trust Fund.--

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

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

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

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

24           1. If the permanent physical impairment had not  
25 existed, the subsequent accident or occupational disease would  
26 not have occurred;

27           2. The permanent disability or permanent impairment  
28 resulting from the subsequent accident or occupational disease  
29 is materially and substantially greater than that which would  
30 have resulted had the permanent physical impairment not  
31 existed, and the employer has been required to pay, and has

1 paid, permanent total disability or permanent impairment  
2 benefits for that materially and substantially greater  
3 disability;

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

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

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

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

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

25 (g) ~~"Commission" means the Special Disability Trust  
26 Fund Privatization Commission, as created under subsection  
27 (13).~~

28  
29 In addition to the definitions contained in this subsection,  
30 the division may by rule prescribe definitions that are  
31 necessary for the effective administration of this section.

1           (9) SPECIAL DISABILITY TRUST FUND.--

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

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

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

18 Section 31. Section 442.105, Florida Statutes, is  
19 repealed.

20 Section 32. Subsection (26) of section 499.005,  
21 Florida Statutes, and paragraph (c) of subsection (1) of  
22 section 499.05, Florida Statutes, are repealed.

23 Section 33. Paragraph (b) of subsection (1) of section  
24 499.015, Florida Statutes, is amended to read:

25 499.015 Registration of drugs, devices, and cosmetics;  
26 issuance of certificates of free sale.--

27 (1)

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

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

4 Section 34. Section 548.045, Florida Statutes, is  
5 repealed.

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

8 548.046 Physician's attendance at match; examinations;  
9 cancellation of match.--

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

21 Section 36. Section 13 of chapter 99-332, Laws of  
22 Florida, is repealed.

23 Section 37. Section 11 of chapter 99-354, Laws of  
24 Florida, and subsection (11) of section 240.5186, Florida  
25 Statutes, are repealed.

26 Section 38. Section 6 of chapter 99-393, Laws of  
27 Florida, is repealed.

28 Section 39. Section 192 of chapter 99-397, Laws of  
29 Florida, is repealed.

30 Section 40. The Diversity Council and the State  
31 Customer Advisory Council created pursuant to authority of the



1 Department of Labor and Employment Security under s. 20.171,  
2 Florida Statutes, are abolished.

3 Section 41. The State Agency Law Enforcement Radio  
4 System Review Panel created pursuant to authority of the  
5 Department of Management Services under s. 282.111, Florida  
6 Statutes, is abolished.

7 Section 42. The Driver's Under the Influence (DUI)  
8 Advisory Council and the Florida Rider Training Program  
9 Citizen Motorcycle Safety Council created pursuant to  
10 authority of the Department of Highway Safety and Motor  
11 Vehicles under s. 322.025, Florida Statutes, are abolished.

12 Section 43. The following councils, created pursuant  
13 to s. 570.0705, Florida Statutes, are abolished:

14 (1) Bonifay State Farmers Market Advisory Council.

15 (2) Florida City State Farmers Market Advisory  
16 Committee.

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

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

19 (5) Gadsden County State Farmers Market Advisory  
20 Council.

21 (6) Immokalee State Farmers Market Advisory Council.

22 (7) Nitrate Bill Best Management Practices Advisory  
23 Group.

24 (8) Palatka State Farmers Market Advisory Council.

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

26 (10) Pompano Beach Farmers Market Authority.

27 (11) Sanford State Farmers Market Advisory Council.

28 (12) Seed Potato Advisory Council.

29 (13) Starke State Farmers Market Advisory Council.

30 (14) Suwannee Valley State Farmers Market Advisory  
31 Council.

1           (15) Trenton State Farmers Market Advisory Council.

2           (16) Tropical Soda Apple Task Force.

3           (17) Wauchula State Farmers Market Advisory Council.

4           Section 44. Except as otherwise provided herein, this  
5 act shall take effect June 30, 2001.

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