

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 Florida City State  
 24 Farmers Market Advisory Committee, Fort Myers  
 25 State Farmers Market Advisory Council, Fort  
 26 Pierce State Farmers Market Advisory Council,  
 27 Gadsden County State Farmers Market Advisory  
 28 Council, Immokalee State Farmers Market  
 29 Advisory Council, Nitrate Bill Best Management  
 30 Practices Advisory Group, Palatka State Farmers  
 31 Market Advisory Council, Plant City State

1 Farmers Market Advisory Council, Pompano Beach  
2 Farmers Market Authority, Sanford State Farmers  
3 Market Advisory Council, Seed Potato Advisory  
4 Council, Starke State Farmers Market Advisory  
5 Council, Suwannee Valley State Farmers Market  
6 Advisory Council, Trenton State Farmers Market  
7 Advisory Council, Tropical Soda Apple Task  
8 Force, and Wauchula State Farmers Market  
9 Advisory Council; repealing s. 290.049, F.S.,  
10 relating to the Community Development Block  
11 Grant Advisory Council; amending s. 290.048,  
12 F.S.; establishing an advisory committee;  
13 providing for the vesting of certain rights  
14 pertaining to private projects that have been  
15 approved by the Capitol Center Planning  
16 Commission, in specified circumstances;  
17 amending s. 121.22, F.S.; modifying the  
18 membership of the State Retirement Commission;  
19 reenacting ss. 570.40, 570.41, F.S., relating  
20 to the Division of Dairy Industry,  
21 notwithstanding a repeal; reenacting ss.  
22 20.14(2), 570.29, 570.18, 570.50, 570.51(1),  
23 F.S.; reestablishing the Division of Dairy  
24 Industry; providing effective dates.

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

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29 Statutes, and section 24.106, Florida Statutes, are repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (b) The sales price of tickets.

18 (c) The number and sizes of prizes.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

1 ~~member of the commission~~, he or she shall notify the Governor.

2 A violation of this paragraph is punishable in accordance with  
3 s. 112.317.

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

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

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

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

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

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

15 (7)

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

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

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

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

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

14 Section 5. Section 228.054, Florida Statutes, is  
15 repealed.

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

18 228.053 Developmental research schools.--

19 (12) EXCEPTIONS TO LAW.--To encourage innovative  
20 practices and facilitate the mission of the developmental  
21 research schools, in addition to the exceptions to law  
22 specified in s. 229.592, the following exceptions shall be  
23 permitted for developmental research schools:

24 (a) The methods and requirements of the following  
25 statutes shall be held in abeyance: ss. 230.01; 230.02;  
26 230.03; 230.04; 230.05; 230.061; 230.10; 230.105; 230.11;  
27 230.12; 230.15; 230.16; 230.17; 230.173; 230.18; 230.19;  
28 230.201; 230.202; 230.21; 230.22; 230.2318; 230.24; 230.241;  
29 230.26; 230.28; 230.30; 230.303; 230.31; 230.32; 230.321;  
30 230.33; 230.35; 230.39; 230.63; 230.64; 230.643; 234.01;  
31 234.021; 236.25; 236.261; 236.29; 236.31; 236.32; 236.35;

1 236.36; 236.37; 236.38; 236.39; 236.40; 236.41; 236.42;  
2 236.43; 236.44; 236.45; 236.46; 236.47; 236.48; 236.49;  
3 236.50; 236.51; 236.52; 236.55; 236.56; 237.051; 237.071;  
4 237.091; 237.201; 237.40; and 316.75. With the exception of  
5 subsection (16) of s. 230.23, s. 230.23 shall be held in  
6 abeyance. Reference to school boards in s. 230.23(16) shall  
7 mean the president of the university or the president's  
8 designee.

9 (b) The following statutes or related rules may be  
10 waived for any developmental research school so requesting,  
11 provided the general statutory purpose of each section is met  
12 and the developmental research school has submitted a written  
13 request to the Commissioner of Education ~~Joint Developmental~~  
14 ~~Research School Planning, Articulation, and Evaluation~~  
15 ~~Committee~~ for approval pursuant to this subsection: ss.  
16 229.555; 231.291; 232.2462; 233.34; 237.01; 237.02; 237.031;  
17 237.041; 237.061; 237.081; 237.111; 237.121; 237.131; 237.141;  
18 237.151; 237.161; 237.162; 237.171; 237.181; 237.211; and  
19 237.34. Notwithstanding reference to the responsibilities of  
20 the superintendent or school board in chapter 237,  
21 developmental research schools shall follow the policy intent  
22 of the chapter and shall, at least, adhere to the general  
23 state agency accounting procedures established in s. 11.46.

24 1. Two or more developmental research schools may  
25 jointly originate a request for waiver and submit the request  
26 to the commissioner ~~committee~~ if such waiver is approved by  
27 the school advisory council of each developmental research  
28 school desiring the waiver.

29 2. A developmental research school may submit a  
30 request to the commissioner ~~committee~~ for a waiver if such  
31 request is presented by a school advisory council established



1 pursuant to s. 229.58, if such waiver is required to implement  
2 a school improvement plan required by s. 230.23(16), and if  
3 such request is made using forms established pursuant to s.  
4 229.592. The department ~~Joint Developmental Research School~~  
5 ~~Planning, Articulation, and Evaluation Committee~~ shall monitor  
6 the waiver activities of all developmental research schools  
7 and shall report annually to the department, in conjunction  
8 with the feedback report required pursuant to s. 229.592, the  
9 number of waivers requested and submitted to the committee by  
10 developmental research schools, and the number of such waiver  
11 requests not approved. For each waiver request not approved,  
12 the committee shall report the statute or rule for which the  
13 waiver was requested, the rationale for the developmental  
14 research school request, and the reason the request was not  
15 approved.

16 (c) The written request for waiver of statute or rule  
17 shall indicate at least how the general statutory purpose will  
18 be met, how granting the waiver will assist schools in  
19 improving student outcomes related to the student performance  
20 standards adopted pursuant to s. 229.592, and how student  
21 improvement will be evaluated and reported. In considering any  
22 waiver, the commissioner ~~committee~~ shall ensure protection of  
23 the health, safety, welfare, and civil rights of the students  
24 and protection of the public interest.

25 (d) Notwithstanding the request provisions of s.  
26 229.592, developmental research schools shall request all  
27 waivers through the commissioner ~~Joint Developmental Research~~  
28 ~~School Planning, Articulation, and Evaluation Committee, as~~  
29 ~~established in s. 228.054.~~ The commissioner ~~committee~~ shall  
30 approve or disapprove said requests pursuant to this  
31 subsection and s. 229.592; ~~however, the Commissioner of~~

1 ~~Education shall have standing to challenge any decision of the~~  
2 ~~committee should it adversely affect the health, safety,~~  
3 ~~welfare, or civil rights of the students or public interest.~~  
4 ~~The department shall immediately notify the committee and~~  
5 ~~developmental research school of the decision and provide a~~  
6 ~~rationale therefor.~~

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

9 228.2001 Discrimination against students and employees  
10 in state system of public education; prohibitions; equality of  
11 access; strategies to overcome underrepresentation;  
12 remedies.--

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

16 (a) Requiring all boards to develop and submit plans  
17 for the implementation of this section to the Department of  
18 Education.

19 (b) Conducting periodic reviews of educational  
20 agencies to determine compliance with this section and, after  
21 a finding that an educational agency is not in compliance with  
22 this section, notifying the agency of the steps that it must  
23 take to attain compliance.

24 (c) Providing technical assistance, including  
25 assisting educational agencies in identifying unlawful  
26 discrimination and instructing them in remedies for correction  
27 and prevention of such discrimination.

28 (d) Conducting studies of the effectiveness of methods  
29 and strategies designed to increase the participation of  
30 students in programs and courses in which students of a  
31 particular race, national origin, sex, handicap, or marital

1 status have been traditionally underrepresented and monitoring  
2 the success of students in such programs of courses.

3 (e) Requiring all boards to submit data and  
4 information necessary to determine compliance with this  
5 section. The Commissioner of Education shall prescribe the  
6 format and the date for submission of such data and any other  
7 educational equity data. If any district does not submit the  
8 required compliance data or other required educational equity  
9 data by the prescribed date, the commissioner shall notify the  
10 district school board of this fact and, if the appropriate  
11 action is not taken to immediately submit the required report,  
12 the school board shall be directed to proceed pursuant to the  
13 provisions of s. 230.23(11)(b). If any community college or  
14 university does not submit required data and information by  
15 the prescribed date, the same policy as prescribed for school  
16 districts shall be implemented.

17 ~~(f) Coordinating the work of a Task Force on Gender~~  
18 ~~Equity in Education. The task force shall consist of 11~~  
19 ~~members. The Commissioner of Education shall appoint three~~  
20 ~~members: two shall be athletic directors at public high~~  
21 ~~schools and one may be a member at large. The Chancellor of~~  
22 ~~the State University System shall appoint two members who are~~  
23 ~~athletic directors at state universities that offer~~  
24 ~~scholarships for athletes in all major sports. The Executive~~  
25 ~~Director of the Community College System shall appoint two~~  
26 ~~members who are athletic directors at community colleges. The~~  
27 ~~President of the Senate shall appoint two members and the~~  
28 ~~Speaker of the House of Representatives shall appoint two~~  
29 ~~members. The Commissioner of Education, the Chancellor of the~~  
30 ~~State University System, the Executive Director of the~~  
31 ~~Community College System, the President of the Senate, and the~~

1 ~~Speaker of the House of Representatives shall coordinate their~~  
2 ~~appointments to ensure that the task force represents, to the~~  
3 ~~maximum extent possible, the gender, racial, and ethnic~~  
4 ~~diversity of the state. By July 1, 1994, the task force shall~~  
5 ~~define equity in athletics at all levels of public education~~  
6 ~~and shall recommend to the Commissioner of Education rules for~~  
7 ~~appropriate enforcement mechanisms to ensure equity. The~~  
8 ~~recommendations must include:~~

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

12       2. ~~A determination of the appropriate consideration of~~  
13 ~~revenues when making decisions about equitable use of funds~~  
14 ~~for support of athletic activities. In making this~~  
15 ~~determination, the task force shall consider all funds~~  
16 ~~received and expended for athletic promotion or support,~~  
17 ~~including revenues from direct-support organizations~~  
18 ~~established under s. 237.40, s. 240.299, or s. 240.363.~~

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

1 intercollegiate competition for women in that athletic  
2 activity.

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

9 1. Declare the educational agency ineligible for  
10 competitive state grants.

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

14  
15 The educational agency shall remain ineligible and the funds  
16 shall not be paid until the agency comes into compliance or  
17 the commissioner approves a plan for compliance.

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

22 230.2305 Prekindergarten early intervention program.--

23 (2) ELIGIBILITY.--There is hereby created the  
24 prekindergarten early intervention program for children who  
25 are 3 and 4 years of age. A prekindergarten early  
26 intervention program shall be administered by a district  
27 school board and shall receive state funds pursuant to  
28 subsection (6). Each public school district shall make  
29 reasonable efforts to accommodate the needs of children for  
30 extended day and extended year services without compromising  
31 the quality of the 6-hour, 180-day program. The school

1 district shall report on such efforts. School district  
2 participation in the prekindergarten early intervention  
3 program shall be at the discretion of each school district.

4 (b) An "economically disadvantaged" child shall be  
5 defined as a child eligible to participate in the free lunch  
6 program. Notwithstanding any change in a family's economic  
7 status or in the federal eligibility requirements for free  
8 lunch, a child who meets the eligibility requirements upon  
9 initial registration for the program shall be considered  
10 eligible until the child reaches kindergarten age. In order  
11 to assist the school district in establishing the priority in  
12 which children shall be served, and to increase the efficiency  
13 in the provision of child care services in each district, the  
14 district shall enter into a written collaborative agreement  
15 with other publicly funded early education and child care  
16 programs within the district. Such agreement shall ~~be~~  
17 ~~facilitated by the interagency coordinating council and shall~~  
18 set forth, among other provisions, the measures to be  
19 undertaken to ensure the programs' achievement and compliance  
20 with the performance standards established in subsection (3)  
21 and for maximizing the public resources available to each  
22 program. In addition, the central agency for state-subsidized  
23 child care or the local service district of the Department of  
24 Children and Family Services shall provide the school district  
25 with an updated list of 3-year-old and 4-year-old children  
26 residing in the school district who are on the waiting list  
27 for state-subsidized child care.

28 (3) STANDARDS.--

29 (h) Services are to be provided during a school day  
30 and school year equal to or exceeding the requirements for  
31 kindergarten under ss. 228.041 and 236.013. Strategies to

1 provide care before school, after school, and 12 months a  
 2 year, when needed, must be developed by the school district in  
 3 cooperation with the central agency for state-subsidized child  
 4 care or the local service district of the Department of  
 5 Children and Family Services ~~and the district interagency~~  
 6 ~~coordinating council~~. Programs may be provided on Saturdays  
 7 and through other innovative scheduling arrangements.

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

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

29 Section 9. Subsections (3), (7), and (8) of section  
 30 230.2303, Florida Statutes, are amended to read:

31 230.2303 Florida First Start Program.--

1           (3) PLAN.--Each school board may submit to the  
 2 Commissioner of Education a plan for conducting a Florida  
 3 First Start Program. Each plan and subsequent amended plan  
 4 shall be developed in cooperation with the ~~district~~  
 5 ~~interagency coordinating council on early childhood services~~  
 6 ~~established pursuant to s. 230.2305~~ and the Interagency  
 7 Prekindergarten Council for Children with Disabilities, and  
 8 shall be approved by the commissioner. A district school  
 9 board's plan must be designed to serve children from birth to  
 10 3 years of age who are disabled or at risk of future school  
 11 failure and to serve their parents. For the purposes of this  
 12 section, the term "children with disabilities or at risk of  
 13 future school failure" includes any child who has one or more  
 14 of the characteristics described in s. 411.202(9).

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

24           (8) COORDINATION.--

25           (a) The Florida First Start Program shall be included  
 26 under the jurisdiction of the State Coordinating Council for  
 27 School Readiness Programs established pursuant to s. 411.222.  
 28 The council shall make recommendations for effective  
 29 implementation of the program and shall advise the Department  
 30 of Education on needed legislation, rules, and technical  
 31



1 assistance to ensure the continued implementation of an  
2 effective program.

3 ~~(b) Each school district shall develop, implement, and~~  
4 ~~evaluate its program in cooperation with the district~~  
5 ~~interagency coordinating council established under s.~~  
6 ~~230.2305.~~

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

9 230.2306 Prekindergarten children service needs  
10 assessments; reports; reasonable efforts by school district.--

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

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

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

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

25 402.3015 Subsidized child care program; purpose; fees;  
26 contracts.--

27 (9) The central agency for state subsidized child care  
28 or the local service district of the Department of Children  
29 and Family Services shall develop ~~cooperate with the local~~  
30 ~~interagency coordinating council as defined in s. 230.2305 in~~  
31

1 ~~the development of~~ written collaborative agreements with each  
2 local school district.

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

7 (b) The department shall monitor each subsidized child  
8 care provider at least annually to determine compliance with  
9 the collaborative agreement ~~facilitated by the local~~  
10 ~~interagency coordinating council~~. If a provider fails to  
11 bring its program into compliance with the agreement or the  
12 plan within 3 months after an evaluation citing deficiencies,  
13 the department must withhold such administrative funds as have  
14 been allocated to the program and which have not yet been  
15 released.

16 Section 12. Paragraph (d) of subsection (5) of section  
17 409.178, Florida Statutes, is amended to read:

18 409.178 Child Care Executive Partnership Act; findings  
19 and intent; grant; limitation; rules.--

20 (5)

21 (d) Each community coordinated child care agency shall  
22 be required to establish a community child care task force for  
23 each child care purchasing pool. The task force must be  
24 composed of employers, parents, private child care providers,  
25 and one representative ~~each~~ from the ~~district interagency~~  
26 ~~coordinating council for children's services and the local~~  
27 children's services council, if one exists ~~they exist~~ in the  
28 area of the purchasing pool. The community coordinated child  
29 care agency is expected to recruit the task force members from  
30 existing child care councils, commissions, or task forces  
31 already operating in the area of a purchasing pool. A majority

1 of the task force shall consist of employers. Each task force  
2 shall develop a plan for the use of child care purchasing pool  
3 funds. The plan must show how many children will be served by  
4 the purchasing pool, how many will be new to receiving child  
5 care services, and how the community coordinated child care  
6 agency intends to attract new employers and their employees to  
7 the program.

8 Section 13. Paragraph (a) of subsection (5) of section  
9 411.01, Florida Statutes, is amended to read:

10 411.01 Florida Partnership for School Readiness;  
11 school readiness coalitions.--

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

13 (a) School readiness coalitions.--

14 1. If a coalition's plan would serve less than 400  
15 birth-to-kindergarten age children, the coalition must either  
16 join with another county to form a multicounty coalition,  
17 enter an agreement with a fiscal agent to serve more than one  
18 coalition, or demonstrate to the partnership its ability to  
19 effectively and efficiently implement its plan as a  
20 single-county coalition and meet all required performance  
21 standards and outcome measures.

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

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

27 b. A district superintendent of schools or his or her  
28 designee who is authorized to make decisions on behalf of the  
29 district.

30 c. A regional workforce development board chair or  
31 director, where applicable.

1 d. A county health department director or his or her  
2 designee.

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

5 f. A child care licensing agency head.

6 g. One member appointed by a Department of Children  
7 and Family Services district administrator.

8 h. One member appointed by a board of county  
9 commissioners.

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

11 j. A central child care agency administrator.

12 k. A Head Start director.

13 l. A representative of private child care providers.

14 m. A representative of faith-based child care  
15 providers.

16  
17 More than one-third of the coalition members must be from the  
18 private sector, and neither they nor their families may earn  
19 an income from the early education and child care industry. To  
20 meet this requirement a coalition must appoint additional  
21 members from a list of nominees presented to the coalition by  
22 a chamber of commerce or economic development council within  
23 the geographic area of the coalition.

24 3. No member of a coalition may appoint a designee to  
25 act in his or her place. A member may send a representative to  
26 coalition meetings, but that representative will have no  
27 voting privileges. When a district superintendent of schools  
28 or a district administrator for the Department of Children and  
29 Family Services appoints a designee to a school readiness  
30 coalition, the designee will be the voting member of the  
31 coalition, and any individual attending in his or her place,

1 including the district administrator or superintendent, will  
2 have no voting privileges.

3 ~~4. The school readiness coalition shall replace the~~  
4 ~~district interagency coordinating council required under s.~~  
5 ~~230.2305.~~

6 ~~4.5.~~ Members of the coalition are subject to the  
7 ethics provisions in part III of chapter 112.

8 ~~5.6.~~ For the purposes of tort liability, the members  
9 of the school readiness coalition and its employees shall be  
10 governed by s. 768.28.

11 ~~6.7.~~ Multicounty coalitions shall include  
12 representation from each county.

13 ~~7.8.~~ The terms of all appointed members of the  
14 coalition must be staggered. Appointed members may serve a  
15 maximum of two terms. When a vacancy occurs in an appointed  
16 position, the coalition must advertise the vacancy.

17 Section 14. Subsection (3) of section 232.2466,  
18 Florida Statutes, is repealed.

19 Section 15. Section 255.565, Florida Statutes, is  
20 repealed.

21 Section 16. Section 255.553, Florida Statutes, is  
22 amended to read:

23 255.553 Survey required.--Each state agency shall  
24 survey or cause to be surveyed for the presence of  
25 asbestos-containing materials each public building for which  
26 it is responsible. The survey shall be conducted by an  
27 asbestos consultant licensed under chapter 469 and shall be  
28 conducted in accordance with AHERA initial inspection  
29 procedures; Environmental Protection Agency guidelines;  
30 National Emission Standards for Hazardous Air Pollutants; and  
31 Occupational Safety and Health Administration regulations; ~~and~~

1 ~~any subsequent recommendations made by the Asbestos Oversight~~  
2 ~~Program Team established under s. 255.565.~~ The survey shall:

3 (1) Determine all materials which may contain  
4 asbestos;

5 (2) Identify the location and quantify the types of  
6 asbestos-containing materials;

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

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

12 (5) Estimate the cost of recommended abatement  
13 alternatives.

14  
15 The asbestos program administrator shall review the asbestos  
16 surveys and consult with the affected agency to determine on a  
17 priority basis the need for instituting abatement procedures,  
18 and the asbestos program administrator shall institute  
19 abatement procedures on a priority basis as directed by the  
20 secretary of the Department of Labor and Employment Security.

21 Section 17. Section 255.556, Florida Statutes, is  
22 amended to read:

23 255.556 Asbestos assessment.--When the survey  
24 indicates the presence of friable asbestos-containing  
25 materials in a public building, the survey shall also include  
26 an assessment of the level of airborne asbestos fibers. This  
27 assessment shall include a visual assessment followed by an  
28 analysis of air samples which shall be conducted in accordance  
29 with rules of the Department of Labor and Employment Security;  
30 Environmental Protection Agency guidelines; National Emission  
31 Standards for Hazardous Air Pollutants; and Occupational

1 Safety and Health Administration regulations; ~~and any~~  
2 ~~subsequent recommendations made by the Asbestos Oversight~~  
3 ~~Program Team established under s. 255.565.~~ If the overall  
4 assessment indicates the presence of asbestos greater than  
5 0.01 asbestos structures per cubic centimeter during periods  
6 of normal activity, response action shall be taken.

7 Section 18. Section 255.563, Florida Statutes, is  
8 amended to read:

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

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

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

26 272.121 Capitol Center long-range planning.--

27 (1) The Department of Management Services shall  
28 develop a comprehensive and long-range plan for the  
29 development of state-owned property within the Capitol Center;  
30 ~~which plan, and amendments thereto, shall be presented to the~~  
31

1 ~~planning commission for final approval.~~ In developing this  
2 plan, the department shall consider:

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

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

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

9 (d) The plans adopted by the local planning agencies  
10 in Leon County.

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

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

29 (4) The ~~commission and the~~ department shall prepare a  
30 report of its ~~their~~ findings and recommendations and submit  
31 the same to the Governor and the Legislature every fifth year,



1 except that the next report shall not be due until February 1,  
2 1979. Said report shall reflect the actions of ~~the commission~~  
3 ~~and~~ the department in carrying out the provisions of this act  
4 and shall include an updated comprehensive plan to carry out  
5 the provisions of this act each time the report is submitted.

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

23 Section 21. Section 295.184, Florida Statutes, is  
24 amended to read:

25 295.184 Report; design, cost estimates.--The  
26 Commission on Veterans' Affairs shall consider the appropriate  
27 design of the memorial and may solicit design proposals from  
28 members of the public. The Commission on Veterans' Affairs, in  
29 cooperation with the Department of Management Services and the  
30 City of Tallahassee ~~Capitol Center Planning Commission~~, shall  
31 consider the location of the memorial within the Florida

1 Capitol Center Planning District. On or before January 31,  
2 2002, the Commission on Veterans' Affairs shall submit to the  
3 Governor, the President of the Senate, and the Speaker of the  
4 House of Representatives its recommendations for the location  
5 and design of the memorial. The report must include an  
6 estimate of the cost to acquire the site for the memorial and  
7 of the cost to construct the memorial in accordance with the  
8 design proposal recommended by the Commission on Veterans'  
9 Affairs, as well as the life-cycle cost estimate required by  
10 s. 255.255. The Department of Management Services shall assist  
11 the Commission on Veterans' Affairs in preparing the estimates  
12 for timely inclusion in the report.

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

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

27 Section 23. Section 282.3095, Florida Statutes, is  
28 repealed.

29 Section 24. Section 285.19, Florida Statutes, is  
30 repealed.

31

1           Section 25. Section 286.30, Florida Statutes, is  
2 repealed.

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

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

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

18           (d) One representative of the private sector appointed  
19 by the Governor ~~Commission on Government Accountability to the~~  
20 ~~People.~~

21  
22 The Secretary of Management Services shall serve as an  
23 alternate in the event a member is unable to attend the  
24 committee meeting.

25           Section 27. Section 391.222, Florida Statutes, is  
26 repealed.

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

30           402.40 Child welfare training.--

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

1           (a) There is created within the State Treasury a Child  
2 Welfare Training Trust Fund to be used by the Department of  
3 Children and Family Services for the purpose of funding a  
4 comprehensive system of child welfare training, including the  
5 securing of consultants to develop the system and the  
6 developing of, ~~the staff of the council, the expenses of the~~  
7 ~~council members,~~ the child welfare training academies that  
8 include ~~and~~ the participation of dependency program staff ~~in~~  
9 ~~the training.~~

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

17           Section 29. Subsection (2) of section 404.056, Florida  
18 Statutes, is repealed.

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

23           440.49 Limitation of liability for subsequent injury  
24 through Special Disability Trust Fund.--

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

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

28           (b) "Preferred worker" means a worker who, because of  
29 a permanent impairment resulting from a compensable injury or  
30 occupational disease, is unable to return to the worker's  
31 regular employment.

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

2 1. If the permanent physical impairment had not  
3 existed, the subsequent accident or occupational disease would  
4 not have occurred;

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

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

21 4. Death would not have been accelerated if the  
22 permanent physical impairment had not existed.

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

28 (e) "Administrator" means the entity selected by the  
29 division ~~commission~~ to review, allow, deny, compromise,  
30 controvert, and litigate claims of the Special Disability  
31 Trust Fund.

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

3           ~~(g) "Commission" means the Special Disability Trust~~  
4 ~~Fund Privatization Commission, as created under subsection~~  
5 ~~(13).~~

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

10           (9) SPECIAL DISABILITY TRUST FUND.--

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

31

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

28           Section 31. Section 442.105, Florida Statutes, is  
29 repealed.

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

4           Section 33. Paragraph (b) of subsection (1) of section  
5 499.015, Florida Statutes, is amended to read:

6           499.015 Registration of drugs, devices, and cosmetics;  
7 issuance of certificates of free sale.--

8           (1)

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

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

16           Section 34. Section 548.045, Florida Statutes, is  
17 repealed.

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

20           548.046 Physician's attendance at match; examinations;  
21 cancellation of match.--

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

31



1 signed by the physician and filed with the commission prior to  
2 completion of the weigh-in.

3 Section 36. Section 13 of chapter 99-332, Laws of  
4 Florida, is repealed.

5 Section 37. Section 11 of chapter 99-354, Laws of  
6 Florida, and subsection (11) of section 240.5186, Florida  
7 Statutes, are repealed.

8 Section 38. Section 6 of chapter 99-393, Laws of  
9 Florida, is repealed.

10 Section 39. Section 192 of chapter 99-397, Laws of  
11 Florida, is repealed.

12 Section 40. The Diversity Council and the State  
13 Customer Advisory Council created pursuant to authority of the  
14 Department of Labor and Employment Security under s. 20.171,  
15 Florida Statutes, are abolished.

16 Section 41. The State Agency Law Enforcement Radio  
17 System Review Panel created pursuant to authority of the  
18 Department of Management Services under s. 282.111, Florida  
19 Statutes, is abolished.

20 Section 42. The Driver's Under the Influence (DUI)  
21 Advisory Council and the Florida Rider Training Program  
22 Citizen Motorcycle Safety Council created pursuant to  
23 authority of the Department of Highway Safety and Motor  
24 Vehicles under s. 322.025, Florida Statutes, are abolished.

25 Section 43. The following councils, created pursuant  
26 to ss. 570.0705, Florida Statutes, and chapter 90-487, Laws of  
27 Florida, are abolished:

28 (1) Florida City State Farmers Market Advisory  
29 Committee.

30 (2) Fort Myers State Farmers Market Advisory Council.

31 (3) Fort Pierce State Farmers Market Advisory Council.

- 1           (4) Gadsden County State Farmers Market Advisory  
2 Council.
- 3           (5) Immokalee State Farmers Market Advisory Council.
- 4           (6) Nitrate Bill Best Management Practices Advisory  
5 Group.
- 6           (7) Palatka State Farmers Market Advisory Council.
- 7           (8) Plant City State Farmers Market Advisory Council.
- 8           (9) Pompano Beach Farmers Market Authority.
- 9           (10) Sanford State Farmers Market Advisory Council.
- 10          (11) Seed Potato Advisory Council.
- 11          (12) Starke State Farmers Market Advisory Council.
- 12          (13) Suwannee Valley State Farmers Market Advisory  
13 Council.
- 14          (14) Trenton State Farmers Market Advisory Council.
- 15          (15) Tropical Soda Apple Task Force.
- 16          (16) Wauchula State Farmers Market Advisory Council.
- 17          Section 44. Section 290.049, Florida Statutes, is  
18 repealed.
- 19          Section 45. Subsection (7) is added to section  
20 290.048, Florida Statutes, to read:
- 21                290.048 General powers of Department of Community  
22 Affairs under ss. 290.0401-290.049.--The department has all  
23 the powers necessary or appropriate to carry out the purposes  
24 and provisions of the program, including the power to:
- 25                (7) Establish an advisory committee of no more than 13  
26 members to solicit participation in designing, administering,  
27 and evaluating the program and in linking the program with  
28 other housing and community development resources.
- 29          Section 46. Section 272.133, Florida Statutes, is  
30 created to read:
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1           272.133 Vested rights of projects approved by Capitol  
2 Center Planning Commission.--Upon the abolishment of the  
3 Capitol Center Planning Commission or the restriction by law  
4 of its jurisdiction to state-owned lands, any private project  
5 that received design approval before the effective date of an  
6 act that provides for such abolishment or restriction shall be  
7 considered vested for the zoning, land use, and variances  
8 approved by the commission. A vested project is required to  
9 demonstrate only that it is in compliance with environmental  
10 and building-permitting requirements to be eligible for the  
11 issuance of a building permit.

12           Section 47. Subsection (1) of section 121.22, Florida  
13 Statutes, is amended to read:

14           121.22 State Retirement Commission; creation;  
15 membership; compensation.--

16           (1) There is created within the Department of  
17 Management Services a State Retirement Commission composed of  
18 three ~~seven~~ members: One member who is retired under a  
19 state-supported retirement system administered by the  
20 department; one member who is an ~~two members from different~~  
21 ~~occupational backgrounds who are active~~ member of ~~members in a~~  
22 state-supported retirement system that is administered by the  
23 department; and one member who is neither a retiree,  
24 beneficiary, or member ~~four members who are not retirees,~~  
25 ~~beneficiaries, or members~~ of a state-supported retirement  
26 system ~~that~~ is administered by the department. Each member  
27 shall have a different occupational background from the other  
28 members.

29           Section 48. Notwithstanding the repeal contained in HB  
30 1717, as enacted by the 2001 Regular Session of the  
31

1 Legislature, sections 570.40 and 570.41, Florida Statutes, are  
2 reenacted.

3           Section 49. Notwithstanding the provisions of HB 1717,  
4 as enacted by the 2001 Regular Session of the Legislature,  
5 subsection (2) of section 20.14, Florida Statutes, is  
6 reenacted to read:

7           20.14 Department of Agriculture and Consumer  
8 Services.--There is created a Department of Agriculture and  
9 Consumer Services.

10           (2) The following divisions of the Department of  
11 Agriculture and Consumer Services are established:

- 12           (a) Administration.
- 13           (b) Agricultural Environmental Services.
- 14           (c) Animal Industry.
- 15           (d) Aquaculture.
- 16           (e) Consumer Services.
- 17           (f) Dairy Industry.
- 18           (g) Food Safety.
- 19           (h) Forestry.
- 20           (i) Fruit and Vegetables.
- 21           (j) Marketing and Development.
- 22           (k) Plant Industry.
- 23           (l) Standards.

24           Section 50. Notwithstanding the provisions of HB 1717,  
25 as enacted by the 2001 Regular Session of the Legislature,  
26 section 570.29, Florida Statutes, is reenacted to read:

27           570.29 Departmental divisions.--The department shall  
28 include the following divisions:

- 29           (1) Administration.
- 30           (2) Agricultural Environmental Services.
- 31           (3) Animal Industry.

- 1 (4) Aquaculture.
- 2 (5) Consumer Services.
- 3 (6) Dairy Industry.
- 4 (7) Food Safety.
- 5 (8) Forestry.
- 6 (9) Fruit and Vegetables.
- 7 (10) Marketing and Development.
- 8 (11) Plant Industry.
- 9 (12) Standards.

10 Section 51. Notwithstanding the provisions of HB 1717,  
11 as enacted by the 2001 Regular Session of the Legislature,  
12 section 570.18, Florida Statutes, is reenacted to read:

13 570.18 Organization of departmental work.--In the  
14 assignment of functions to the 12 divisions of the department  
15 created in s. 570.29, the department shall retain within the  
16 Division of Administration, in addition to executive  
17 functions, those powers and duties enumerated in s. 570.30.  
18 The department shall organize the work of the other 11  
19 divisions in such a way as to secure maximum efficiency in the  
20 conduct of the department. The divisions created in s. 570.29  
21 are solely to make possible the definite placing of  
22 responsibility. The department shall be conducted as a unit in  
23 which every employee, including each division director, is  
24 assigned a definite workload, and there shall exist between  
25 division directors a spirit of cooperative effort to  
26 accomplish the work of the department.

27 Section 52. Notwithstanding the provisions of HB 1717,  
28 as enacted by the 2001 Regular Session of the Legislature,  
29 section 570.50, Florida Statutes, is reenacted to read:

30  
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1           570.50 Division of Food Safety; powers and  
2 duties.--The duties of the Division of Food Safety include,  
3 but are not limited to:

4           (1) Enforcing those provisions of chapter 585, and the  
5 rules adopted under that chapter, relating to the inspection  
6 of meat and the antemortem and postmortem inspection of  
7 poultry.

8           (2) Conducting those general inspection activities  
9 relating to food and food products being processed, held, or  
10 offered for sale in this state and enforcing those provisions  
11 of chapters 500, 501, 502, 503, 531, 583, 585, 586, and 601  
12 relating to foods as authorized by the department.

13           (3) Analyzing samples of foods offered for sale in  
14 this state as required under chapters 500, 501, 502, 503, 585,  
15 586, and 601.

16           (4) Investigating, evaluating, and developing new or  
17 improved methodology to enhance the analytical capability and  
18 efficiency of all divisional laboratories and performing other  
19 related analyses as deemed necessary.

20           (5) Analyzing food and feed samples offered for sale  
21 in the state for chemical residues as required under the  
22 adulteration sections of chapters 500 and 580.

23           Section 53. Notwithstanding the provisions of HB 1717,  
24 as enacted by the 2001 Regular Session of the Legislature,  
25 subsection (1) of section 570.51, Florida Statutes, is  
26 reenacted to read:

27           570.51 Director; qualifications; duties.--

28           (1) The director of the Division of Food Safety shall  
29 be appointed by the commissioner to serve at the  
30 commissioner's pleasure.

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1           Section 54. Except as otherwise provided herein, this  
2 act shall take effect June 30, 2001.

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