

CHAPTER 2001-66

House Bill No. 671

An act relating to the Florida Statutes; amending ss. 11.90, 228.082, 445.004, 570.61, and 893.138, F.S., to conform to the directive in s. 1, ch. 93-199, Laws of Florida, to remove gender-specific references applicable to human beings from the Florida Statutes without substantive change in legal effect.

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

Section 1. Subsections (1) and (3) of section 11.90, Florida Statutes, are amended to read:

11.90 Legislative Budgeting Commission.—

(1) There is created a standing joint committee of the Legislature designated the Legislative Budgeting Commission, composed of 14 members as follows: seven members of the Senate appointed by the President of the Senate, to include the Chair ~~Chairman~~ of the Senate Budget Committee or its successor, and seven members of the House of Representatives appointed by the Speaker of the House of Representatives, to include the Chair ~~Chairman~~ of the Fiscal Responsibility Council or its successor. The terms of members shall be for 2 years and shall run from the organization of one Legislature to the organization of the next Legislature. Vacancies occurring during the interim period shall be filled in the same manner as the original appointment. The members of the committee shall elect a chair and vice chair. During the 2-year term, a member of each house shall serve as chair for 1 year.

(3) The commission shall meet at least quarterly and more frequently at the direction of the presiding officers or upon call of the chair ~~chairman~~. A quorum shall consist of a majority of members from each house, plus one additional member from either house. Action by the commission requires a majority vote of the members present of each house.

Section 2. Subsection (2) of section 228.082, Florida Statutes, is amended to read:

228.082 The Florida On-Line High School.—

(2) The Florida On-Line High School shall be governed by a board of trustees comprised of seven members appointed by the Governor to 4-year staggered terms, one of whom shall be the current chair of the Florida High School Advisory Board and one of whom shall be a representative of the fiscal agent, and one of whom shall be the Chief Information Officer or his or her designee from the State Technology Office pursuant to ch. 2000-164, Laws of Florida. The board shall be a public agency entitled to sovereign immunity pursuant to s. 768.28, and board members shall be public officers who shall bear fiduciary responsibility for the Florida On-Line High School. The board of trustees shall have the following powers and duties:

(a) The board of trustees shall meet within 30 days of July 1, 2000, and shall continue to meet at least 4 times each year, upon the call of the chair, or at the request of a majority of the membership.

(b) Until not more than 60 days after the initial meeting of the board, the current governance structure of the Florida On-Line High School shall be maintained.

(c) The fiscal year for the Florida On-Line High School shall be the state fiscal year as provided in s. 216.011(1)(n).

(d) The board of trustees shall enter into agreements with distance learning providers and may acquire, enjoy, use, and dispose of patents, copyrights, and trademarks and any licenses and other rights or interests thereunder or therein. Ownership of all such patents, copyrights, trademarks, licenses, and rights or interests thereunder or therein shall vest in the state, with the board having full right of use and full right to retain the revenues derived therefrom. Any funds realized from patents, copyrights, trademarks, or licenses shall be used to support the school's research and development activities in order to improve courseware and services to its students.

(e) The board of trustees shall annually prepare and submit a legislative budget request, including funding requests for computers for public school students who do not have access to public school computers, in accordance with chapter 216 and s. 235.41. The legislative budget request of the Florida On-Line High School shall be prepared using the same format, procedures, and timelines required for the submission of the legislative budget of the Department of Education.

(f) The board of trustees shall administer and maintain personnel programs for all employees of the board of trustees and the Florida On-Line High School. The board of trustees may adopt rules, policies, and procedures related to the appointment, employment, and removal of personnel.

1. The board of trustees shall determine the compensation, including salaries and fringe benefits, and other conditions of employment for such personnel.

2. The board of trustees may establish and maintain a personnel loan or exchange program by which persons employed by the board for the Florida On-Line High School as academic administrative and instructional staff may be loaned to, or exchanged with persons employed in like capacities by, public agencies either within or without this state, or by private industry. With respect to public agency employees, the program authorized by this subparagraph shall be consistent with the requirements of part II of chapter 112. The salary and benefits of board personnel participating in the loan or exchange program shall be continued during the period of time they participate in a loan or exchange program, and such personnel shall be deemed to have no break in creditable or continuous service or employment during such time. The salary and benefits of persons participating in the personnel loan or exchange program who are employed by public agencies or private industry shall be paid by the originating employers of those participants,

and such personnel shall be deemed to have no break in creditable or continuous service or employment during such time.

3. The employment of all Florida On-Line High School academic administrative and instructional personnel shall be subject to rejection for cause by the board of trustees, and shall be subject to policies of the board of trustees relative to certification, tenure, leaves of absence, sabbaticals, remuneration, and such other conditions of employment as the board deems necessary and proper, not inconsistent with law.

4. Each person employed by the board of trustees in an academic administrative or instructional capacity with the Florida On-Line High School shall be entitled to a contract as provided by rules of the board.

5. All employees except temporary, seasonal, and student employees may be state employees for the purpose of being eligible to participate in the Florida Retirement System and receive benefits. The classification and pay plan, including terminal leave and other benefits, and any amendments thereto, shall be subject to review and approval by the Department of Management Services and the Executive Office of the Governor prior to adoption. In the event that the board of trustees assumes responsibility for governance pursuant to this section before approval is obtained, employees shall be compensated pursuant to the system in effect for the employees of the fiscal agent.

(g) The board of trustees shall establish priorities for admission of students.

(h) The board of trustees shall establish and distribute to all school districts and high schools in the state procedures for enrollment of students into courses offered by the Florida On-Line High School. Such procedures shall be designed to minimize paperwork and maximize participation by students.

(i) The board of trustees shall annually submit to the Department of Education both forecasted and actual enrollments for the Florida On-Line High School, according to procedures established by the Department of Education. At a minimum, such procedures must include the number of public, private, and home school students served by district.

(j) The board of trustees shall provide for the content and custody of student and employee personnel records. Student records shall be subject to the provisions of s. 228.093. Employee records shall be subject to the provisions of s. 231.291.

(k) The financial records and accounts of the Florida On-Line High School shall be maintained under the direction of the board of trustees and under regulations prescribed by the State Board of Education for the uniform system of financial records and accounts for the schools of the state.

The Governor shall designate the initial chair of the board of trustees to serve a term of 4 years. Members of the board of trustees shall serve without compensation, but may be reimbursed for per diem and travel expenses

pursuant to s. 112.061. The board of trustees shall be a body corporate with all the powers of a body corporate and such authority as is needed for the proper operation and improvement of the Florida On-Line High School. The board of trustees is specifically authorized to adopt rules, policies, and procedures, consistent with law related to governance, personnel, budget and finance, administration, programs, curriculum and instruction, travel and purchasing, technology, students, contracts and grants, and property as necessary for optimal, efficient operation of the Florida On-Line High School. Tangible personal property owned by the board of trustees shall be subject to the provisions of chapter 273.

Section 3. Paragraph (c) of subsection (3) of section 445.004, Florida Statutes, is amended to read:

445.004 Workforce Florida, Inc.; creation; purpose; membership; duties and powers.—

(3)

(c) Members appointed by the Governor must be appointed for 2-year terms. Private sector representatives of businesses, appointed by the Governor pursuant to Pub. L. No. 105-220, shall constitute a majority of the membership of the board. Private sector representatives shall be appointed from nominations received by the Governor from any member of the Legislature. A member of the Legislature may submit more than one board nomination to the Governor through his or her respective presiding officer. Private sector appointments to the board shall be representative of the business community of this state, and no less than one-half of the appointments to the board must be representative of small businesses. Members appointed by the Governor serve at the pleasure of the Governor and are eligible for reappointment.

Section 4. Section 570.61, Florida Statutes, is amended to read:

570.61 Division of Aquaculture; powers and duties.—The powers and duties of the Division of Aquaculture shall include, but are not limited to, administering the aquaculture certification program; enforcing shellfish sanitation standards; administering the aquaculture and shellfish lease programs; ensuring that shellfish processing facilities comply with applicable food safety requirements; mitigating, creating, and enhancing natural shellfish harvesting areas; providing education to fishers ~~fishermen~~ and aquaculturists; promoting aquaculture development; purchasing commodities as necessary to carry out the provisions of this section; receiving and accepting grants, aids, gifts, and donations; providing grants, aids, and other technical assistance; and ensuring the safety of Florida waters.

Section 5. Subsection (10) of section 893.138, Florida Statutes, is amended to read:

893.138 Local administrative action to abate drug-related, prostitution-related, or stolen-property-related public nuisances and criminal street gang activity.—

(10) The provisions of this section may be supplemented by a county or municipal ordinance. The ordinance may include, but is not limited to, provisions that establish additional penalties for public nuisances, including fines not to exceed \$250 per day; provide for the payment of reasonable costs, including reasonable attorney fees associated with investigations of and hearings on public nuisances; provide for continuing jurisdiction for a period of 1 year over any place or premises that has been or is declared to be a public nuisance; establish penalties, including fines not to exceed \$500 per day for recurring public nuisances; provide for the recording of orders on public nuisances so that notice must be given to subsequent purchasers, successors in interest, or assigns of the real property that is the subject of the order; provide that recorded orders on public nuisances may become liens against the real property that is the subject of the order; and provide for the foreclosure of property subject to a lien and the recovery of all costs, including reasonable attorney fees, associated with the recording of orders and foreclosure. No lien created pursuant to the provisions of this section may be foreclosed on real property which is a homestead under s. 4, Art. X of the State Constitution. Where a local government seeks to bring an administrative action, based on a stolen property nuisance, against a property owner operating an establishment where multiple tenants, on one site, conduct their own retail business, the property owner shall not be subject to a lien against his or her property or the prohibition of operation provision if the property owner evicts the business declared to be a nuisance within 90 days after notification by registered mail to the property owner of a second stolen property conviction of the tenant. The total fines imposed pursuant to the authority of this section shall not exceed \$15,000. Nothing contained within this section prohibits a county or municipality from proceeding against a public nuisance by any other means.

Reviser's note.—Amended pursuant to the directive of the Legislature in s. 1, ch. 93-199, Laws of Florida, to remove gender-specific references applicable to human beings from the Florida Statutes without substantive change in legal effect.

Approved by the Governor May 25, 2001.

Filed in Office Secretary of State May 25, 2001.