

## Committee Substitute for House Bill No. 501

An act relating to abolishment of boards, commissions, councils, and other entities; repealing s. 24.106, F.S., to abolish the State Lottery Commission; repealing s. 24.103(3), F.S., to delete the definition of "commission," to conform; amending ss. 24.105, 24.108, and 24.123, F.S.; deleting references to the State Lottery Commission, to conform; repealing s. 228.054, F.S., to abolish the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; amending s. 228.053, F.S.; transferring to the Commissioner of Education duties of the Joint Developmental Research School Planning, Articulation, and Evaluation Committee relating to the securing of waivers to the Florida School Code, to conform; amending s. 228.2001, F.S.; deleting provisions authorizing the Task Force on Gender Equity in Education; amending s. 230.2305, F.S., and repealing subsection (7), relating to district interagency coordinating councils on early childhood services, to abolish the councils and delete provisions relating to their duties; transferring to the Department of Education duties of the district interagency coordinating councils, to conform; amending ss. 230.2303, 230.2306, 402.3015, 409.178, and 411.01, F.S.; deleting provisions relating to duties of the interagency coordinating councils on early childhood services, to conform; repealing s. 232.2466(3), F.S., to delete authority for the college-ready diploma program task forces; repealing s. 255.565, F.S., to abolish the Asbestos Oversight Program Team; amending ss. 255.553, 255.556, and 255.563, F.S.; removing references to the Asbestos Oversight Program Team, to conform; repealing s. 272.12(2)-(6), F.S., to abolish the Capitol Center Planning Commission and delete provisions relating to its duties; amending ss. 272.121 and 295.184, F.S.; removing and revising references to the Capitol Center Planning Commission, to conform; transferring duties of the Capitol Center Planning Commission to the City of Tallahassee and the Department of Management Services; providing for current owners' permits within the Capitol Center Planning District to continue; repealing s. 282.3095, F.S., to abolish the Task Force on Privacy and Technology created by the State Technology Office; repealing s. 285.19, F.S., to abolish the Creek Indian Council; repealing s. 286.30, F.S., to abolish the Commission on Government Accountability to the People; amending s. 216.235, F.S.; providing for appointment of a member to the State Innovation Committee by the Governor in lieu of the Commission on Government Accountability to the People, to conform; repealing s. 391.222, F.S., to abolish the Cardiac Advisory Council; amending s. 402.40, F.S.; deleting an obsolete reference to the Child Welfare Training Council; repealing s. 404.056(2), F.S., to abolish the Florida Coordinating Council on Radon Protection; amending s. 440.49, F.S., and repealing subsections (13) and (14), relating to the Special Disability Trust Fund Privatization Commission and the Florida Special Disability Trust Fund Financing Corporation, to abolish the commission and corporation and delete or revise references thereto; abolishing the advi-

sory committee on conservation of the fund; repealing s. 442.105, F.S., to abolish the Toxic Substances Advisory Council; repealing ss. 499.005(26) and 499.05(1)(c), F.S., to delete obsolete references to the Florida Drug Technical Review Panel and the investigational drug program; amending s. 499.015, F.S.; deleting an obsolete reference to the investigational drug program; repealing s. 548.045, F.S., to abolish the Medical Advisory Council under the Florida State Boxing Commission; amending s. 548.046, F.S.; deleting reference to the Medical Advisory Council, to conform; repealing s. 13, ch. 99-332, Laws of Florida, to abolish the Task Force on Home Health Services Licensure Provisions; repealing s. 11, ch. 99-354, Laws of Florida, to abolish the Information Service Technology Development Task Force; repealing s. 240.5186(11), F.S., relating to authority of the Institute on Urban Policy and Commerce to subcontract with the Information Service Technology Development Task Force for assistance under the Community High-Technology Investment Partnership (CHIP) program, to conform; repealing s. 6, ch. 99-393, Laws of Florida, to abolish the advisory group on the submission and payment of health claims established by the Director of the Agency for Health Care Administration; repealing s. 192, ch. 99-397, Laws of Florida, to abolish the task force established to review funding sources of the Public Medical Assistance Trust Fund; abolishing the Diversity Council and the State Customer Advisory Council under the Department of Labor and Employment Security; abolishing the State Agency Law Enforcement Radio System Review Panel under the Department of Management Services; abolishing the Driver's Under the Influence (DUI) Advisory Council and the Florida Rider Training Program Citizen Motorcycle Safety Council under the Department of Highway Safety and Motor Vehicles; abolishing the Florida City State Farmers Market Advisory Committee, Fort Myers State Farmers Market Advisory Council, Fort Pierce State Farmers Market Advisory Council, Gadsden County State Farmers Market Advisory Council, Immokalee State Farmers Market Advisory Council, Nitrate Bill Best Management Practices Advisory Group, Palatka State Farmers Market Advisory Council, Plant City State Farmers Market Advisory Council, Pompano Beach Farmers Market Authority, Sanford State Farmers Market Advisory Council, Seed Potato Advisory Council, Starke State Farmers Market Advisory Council, Suwannee Valley State Farmers Market Advisory Council, Trenton State Farmers Market Advisory Council, Tropical Soda Apple Task Force, and Wauchula State Farmers Market Advisory Council; repealing s. 290.049, F.S., relating to the Community Development Block Grant Advisory Council; amending s. 290.048, F.S.; establishing an advisory committee; providing for the vesting of certain rights pertaining to private projects that have been approved by the Capitol Center Planning Commission, in specified circumstances; amending s. 121.22, F.S.; modifying the membership of the State Retirement Commission; reenacting ss. 570.40, 570.41, F.S., relating to the Division of Dairy Industry, notwithstanding a repeal; reenacting ss. 20.14(2), 570.29, 570.18, 570.50, 570.51(1), F.S.; reestablishing the Division of Dairy Industry; providing effective dates.

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

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

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

24.105 Powers and duties of department.—The department shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The sales price of tickets.

(c) The number and sizes of prizes.

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

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

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

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

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

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

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

~~(10)(14)~~ Have the authority to hold copyrights, trademarks, and service marks and enforce its rights with respect thereto.

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

and, accordingly, the department may use for any game the theme of horse-racing, dogracing, or jai alai and may allow a lottery game to be based upon a horserace, dograce, or jai alai activity so long as the outcome of such lottery game is determined entirely by chance.

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

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

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

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

(14)~~(15)~~ Have the authority to acquire real property and make improvements thereon. The title to such property shall be vested in the Board of

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

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

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

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

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

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

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

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

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

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

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

(d) The department shall establish and maintain a personnel program for its employees, including a personnel classification and pay plan which may provide any or all of the benefits provided in the Senior Management Service or Selected Exempt Service. Each officer or employee of the department shall be a member of the Florida Retirement System. The retirement class of each officer or employee shall be the same as other persons performing comparable functions for other agencies. Employees of the department shall serve at the pleasure of the secretary and shall be subject to suspension, dismissal, reduction in pay, demotion, transfer, or other personnel action at the discretion of the secretary. Such personnel actions are exempt from the provisions of chapter 120. All employees of the department are exempt from the Career Service System provided in chapter 110 and, notwithstanding the provisions of s. 110.205(5), are not included in either the Senior Management Service or the Selected Exempt Service. However, all employees of the department are subject to all standards of conduct adopted by rule for career service and senior management employees pursuant to chapter 110. In the event of a conflict between standards of conduct applicable to employees of the Department of the Lottery the more restrictive standard shall apply. Interpretations as to the more restrictive standard may be provided by the Commission on Ethics upon request of an advisory opinion pursuant to s. 112.322(3)(a), for purposes of this subsection the opinion shall be considered final action.

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

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

24.108 Division of Security; duties; security report.—

(7)

(b) The portion of the security report containing the overall evaluation of the department in terms of each aspect of security shall be presented to ~~the commission~~, the Governor, the President of the Senate, and the Speaker of the House of Representatives. The portion of the security report containing specific recommendations shall be confidential and shall be presented only to the secretary, ~~the commission~~, the Governor, and the Auditor General; however, upon certification that such information is necessary for the purpose of effecting legislative changes, such information shall be disclosed to the President of the Senate and the Speaker of the House of Representatives, who may disclose such information to members of the Legislature and legislative staff as necessary to effect such purpose. However, any person

who receives a copy of such information or other information which is confidential pursuant to this act or rule of the department shall maintain its confidentiality. The confidential portion of the report is exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

24.123 Annual audit of financial records and reports.—

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

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

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

228.053 Developmental research schools.—

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

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

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



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

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

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

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

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

228.2001 Discrimination against students and employees in state system of public education; prohibitions; equality of access; strategies to overcome underrepresentation; remedies.—

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

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

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

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

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

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

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

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

~~2. A determination of the appropriate consideration of revenues when making decisions about equitable use of funds for support of athletic activities. In making this determination, the task force shall consider all funds~~

received and expended for athletic promotion or support, including revenues from direct support organizations established under s. 237.40, s. 240.299, or s. 240.363.

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

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

1. Declare the educational agency ineligible for competitive state grants.
2. Notwithstanding the provisions of s. 216.192, direct the Comptroller to withhold general revenue funds sufficient to obtain compliance from the educational agency.

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

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

230.2305 Prekindergarten early intervention program.—

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

(b) An “economically disadvantaged” child shall be defined as a child eligible to participate in the free lunch program. Notwithstanding any change in a family’s economic status or in the federal eligibility requirements for free lunch, a child who meets the eligibility requirements upon initial registration for the program shall be considered eligible until the

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

(3) STANDARDS.—

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

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

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

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

230.2303 Florida First Start Program.—

(3) PLAN.—Each school board may submit to the Commissioner of Education a plan for conducting a Florida First Start Program. Each plan and

subsequent amended plan shall be developed in cooperation with the ~~district interagency coordinating council on early childhood services established pursuant to s. 230.2305 and the~~ Interagency Prekindergarten Council for Children with Disabilities, and shall be approved by the commissioner. A district school board's plan must be designed to serve children from birth to 3 years of age who are disabled or at risk of future school failure and to serve their parents. For the purposes of this section, the term "children with disabilities or at risk of future school failure" includes any child who has one or more of the characteristics described in s. 411.202(9).

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

(8) COORDINATION.—

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

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

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

230.2306 Prekindergarten children service needs assessments; reports; reasonable efforts by school district.—

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

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

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

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

402.3015 Subsidized child care program; purpose; fees; contracts.—

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

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

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

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

409.178 Child Care Executive Partnership Act; findings and intent; grant; limitation; rules.—

(5)

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

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

411.01 Florida Partnership for School Readiness; school readiness coalitions.—

(5) CREATION OF SCHOOL READINESS COALITIONS.—

(a) School readiness coalitions.—

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

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

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

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

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

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

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

f. A child care licensing agency head.

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

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

i. One member appointed by a district school board.

j. A central child care agency administrator.

k. A Head Start director.

l. A representative of private child care providers.

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

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

3. No member of a coalition may appoint a designee to act in his or her place. A member may send a representative to coalition meetings, but that representative will have no voting privileges. When a district superintendent of schools or a district administrator for the Department of Children and

Family Services appoints a designee to a school readiness coalition, the designee will be the voting member of the coalition, and any individual attending in his or her place, including the district administrator or superintendent, will have no voting privileges.

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

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

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

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

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

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

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

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

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

- (1) Determine all materials which may contain asbestos;
- (2) Identify the location and quantify the types of asbestos-containing materials;
- (3) Assess the hazard of the existing asbestos-containing materials as they relate to any situation where a person may come into contact with asbestos;
- (4) Prioritize the areas which need immediate asbestos abatement action according to the hazard assessment; and
- (5) Estimate the cost of recommended abatement alternatives.



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

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

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

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

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

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

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

272.121 Capitol Center long-range planning.—

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

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

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

- (c) The effective utilization of all available space so as to minimize waste.
- (d) The plans adopted by the local planning agencies in Leon County.

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

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

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

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

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

295.184 Report; design, cost estimates.—The Commission on Veterans' Affairs shall consider the appropriate design of the memorial and may solicit design proposals from members of the public. The Commission on Veterans' Affairs, in cooperation with the Department of Management Services and the City of Tallahassee Capitol Center Planning Commission, shall consider the location of the memorial within the Florida Capitol Center Planning District. On or before January 31, 2002, the Commission on Veterans' Affairs shall submit to the Governor, the President of the Senate, and the

Speaker of the House of Representatives its recommendations for the location and design of the memorial. The report must include an estimate of the cost to acquire the site for the memorial and of the cost to construct the memorial in accordance with the design proposal recommended by the Commission on Veterans' Affairs, as well as the life-cycle cost estimate required by s. 255.255. The Department of Management Services shall assist the Commission on Veterans' Affairs in preparing the estimates for timely inclusion in the report.

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

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

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

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

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

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

216.235 Innovation Investment Program; intent; definitions; composition and responsibilities of State Innovation Committee; responsibilities of the Department of Management Services, the Information Resource Commission, and the review board; procedures for innovative project submission, review, evaluation, and approval; criteria to be considered.—

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

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

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

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

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

402.40 Child welfare training.—

(4) CHILD WELFARE TRAINING TRUST FUND.—

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

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

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

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

440.49 Limitation of liability for subsequent injury through Special Disability Trust Fund.—

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

(a) “Permanent physical impairment” means and is limited to the conditions listed in paragraph (6)(a).

(b) “Preferred worker” means a worker who, because of a permanent impairment resulting from a compensable injury or occupational disease, is unable to return to the worker’s regular employment.

(c) “Merger” describes or means that:

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

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

3. The preexisting permanent physical impairment is aggravated or accelerated as a result of the subsequent injury or occupational disease, or the preexisting impairment has contributed, medically and circumstantially, to the need for temporary compensation, medical, or attendant care and the

employer has been required to pay, and has paid, temporary compensation, medical, or attendant care benefits for the aggravated preexisting permanent impairment; or

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

(d) “Excess permanent compensation” means that compensation for permanent impairment, or permanent total disability or death benefits, for which the employer or carrier is otherwise entitled to reimbursement from the Special Disability Trust Fund.

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

(f) ~~“Corporation” means the Special Disability Trust Fund Financing Corporation, as created under subsection (14).~~

(g) ~~“Commission” means the Special Disability Trust Fund Privatization Commission, as created under subsection (13).~~

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

#### (9) SPECIAL DISABILITY TRUST FUND.—

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

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

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

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

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

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

499.015 Registration of drugs, devices, and cosmetics; issuance of certificates of free sale.—

(1)

(b) The department may not register any product that does not comply with the Federal Food, Drug, and Cosmetic Act, as amended, or Title 21 C.F.R., ~~or that is not an approved investigational drug as provided for in s. 499.018.~~ Registration of a product by the department does not mean that the product does in fact comply with all provisions of the Federal Food, Drug, and Cosmetic Act, as amended.

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

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

548.046 Physician's attendance at match; examinations; cancellation of match.—

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

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

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

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

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

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

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

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

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

- (1) Florida City State Farmers Market Advisory Committee.
- (2) Fort Myers State Farmers Market Advisory Council.
- (3) Fort Pierce State Farmers Market Advisory Council.
- (4) Gadsden County State Farmers Market Advisory Council.
- (5) Immokalee State Farmers Market Advisory Council.
- (6) Nitrate Bill Best Management Practices Advisory Group.
- (7) Palatka State Farmers Market Advisory Council.
- (8) Plant City State Farmers Market Advisory Council.
- (9) Pompano Beach Farmers Market Authority.
- (10) Sanford State Farmers Market Advisory Council.
- (11) Seed Potato Advisory Council.
- (12) Starke State Farmers Market Advisory Council.
- (13) Suwannee Valley State Farmers Market Advisory Council.
- (14) Trenton State Farmers Market Advisory Council.
- (15) Tropical Soda Apple Task Force.

(16) Wauchula State Farmers Market Advisory Council.

Section 44. Section 290.049, Florida Statutes, is repealed.

Section 45. Subsection (7) is added to section 290.048, Florida Statutes, to read:

290.048 General powers of Department of Community Affairs under ss. 290.0401-290.049.—The department has all the powers necessary or appropriate to carry out the purposes and provisions of the program, including the power to:

(7) Establish an advisory committee of no more than 13 members to solicit participation in designing, administering, and evaluating the program and in linking the program with other housing and community development resources.

Section 46. Section 272.133, Florida Statutes, is created to read:

272.133 Vested rights of projects approved by Capitol Center Planning Commission.—Upon the abolishment of the Capitol Center Planning Commission or the restriction by law of its jurisdiction to state-owned lands, any private project that received design approval before the effective date of an act that provides for such abolishment or restriction shall be considered vested for the zoning, land use, and variances approved by the commission. A vested project is required to demonstrate only that it is in compliance with environmental and building-permitting requirements to be eligible for the issuance of a building permit.

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

121.22 State Retirement Commission; creation; membership; compensation.—

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

Section 48. Notwithstanding the repeal contained in HB 1717, as enacted by the 2001 Regular Session of the Legislature, sections 570.40 and 570.41, Florida Statutes, are reenacted.

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



20.14 Department of Agriculture and Consumer Services.—There is created a Department of Agriculture and Consumer Services.

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

- (a) Administration.
- (b) Agricultural Environmental Services.
- (c) Animal Industry.
- (d) Aquaculture.
- (e) Consumer Services.
- (f) Dairy Industry.
- (g) Food Safety.
- (h) Forestry.
- (i) Fruit and Vegetables.
- (j) Marketing and Development.
- (k) Plant Industry.
- (l) Standards.

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

570.29 Departmental divisions.—The department shall include the following divisions:

- (1) Administration.
- (2) Agricultural Environmental Services.
- (3) Animal Industry.
- (4) Aquaculture.
- (5) Consumer Services.
- (6) Dairy Industry.
- (7) Food Safety.
- (8) Forestry.
- (9) Fruit and Vegetables.
- (10) Marketing and Development.

(11) Plant Industry.

(12) Standards.

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

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

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

570.50 Division of Food Safety; powers and duties.—The duties of the Division of Food Safety include, but are not limited to:

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

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

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

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

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

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

570.51 Director; qualifications; duties.—

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

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

Approved by the Governor May 30, 2001.

Filed in Office Secretary of State May 30, 2001.