

1
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

31 Section 2. Section 24.105, Florida Statutes, is
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

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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
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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:

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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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