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**\*\*AS PASSED BY THE LEGISLATURE\*\***  
CHAPTER #: 97-190, Laws of Florida

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
EDUCATION K-12  
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

**BILL #:** CS/HB 137  
**RELATING TO:** EDUCATION  
**SPONSOR(S):** Committee on Education K-12 and Representative Culp

**STATUTE(S) AFFECTED:** *Amends* ss. 24.121, 39.01, 228.053, 228.061, 229.0535, 229.565, 229.58, 229.592, 229.594, 229.8055, 230.03, 230.105, 230.22, 230.23, 230.2301, 230.2316, 230.23161, 230.2317, 230.2318, 230.303, 230.33, 230.331, 230.35, 231.085, 231.095, 231.1725, 232.01, 232.021, 232.0225, 232.03, 232.032, 232.06, 232.09, 232.17, 232.19, 232.245, 232.2462, 232.2468, 232.271, 233.061, 233.0663, 233.068, 233.07, 234.041, 234.302, 236.013, 236.081, 236.0811, 236.0812, 236.1228, 236.24, 239.101, 239.229, 397.405, 402.22, 415.5015, 450.121, 493.6102, and 561.025, F.S. *Repeals* ss. 230.23135, 230.59, 230.655, 230.71, 232.023, 232.034, 232.04, 232.045, 232.10, 232.13, 232.165, 232.2452, 232.2461, 232.257, 232.258, 232.276, 232.3015, 232.303, 232.304, 233.011, 233.0165, 233.06411, 233.0645, 233.065, 233.0661, 233.0662, 233.067, 233.0671, 233.0672, 234.0515, 234.061, 234.091, and 236.0842, F.S. *Creates* s. 233.0612, F.S. *Amends* ss. 11.42, 20.15, 228.03, 228.041, 228.062, 228.081, 228.086, 228.088, 228.092, 228.195, 228.301, 228.502, 229.011, 229.053, 229.085, 229.111, 229.512, 229.559, 229.565, 229.57, 229.59, 229.591, 229.592, 229.593, 229.594, 229.602, 229.75, 229.76, 229.771, 229.805, 229.8051, 230.03, 230.22, 230.23, 230.2316, 230.23166, 230.2318, 230.32, 230.321, 230.33, 230.64, 230.71, 232.01, 232.23, 232.2468, 232.247, 232.25, 232.303, 232.435, 233.011, 233.015, 233.056, 233.058, 233.061, 233.067, 233.115, 233.17, 233.37, 233.39, 234.01, 234.02, 234.03, 234.051, 234.091, 234.101, 234.301, 235.01, 235.014, 235.04, 235.056, 235.06, 235.15, 235.19, 235.211, 235.26, 235.31, 235.32, 235.435, 236.02, 236.0801, 236.081, 236.0811, 236.083, 236.0841, 236.1225, 236.13, 236.685, 237.211, 237.211, 237.40, 316.615, 228.121, 228.0617, and 228.085, F.S. *Creates* s. 229.515, F.S.

**COMPANION BILL(S):** SB 1376 (c); SB 0868 (l) and HB 1007 (s) and SB 0458 (s)

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) EDUCATION K-12 YEAS 10 NAYS 0
- (2) EDUCATION FISCAL (W/D)
- (3)
- (4)
- (5)

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**I. SUMMARY:**

The bill is designed to deregulate many of the prescriptive aspects of the Florida School Laws and allow schools to have more flexibility to explore innovative ways to meet high standards while retaining accountability. To accomplish this objective, numerous provisions that are obsolete or excessively prescriptive are deleted.

The bill clarifies local authority with respect to school districts and school boards, the Dropout Prevention Program, emotionally disturbed students, school resource officers, school superintendents, school holidays, school health, student attendance, the School Safety Trust Fund, student testing and instruction, and student transportation.

The bill implements Department of Education (DOE) recommendations to restructure the governance of public education at the state level.

The bill establishes the Commissioner of Education, rather than the State Board of Education (SBE), as the head of the Department of Education. The Commissioner is authorized to make rules for many

aspects of public education that are currently promulgated by the SBE. The Commissioner is authorized to exempt a school district from all statutes in the Florida School Code except those relating to health, safety, civil rights, and public records and meetings. The bill repeals various statutes that DOE has determined as obsolete or unnecessary.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Since the mid-1980's, Florida has been widely perceived as a state with a strong centralized education system. Although a home rule provision gives local constitutional officers authority in matters not covered by state law, there are few subjects not covered in the Florida School Code. Legislation giving authority to local school boards is saturated with prescriptive language specifying how to exercise that authority.

In 1991, the Florida Legislature enacted comprehensive school improvement and accountability legislation. This act was predicated on the notion that local schools and school districts need flexibility to make sound education decisions and tailor programs to meet the unique needs of their students. A strong accountability system is now in place; however, the act's intended flexibility has yet to be fully realized.

**For specific present situations, see Section-by-Section Analysis.**

B. EFFECT OF PROPOSED CHANGES:

**For specific effects of proposed changes, see Section-by-Section Analysis.**

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

*Yes, the bill reduces, deletes, and deregulates numerous prescriptive aspects of the Florida School Code. The bill reduces the authority of the SBE to make administrative rules and increases the authority of the Commissioner of Education to make rules. Additionally, the bill decreases Legislative authority over educational administration.*

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

*Yes, the bill reduces numerous requirements relating to the role, responsibilities, and organization of school boards and school districts; compulsory attendance; instruction; child welfare; courses of study and instructional aids and materials; and transportation of school children.*

- (3) any entitlement to a government service or benefit?

*Yes, the bill reduces entitlement to state funds for the transportation of students when hazardous conditions occur, and instead allows school districts to set the criteria and requires the school boards to fund the transportation.*

- b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

*Numerous prescriptive requirements are deleted from statutory law. The schools, school boards, and school districts will have increased flexibility to address these areas individually.*

- (2) what is the cost of such responsibility at the new level/agency?

*Indeterminate.*

- (3) how is the new agency accountable to the people governed?

*While the bill reduces state regulation of the school systems, each school system remains accountable to the students and parents served by the system, as well as to the State Board of Education, the Commissioner of Education, and the Department of Education.*

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

*No.*

- b. Does the bill require or authorize an increase in any fees?

*No.*

- c. Does the bill reduce total taxes, both rates and revenues?

*No.*

- d. Does the bill reduce total fees, both rates and revenues?

*No.*

- e. Does the bill authorize any fee or tax increase by any local government?

*No.*

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

*No.*

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

*No.*

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

*Yes, the bill increases the options and flexibility of school system officials and administrators to conduct school system affairs without excessively prescriptive state intervention.*

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

*No.*

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

*Not applicable.*

- (2) Who makes the decisions?

*Not applicable.*

- (3) Are private alternatives permitted?

*Not applicable.*

- (4) Are families required to participate in a program?

*Not applicable.*

- (5) Are families penalized for not participating in a program?

*Not applicable.*

- b. Does the bill directly affect the legal rights and obligations between family members?

*No.*

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

- (1) parents and guardians?

*Not applicable.*

- (2) service providers?

*Not applicable.*

- (3) government employees/agencies?

*Not applicable.*

**ACADEMIC EXCELLENCE COUNCIL'S ADDITIONAL CONSIDERATIONS:**

1. Does it improve instruction?

*Yes, the bill could be viewed as improving instruction by deleting excessively prescriptive instructional requirements.*

2. Does it allow teachers to teach?

*Yes, the bill could be viewed as allowing teachers to teach by eliminating many of the instructional mandates at the state level.*

3. Does it improve student character?

*Yes, the bill clarifies required instruction in the basic subject areas, and clarifies authorized instruction in character education, the objective study of the Bible and religion, traffic education, patriotism, drug abuse resistance education, comprehensive health education, care of nursing home patients, AIDS, voting instruction, and before-school and after-school programs.*

4. Does it prepare our students to be a part of the 21st century workforce?

*Yes, see 3., above.*

5. Does it empower parents to make decisions?

*Yes, by deleting many prescriptive requirements, the bill could be viewed as empowering parents to make decisions. For example, the bill removes limitations on the type of meetings with school district personnel for which parents or guardians may be accompanied by another adult.*

6. Does it create educational options?

*Yes, by deleting many prescriptive requirements, the bill could be viewed as giving the schools and school districts enhanced flexibility to create educational options.*

7. Does it create an environment where students can learn?

*Yes, by deleting many prescriptive requirements, the bill could be viewed as giving the schools and school districts enhanced flexibility for innovation to provide a better learning environment.*

**B. SECTION-BY-SECTION RESEARCH:**

**Section 1:** Amends s. 230.03, F.S.

Section 230.03, F.S., prescribes the management, control, operation, administration, and supervision of the district school system.

Corrects a cross reference relating to school improvement plans.

**Section 2:** Repeals s. 230.105(9), F.S.

Subsection 230.105(9), F.S., provides specific wording for single-member representation for district school boards.

The bill repeals subsection 230.105(9), F.S. Removing this prescriptive requirement provides more local control as to wording on district ballots.

**Section 3:** Amends s. 230.22, F.S.

Section 230.22, F.S., provides the general powers of the school board.

The bill strikes or revises repetitive and unnecessary language relating to the general powers of the school board. These are technical changes and do not affect the general powers of the school board.

**Section 4:** Amends s. 230.23, F.S.

Section 230.23, F.S., prescribes the specific powers and duties of a school board.

The bill gives school boards more authority by deleting prescriptive *procedural* language relating to the powers and duties of the school board, specifically, the minutes of school board meetings; control of property; school program; establishment, organization, and operation of schools; personnel; child welfare; courses of study; school building program; financial records and accounts; and school improvement plans. The bill also strikes prescriptive language relating to recruitment of instructional personnel; awards and incentives; and cooperation with other agencies and with the superintendent. The bill states that the school board's decision to reject a person's nomination does not give that person a right of action to sue over the rejection and may not be used as a cause of action by the nominated employee. The bill conforms language in paragraph (4)(a) to allow for open enrollment plans required by the 1996 Legislature.

**Section 5:** Amends s. 230.2301, F.S.

Section 230.2301, F.S., prescribes specific meetings when a student's parent or guardian may be accompanied by another adult.

The bill removes limits on the type of meetings with school district personnel for which parents or guardians may be accompanied by another adult.

**Section 6:** Amends s. 230.2305, F.S.

Section 230.2305, F.S., provides the prekindergarten early intervention program.

The bill includes in the eligibility section the requirement that each public school district 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-program; and deletes provisions relating to program plans and plan approval, monitoring and technical assistance, the annual report, and funding.

Section 7: Repeals s. 230.23135, F.S.

Section 230.23135, F.S., establishes the Florida Council on Student Services, for the purpose of systematically examining ways to improve the planning, coordinating, and delivering of student services at the school district levels.

The bill repeals the Florida Council on Student Services to provide more local control.

Section 8: Amends s. 230.2316, F.S.

Section 230.2316, F.S., establishes the dropout prevention act, providing student eligibility and program requirements, program planning and implementation, evaluation, and coordination with other agencies.

The bill deletes the definition of program categories and certain program criteria, and provisions for requiring program plans and staff development. The bill deletes prescriptive procedural language dealing with program implementation, reporting, and evaluation. It adds a definition for "second chance schools," district authority to assign students to a program for disruptive students, and a provision that the educational program support program goals and lead to a high school diploma. The bill removes the requirement that the commissioner approve course modifications.

Section 9: Amends s. 230.23161, F.S.

Section 230.23161, F.S., establishes educational services in Department of Juvenile Justice programs.

The bill corrects a cross reference allowing Department of Juvenile Justice detention and commitment programs to be designated as second chance schools.

Section 10: Amends s. 230.2317(2), (3), (4), (5), and (6), F.S.

Section 230.2317, F.S., relates to educational multiagency services for severely emotionally disturbed students.

The bill replaces the phrase "severely emotionally disturbed students" with "students with severe emotional disturbance"; replaces references to HRS with other state departments and agencies; removes outdated language; and removes language relating to funding and written agreements between district school boards and HRS.

Section 11: Amends s. 230.2318, F.S.

Section 230.2318, F.S., establishes a school resource officer program, and specifically defines its purpose, outlines program plans and approval by the Commissioner, and provides the officer's duties and responsibilities.

The bill authorizes school boards to establish school resource officer programs through cooperative agreements with law enforcement agencies or according to s. 230.23175, F.S., relating to school safety officers. The bill deletes specific provisions relating to program purposes, plans and plan approval, criteria, and restrictions.

Section 12: Amends s. 230.303, F.S.

Section 230.303, F.S., relates to the salary of a superintendent of schools.

The bill deletes obsolete dates relating to requirements for special qualification salary for superintendents.

Section 13: Amends s. 230.33, F.S.

Section 230.33, F.S., relates to the duties and responsibilities of a superintendent.

The bill gives the superintendent more authority by deleting prescriptive language relating to the duties and responsibilities of the superintendent in the following areas: custodian of school property; establishment, organization and operation of schools; personnel, specifically, positions, qualifications, nominations, compensation, contracts; child welfare; courses of study; and school plant.

Section 14: Amends s. 230.331(2), F.S.

Section 230.331, F.S., relates to the reproduction and destruction of district school records.

The bill deletes outdated language detailing how documents are to be reproduced and stored for fulfilling legal requirements.

Section 15: Amends s. 230.35, F.S.

Section 230.35, F.S., relates to a school under the control of a school board and superintendent.

The bill adds the exception "except as otherwise provided by law" to the requirement that all public schools are under the direction and control of the school board and superintendent.

Section 16: Repeals ss. 230.59, 230.655, and 230.71, F.S.

Section 230.59, F.S., relates to educational communications systems, which include those wired or radio systems used to carry messages related to instruction, administration, or general information between buildings or campuses or the general public to implement the purposes of the school system. Section 230.655, F.S., states that the DOE must require each vocational-technical center to withdraw all requests for course approval from the Veterans Administration for education programs offered in correctional facilities which are provided through state funding at no cost to the inmate. Section 230.71, F.S., establishes intergenerational school volunteer programs.

The bill repeals these sections.

Section 17: Amends s. 232.01, F.S.

Section 232.01, F.S., prescribes the regular school attendance required between ages of 6 and 16, and the exceptions.

The bill expands the section relating to school attendance requirements to include age requirements for entrance into public kindergarten and prekindergarten early intervention programs. This section inserts language repealed in section 21 of the bill from ss. 232.04 and 232.045, F.S.

Section 18: Amends s. 232.021, F.S.

Section 232.021, F.S., relates to required attendance records and reports. Currently, the enrollment register must be open for inspection by the superintendent or attendance assistant of the district in which the school is located.

The bill provides that the enrollment register be open for inspection by the designated school representative or the school superintendent.

Section 19: Amends s. 232.0225, F.S.

Section 232.0225, F.S., relates to absence for religious instruction or holidays. This section specifically prescribes conditions which must be met prior to district school board permission to participate in religious instruction.

The bill gives the school board authority to adopt policies regarding absence for religious instruction or holidays rather than prescribing procedures for this in statute.

Section 20: Repeals s. 232.023, F.S.

Section 232.023, F.S., provides the penalty for falsification of attendance records.

The bill deletes language relating to falsification of attendance records.

Section 21: Amends s. 232.03, F.S.

Section 232.03, relates to the evidence of a date of birth required before admitting a child to prekindergarten or kindergarten.

The bill corrects a cross reference to age requirements for prekindergarten early intervention and public kindergarten programs.

Section 22: Repeals ss. 232.032(2), 232.034, 232.04, and 232.045, F.S.

Section 232.032(2), requires HRS, in conjunction with DOE, the Florida Parent-Teacher Association, and the American Lung Association of Florida, to investigate the incidence of tuberculosis among school-age children in the state, and report the findings to the Legislature by December 15, 1994. Section 232.034, F.S., permits the school board to assign a pupil to the nearest available school due to medical necessity. Sections 232.04, and 232.045 F.S., establish the ages for admission to public kindergarten and prekindergarten early intervention and preschool programs.

The bill repeals language relating to investigation of tuberculosis, medical exemptions for transporting pupils, and age requirements for public kindergarten and prekindergarten early intervention programs. The language in ss. 232.04 and 232.045, F.S., prescribing ages for public kindergarten and prekindergarten, is moved to s. 232.01, F.S., in section 16 of the bill.

Section 23: Amends s. 232.06, F.S.

Section 232.06, F.S., specifically outlines conditions upon which children are exempt from school attendance.

The bill deletes conditions upon which children can obtain certificates of exemption from school attendance.

Section 24: Amends s. 232.09, F.S.

Section 232.09, F.S., relates to parental responsibility for attendance of children.

The bill corrects a cross reference relating to duties of attendance assistants.

**Section 25:** Repeals ss. 232.10, 232.13, and 232.165, F.S.

Section 232.10, F.S., requires the parent of a child who is absent, without permission from the person in charge of the school, to report and explain the absence. Section 232.13, F.S., requires HRS to report to all superintendents the names and other pertinent information for all exceptional children in the district who require special educational services. Section 232.165, F.S., permits the Department of Highway Safety and Motor Vehicles to refuse to issue a driver's license or suspend a previously issued driver's license to persons under the age of 18 for nonenrollment or nonattendance in school.

Section 232.10, F.S., is repealed to allow the district school board code of student conduct determine rules to enforce attendance. Section 232.13, F.S., is repealed because districts currently identify exceptional children through early education programs. Pursuant to section 4, of chapter 93-144, Laws of Florida, unless this provision was specifically reenacted by the Legislature, s. 232.165, F.S., will stand repealed effective July 1, 1996. The Legislature did not reenact the provision.

**Section 26:** Amends s. 232.17, F.S.

Section 232.17, F.S., establishes specific qualifications, compensation, and duties of an attendance assistant.

The bill allows a designated school representative, rather than specifying an attendance assistant, to investigate nonenrollment and unexcused absences and deletes language relating to the employment, qualifications, duties, and responsibilities of attendance assistants.

**Section 27:** Amends s. 232.19 (3),(5), F.S.

Section 232.19, F.S., relates to the court procedures and penalties for the enforcement of nonenrollment and nonattendance cases. Subsection (3) relates to habitual truancy cases, and subsection (5) relates to the individuals who may begin proceedings and prosecutions.

The bill provides conforming language, deleting references to attendance assistants and inserting designated school representatives regarding habitual truancy, and deleting reference to the alternative education program and inserting the dropout prevention program.

**Section 28:** Repeals ss. 232.245(2) and (3), and 232.2452, F.S.

Section 232.245(2) and (3), F.S., require the district pupil progression plan to be based on local goals and objectives which are compatible with the state's plan for education. Each plan must reflect an effort to identify students at each grade level in grades 9-12 who have attained a cumulative GPA of 1.5 or below. Section 232.2452, F.S., establishes specific requirements for report cards pickup days.

The bill repeals prescriptive language relating to district responsibility for a comprehensive program for pupil progression and relating to report card pick up days.

**Section 29:** Repeals s. 232.2461, F.S.

Section 232.2461, F.S., requires the Commissioner of Education to coordinate the development of a model curriculum standard for the courses of study required for grades 9-12.

The bill repeals model curriculum standards because they have been replaced by the Sunshine State Standards.

Section 30: Amends s. 232.2462, F.S.

Section 232.2462, F.S., relates to attendance requirements for receipt of high school credit. Currently, a student may not be awarded a credit if he or she has not been in for instruction for a minimum of 135 hours unless the student has demonstrated mastery of the student performance standards in the course of study as provided by district school board rule.

The bill removes attendance requirements for high school credit, to allow districts to use performance-based measures for awarding credit as opposed to seat-time.

Section 31: Repeals s. 232.2468(2) and (3) and amends s. 228.041, F.S.

Section 232.2468, F.S., defines "graduation rate," "habitual truancy rate," and "dropout rate," and requires the Commissioner to annually develop and distribute these rates to each district.

The bill repeals definitions of graduation rate, habitual truancy rates and dropout rates from s. 232.2468, F.S., and moves them to s. 228.041 (41), (42), and (43), F.S.

Section 32: Repeals ss. 232.257, and 232.258, F.S.

Section 232.257, F.S., establishes a School Safety Trust Fund, for the purpose of funding schools' safety programs designed to maintain a safe and orderly learning environment. Section 232.258, F.S., establishes school and community resource grants for after-school programs.

The bill repeals the School Safety Trust Fund because the safe schools money is appropriated directly to the districts, not through the trust fund. The bill repeals the prescriptive language relating to after-school programs

Section 33: Amends s. 232.271(3), F.S.

Section 232.271, F.S., relates to the removal of disruptive students from the classroom. Subsection (3) permits the principal to place the student in another appropriate classroom, in in-school suspension, or in an alternative education program once the student is removed from the classroom.

The bill conforms to prior legislative changes by substituting "dropout prevention program" for "educational alternatives program" as an alternative for a student removed from class.

Section 34: Repeals ss. 232.276, 232.3015, 232.303, and 232.304, F.S.

Section 232.276, F.S., provides the option of developing a parenting workshop to assist and counsel the parent or guardian of a student with disciplinary problems to each district school board. Section 232.3015, F.S., establishes an outreach program to secure family involvement. Section 232.303, F.S., establishes interagency student services. Section 232.304, F.S., establishes district multiagency coordinating councils to improve the coordination and delivery of services to public school students.

The bill repeals sections relating to parenting workshops, outreach programs to secure family involvement, interagency student services, and district multiagency coordinating councils. Districts may perform these services without statutory provisions.

Section 35: Repeals s. 233.011, F.S.

Section 233.011, F.S., relates to the accountability in curriculum, educational instructional materials, and testing.

The bill repeals this outdated section relating to accountability in curriculum, educational instructional materials, and testing, due to a new school improvement and accountability system, the Sunshine State Standards and the FCAT.

Section 36: Amends s. 233.061, F.S.

Section 233.061, F.S., prescribes the required instruction to be taught in the public school system.

The bill clarifies that school districts must offer instruction in basic subject areas addressed in the Sunshine State Standards; renumbers subsequent subsections; requires the teaching of a comprehensive health education program, including various health related subjects; and removes the requirement for instruction on the effects of alcohol and drugs.

Section 37: Creates s. 233.0612, F.S.

The bill creates s. 233.0612, F.S., to authorize instruction in character education, the objective study of the Bible and religion, traffic education, consumer education, patriotism, drug abuse resistance education, comprehensive health education, care of nursing home patients, AIDS, voting instruction, and before-school and after-school programs.

Section 38: Repeals ss. 233.0615, 233.06411, 233.0645, 233.065, 233.0661, 233.0662, 233.0663(2),(3),(4),(5),(6), and (7), 233.067, 233.0671, and 233.068 (3), and (4), F.S.

Section 233.0615, F.S., relates to character development and law education programs. Section 233.06411, F.S., establishes a free enterprise and consumer education program. Section 233.0645, F.S., permits districts to establish a program of student instruction in the use of voting machines. Section 233.065, F.S., relates to the rules and regulations of patriotic programs. Section 233.0661 and 233.0662, F.S., establish the Drug Abuse Resistance Education Act. Section 233.0663, F.S., establishes the Drug Abuse Resistance Education Program designed to prevent drug and alcohol use among school-age children. Section 233.067, F.S., relates to comprehensive health education and substance abuse prevention. Section 233.0671, F.S., relate to courses of study in care of nursing home patients. Section 233.068, F.S., relates to job-related vocational instruction.

The bill repeals sections *detailing how* to provide instruction in the authorized instructional areas designated in section 37 of this bill.

Section 39: Amends s. 233.07(2)(a), F.S.

Section 233.07, relates to state instructional materials committees.

The bill deletes obsolete dates.

Section 40: Amends s. 234.041, F.S.

Section 234.041, F.S., relates to buses simulating school buses in color and insignia.

The bill renumbers the section to s. 316.72, F.S., within the chapter relating to state uniform traffic control.

Section 41: Repeals ss. 234.0515, 234.061, and 234.091, F.S.

Section 234.0515, F.S., relates to the transportation of public school students by private transportation companies. Section 234.061, F.S., relates to the designation of routes and nontransportation zones. Section 234.091, F.S., relates to the general qualifications of school bus drivers.

The bill repeals language relating to transportation of public school students by private transportation companies, designation of routes and nontransportation zones, and qualifications of bus drivers. Districts currently have the authority to accomplish these tasks and several of these provisions are contained elsewhere in statute.

Section 42: Amends s. 234.302, F.S.

Section 234.302, F.S., requires each local governmental entity who administers a school crossing guard program to provide a training program for school crossing guards according to uniform guidelines for the training of school crossing guards adopted by the Department of Transportation.

The bill renumbers the section to s. 316.75, F.S., within the chapter relating to state uniform traffic control.

Section 43: Amends s. 24.121(5)(c)(d), F.S.

Section 24.121, F.S., relates to the allocation of revenues and expenditure of funds for public education.

The bill corrects a cross reference to enhancing school performance through development and implementation of school improvement plans.

Section 44: Amends s. 39.01(73)(b), F.S.

Section 39.01(73), F.S., defines a habitual truant.

The bill changes "attendance assistant" to "designated school representative" to conform to the act.

Section 45: Amends s. 228.053(3)(a)(8)(12), F.S.

Section 228.053, F.S., relates to developmental research schools.

The bill corrects cross references.

Section 46: Amends s. 228.061(1)(2)(3), F.S.

Section 228.061, F.S., relates to other public schools, preschool programs, prekindergarten early intervention programs, school-age child care programs, and special schools and courses.

The bill corrects a cross references relating to age requirements for prekindergarten early intervention and public kindergarten programs.

Section 47: Amends s. 229.0535(4), F.S.

Section 229.0535, F.S., relates to the authority to enforce school improvement.

The bill corrects a cross reference to school improvement plans.

Section 48: Amends s. 229.565(3)(b)(d)(5), F.S.

Section 229.565, F.S., relates to educational evaluation procedures.

The bill corrects cross reference relating to the organization of special programs and deletes procedures relating to the Florida Primary Education Program (obsolete) and district plan for prekindergarten early intervention program.

Section 49: Amends s. 229.58(2), F.S.

Section 229.58, F.S., relates to district and school advisory councils.

The bill corrects a cross reference to school improvement plan.

Section 50: Amends s. 229.592, F.S.

Section 229.592, F.S., relates to the implementation of a state system of school improvement and education accountability.

The bill corrects cross references to school improvement plans; deletes a reference to feedback reports to conform to the act; corrects cross references to age requirements for public kindergarten and prekindergarten early intervention programs; and deletes obsolete language.

Section 51: Amends s. 229.594(1), F.S.

Section 229.594, F.S., relates to the powers and duties of the Florida Commission on Education Reform and Accountability.

The bill corrects a cross reference to school improvement plans.

Section 52: Amends s. 229.8055, F.S.

Section 229.8055, F.S., relates to environmental education.

The bill deletes obsolete language relating to curriculum frameworks and performance standards recommended in s. 233.011, F.S. Section 233.011, F.S., was recommended for repeal because of the new school improvement and accountability system, consisting of the Sunshine State Standards and FCAT.

Section 53: Amends s. 231.085, F.S.

Section 231.085, F.S., relates to the duties of school principals.

The bill corrects a cross reference to school improvement plans.

Section 54: Amends s. 231.095, F.S.

Section 231.095, relates to teachers assigned teaching duties outside field in which certified.

The bill deletes requirement to provide notification of parents in the annual report of teachers' out-of-field assignment in the annual report, to conform to other provisions in the act.

Section 55: Amends s. 231.1725(1)(d), F.S.

Section 231.1725, F.S., relates to employment of substitute teachers, teachers of adult education, nondegreed teachers of career education, and noncertificated teachers in critical teacher shortage areas.

The bill deletes the requirement to publicly disclose noncertified teachers in school annual reports designated in school improvement and accountability systems, to conform to other provisions of the act.

Section 56: Amends s. 236.013(2)(c), F.S.

Section 236.013, F.S., relates to definitions regarding the finance and taxation of schools.

The bill deletes reference to dropout prevention program categories repealed in section 7 of the act and provides clarifying language relating to students enrolled in dropout prevention programs.

Section 57: Amends s. 236.081(1)(f)(o), F.S.

Section 236.081, F.S., relates to the funds for the operation of schools.

The bill corrects a cross reference to classification of exceptional students and deletes reference to obsolete curriculum frameworks.

Section 58: Amends s. 236.0811(2)(a)3., F.S.

Section 236.0811, F.S., relates to inservice educational training.

The bill deletes requirement that the department withhold funding of any master inservice plan which does not provide training in substance abuse prevention contained in s. 233.067(4)(c), F.S. Section 233.067, F.S., is repealed in section 37 of the act.

Section 59: Amends s. 236.0812(4), F.S.

Section 236.0812, F.S., relates to Medicaid certified school funding maximization.

The bill corrects a cross reference to school improvement plans.

Section 60: Repeals s. 236.0842, F.S.

Section 236.0842, F.S., prohibits districts from receiving state funding under the FEFP for any dropout prevention program which has not been approved by the Commissioner.

The bill repeals the section.

Section 61: Amends s. 236.1228(4)(b), F.S.

Section 236.1228, F.S., establishes accountability program grants to reward high schools for meeting specified statewide indicators for improving productivity.

The bill deletes obsolete dates and corrects cross references.

Section 62: Amends s. 236.24, F.S.

Section 236.24, F.S., relates to sources of district school fund, and requires securities purchased by any school board be delivered to the school board or its appointed safekeeper. The safekeeper shall issue trust receipts for each transaction, and a monthly statement detailing all transactions for the period.

The bill requires the safekeeper to issue documentation rather than trust receipts for each transaction.

Section 63: Amends s. 239.101(7), F.S.

Section 239.101, F.S., relates to the legislative intent of the chapter on technology, career, and continuing education.

The bill corrects a cross reference to powers and duties of school board in implementing a system of school improvement and accountability.

Section 64: Amends s. 239.229(1),(3), F.S.

Section 239.229, F.S., relates to vocational standards.

The bill corrects cross reference to powers and duties of school boards in implementing a system of school improvement and accountability.

Section 65: Amends s. 397.405(3), F.S.

Section 397.405, F.S., relates to exemptions from licensure for substance abuse services.

The bill corrects a cross reference relating to providers.

Section 66: Amends s. 402.22(2)(8), F.S.

Section 402.22, F.S., relates to education programs for students who reside in residential care facilities operated by HRS.

The bill allows the school board to establish educational programs under the residential care of HRS for children under age 3 (previously the age was 5), and corrects a cross reference to alternative programs in residential care facilities.

Section 67: Amends s. 415.5015(5)(a), F.S.

Section 415.5015, F.S., relates to child abuse prevention training in the district school system.

The bill deletes references to curriculum frameworks, which are repealed in other provisions of the act.

Section 68: Amends s. 450.121, F.S.

Section 450.121, F.S., relates to the enforcement of child labor law.

The bill replaces "attendance assistants" with "designated school representatives" to conform to the act.

Section 69: Amends s. 493.6102(12), F.S.

Section 493.6102, F.S., relates to private investigative, private security, and repossession services.

The bill corrects a cross reference to school crossing guards to conform to the act.

Section 70: Amends s. 561.025(2), F.S.

Section 561.025, F.S., creates the Alcoholic Beverage and Tobacco Trust Fund.

The bill deletes reference to comprehensive health statute, s. 233.067, F.S., repealed in section 37 of the act.

Section 71: Amends s. 11.42(3)(b), F.S.

Section 11.42, F.S., relates to the Auditor General.

Conforms a statutory reference to reflect changes made within this legislation. Section 229.565(3), F.S. is changed to s. 229.565(2), F.S.

Section 72: Amends s. 20.15, F.S.

Currently s. 20.15, F.S., creates and sets forth the organization of the DOE with the State Board as the "head" of the agency. Additionally, it establishes five divisions whose directors are appointed by the Commissioner subject to approval by the State Board of Education (SBE). The Commissioner and SBE assign powers and duties to the divisions. Appointments to councils and committees of the DOE are made by the SBE.

Removes the authority of the State Board of Education over the Department of Education and makes the Commissioner of Education the head of the agency. The State Board is declared to be the chief policy making body for education in the state. The Board of Regents (BOR) remains director of the State University System and the State Board of Community Colleges remains director of the Division of Community Colleges.

Allows DOE to use a different organizational structure. Establishes two deputy commissioners, one for educational programs and one for planning, budgeting, and management.

Authorizes the Commissioner to appoint all members of councils and committees of the DOE except the Board of Regents, State Board of Community Colleges, Postsecondary Education Planning Commission, State Board of Independent Colleges and Universities, State Board of Independent Postsecondary Vocational, Technical, Trade & Business Schools, the community college district board of trustees, the Education Practices Commission, the Education Standards Commission, and the Florida Commission on Education Reform and Accountability.

Section 73: Amends s. 228.03, F.S.

Currently the State Board of Education establishes rules for the state system of public education.

This section of the bill authorizes the Commissioner, in addition to the State Board of Education, to adopt rules governing the state system of public education.

Section 74: Amends s. 228.041, F.S.

Currently s. 228.041, F.S., establishes definitions and terms for specific use in the Florida School Code.

This section of the bill clarifies the definition of "other educational services," and changes references to authorize rulemaking by the Commissioner instead of and in addition to the SBE.

Section 75: Amends s. 228.062, F.S.

Currently, the Commissioner recommends, for approval by the SBE, rules necessary for migrant education programs.

This section of the bill authorizes the Commissioner, instead of the SBE, to make rules governing the migrant education program.

Section 76. Amends s. 228.081, F.S.

Section 228.081, F.S., authorizes the SBE to prescribe standards and requirements relating to education to be met in schools operated under the purview of HRS.

This section of the bill adds the Department of Juvenile Justice as one of the agencies providing other public educational services and corrects the name of HRS to the Department of Children and Family Services.

Section 77. Amends s. 228.086, F.S.

Currently, the Department of Education is authorized to award grants to public school districts, developmental research schools, community colleges, state universities, independent colleges and universities and museums of science to establish regional centers of excellence. The SBE is required to adopt rules to implement this section of law.

This section of the bill deletes the SBE's authority to make rules governing regional centers of excellence in mathematics, science, computers, technology and global awareness. Additionally, this section of the bill deletes provisions relating to the appointment of a director; deletes regional designations; deletes procedures for evaluating proposals from potential centers; and deletes the 1983-1994 implementation language.

The Commissioner is still authorized to create regional centers of excellence.

Section 78. Amends s. 228.088, F.S.

Section 228.088, F.S., relates to high schools and secondary schools utilization of security programs.

This section of the bill authorizes the Commissioner, instead of the SBE, to make rules for high schools and secondary schools utilization of security programs.

Section 79: Amends s. 228.092, F.S.

Section 228.092, F.S., relates to the DOE's responsibilities regarding the retention of student records for nonpublic schools that become defunct.

This section of the bill corrects a cross reference governing the retention of student records from nonpublic schools. Under the bill, the Deputy Commissioner for Educational Programs will serve as the custodian of these student records, rather than the Management Information System (MIS) section of DOE.

Section 80: Amends s. 228.195, F.S.

Sections 228.195(2) and (3), F.S., relates to the DOE's responsibility over school food service programs.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for the public school food service program

Section 81: Amends s. 228.301, F.S.

Section 228.301(1), F.S., provides for the SBE to promulgate rules on test security.

This section of the bill authorizes the Commissioner, in addition to the SBE, to make rules regarding test security.

Section 82: Amends s. 228.502, F.S.

Section 228.502, F.S., establishes the Education Success Incentive Program.

This section of the bill gives the Commissioner, instead of the SBE, rulemaking authority for the Education Success Incentive Program.

Section 83: Amends s. 229.011, F.S.

Section 229.011, F.S., prescribes that public education is a function of the state.

This section of the bill rewords s. 229.011, F.S., to state that the responsibility for establishing standards and regulations to assure efficient operation of all schools and educational opportunities for all children is retained by the state.

Section 84: Amends 229.053, F.S.

Section 229.053, F.S., defines the general powers of the State Board of Education.

This section of the bill deletes from the responsibilities of the SBE:

- exercising general supervision over the divisions of DOE (including the Division of Universities);
- coordinating academic calendars of the universities, community colleges and public schools;
- ensuring maximum use of facilities;
- approving student achievement tests for community colleges and universities;
- possessing and managing all lands granted or held by the state for educational purposes;
- administering the State School Fund;
- providing the necessary administration required by federal programs;
- approving of the use of certain forms for contracts, reports, record keeping;
- creating subordinate bodies;
- adopting criteria for the establishment of new community colleges and state universities.

All of these powers and duties, except those relating to community colleges and universities, are transferred to the Commissioner in this bill.

The SBE is given new responsibilities of assisting in statewide economic development planning and establishing a clearinghouse of educational programs of value to economic development.

Section 85: Amends s. 229.085, F.S.

Section 229.085, F.S., relates to custody of educational funds.

This section of the bill deletes an obsolete date which made, effective July 1, 1979, personnel employed to plan and administer contract and grant projects to not acquire employment retention rights beyond the duration of the grant.

Section 86: Amends s. 229.111, F.S.

Section 229.111, F.S., provides for the acceptance of gifts by the SBE.

This section of the bill authorizes the Commissioner, instead of the SBE, to accept or decline gifts on behalf of the state system of public education.

Section 87: Amends s. 229.512, F.S.

Section 229.512, F.S., sets forth the general powers and duties of the Commissioner of Education.

This section of the bill amends the general powers and duties of the Commissioner authorizing him or her to administer the state school fund; to take action on the release of mineral rights; and to develop and implement plans for cooperating with the federal government and other public agencies to carry out educational programs.

Additionally, this section of the bill deletes the requirement that the SBE approve the appointment of division directors.

Section 88: Creates s. 229.515, F.S.

Section 229.515, F.S., is created to give the Commissioner the power to prescribe rules and minimum standards necessary to carry out his or her responsibilities under the School Code, with the exception of provisions relating to universities, community colleges, and the Florida School for the Deaf and the Blind. If not in conflict with the School Code, the rules and minimum standards will have the full force and effect of law. The section provides that the Commissioner, in prescribing such rules, is an agency for purposes of chapter 120.

Section 89: Amends s. 229.559, F.S.

Section 229.559, F.S., relates to the use of social security numbers as student identification numbers. An implementation date of the 1991-1992 school year was established.

This section of the bill deletes obsolete language relating to the implementation of the requirement and the 1991 report.

Section 90: Amends s. 229.565, F.S.

Section 229.565, F.S., requires student performance standards for reading, writing, math, science, history, government, geography, economics, and computer literacy. Standards of Excellence are also required in math and science with implementation contingent on funding. The section also specifies the screening procedures required for the Primary Education Program (PREP). Additionally, this section requires the Commissioner to annually evaluate prekindergarten early intervention programs.

This section of the bill changes the subject areas for which student performance standards are required to include: language arts, math, science, social studies, health, and physical education, the arts, and foreign language. The screening requirements for PREP are deleted. The required annual evaluation of prekindergarten intervention programs is deleted.

Section 91: Amends s. 229.57, F.S.

Section 229.57, F.S., defines the statewide assessment program.

This section of the bill deletes references to minimum standards in statewide student assessment programs. Additionally, this section specifies that the Commissioner can use census or sampling procedures to monitor educational achievement. The district testing program will now be administered in the eighth, rather than the seventh grade.

Section 92: Amends s. 229.59, F.S.

Section 229.59, F.S., establishes district educational improvement projects.

This section of the bill provides that the Commissioner, instead of the SBE, is authorized to adopt rules for the implementation of educational improvement projects.

Section 93: Amends s. 229.591, F.S.

Section 229.591, F.S., uses the phrase "Blueprint 2000" as the name of the guidelines provided for the system of school improvement and educational accountability.

This section of the bill deletes the term "Blueprint 2000."

Section 94: Amends s. 229.592, F.S.

Section 229.592, F.S., specifies several initial steps which were required to begin Blueprint 2000 during 1991. A feedback report is required to be submitted annually to the Accountability Commission outlining the following:

- accuracy of data collection and analysis;
- ability of DOE to assist school boards in emphasizing reporting on individual school improvement and progress;
- effectiveness of training and technical assistance provided by the DOE;
- effectiveness of the waiver process; and
- recommendations for improvement.

The commission is required to review each school's feedback report and submit findings to the SBE. The commission monitors a corrective action plan developed by the Commissioner if adequate progress is not being made. A waiver process is established with specific sections of law specified as being waivable under certain circumstances.

This section of the bill deletes descriptions of activities that were conducted in the initial years of the implementation of the state system of school improvement and education accountability. The Commissioner and the Commission are required to develop the format for feedback from school boards; the requirement for the SBE to adopt guidelines for annual school reports is deleted.

The language defining the current waiver process is deleted and replaced with a section which allows the Commissioner to waive all statutes in the School Code that relate to instruction and school operations, except those pertaining to civil rights and student health, safety and welfare. The Commissioner is not authorized to waive provisions of law relating to allocation and appropriations of state or local funds; the election, compensation, and organization of school board members and superintendents; graduation and state accountability standards; financial reporting requirements; or public meetings; public meetings, records or due process hearings governed by chapter 120. Prior to approval, the Commissioner shall report pending waiver requests to the SBE on a monthly basis for review. School districts must submit a written request to the Commissioner for approval of a superwaiver. In the request school boards must indicate how the general statutory purpose will be met, how granting the waiver will improve student outcomes, and how student improvement will be evaluated. The Commissioner must report to the Legislature annually on all approved waiver requests.

Section 95: Amends s. 229.593, F.S.

Section 229.593, F.S., specifies several initial activities for the Education Reform and Accountability Commission to undertake in 1991. The section outlines the appointment of commission members.

This section of the bill deletes out-dated language relating to activities which took place in 1991. The language that allowed commission members to have unlimited re-appointments is deleted. Additionally, the bill specifies that statewide organizations may nominate members "for consideration" for appointment to the Florida Commission on Education Reform and Accountability and that private members are not subject to confirmation by the Senate.

Section 96: Amends s.229.594, F.S.

Section 229.594, F.S., sets forth the powers and duties of the Florida Commission on Education Reform and Accountability.

This section of the bill repeals an obsolete date and requires the Florida Commission on Education Reform and Accountability to report to the Commissioner as well as to the Legislature and the SBE.

Section 97: Amends s. 229.602, F.S.

Section 229.602, F.S., relates to private sector and education partnerships.

This section of the bill replaces the term "career" education with "vocational" education with regard to Florida private sector and education partnerships.

Section 98: Amends s. 229.75, F.S.

Section 229.75, F.S., prescribes the relationship between the SBE and the DOE.

This section of the bill deletes language that stated "the State Board of Education and its staff shall comprise the Department of Education." It clarifies that the DOE operates only under the "policy" direction of the SBE.

Section 99: Amends s. 229.76, F.S.

Section 229.76, F.S., relates to the functions of the DOE.

This section of the bill deletes the language that the SBE directs and controls the DOE.

Section 100: Amends s. 229.771, F.S.

Section 229.771, F.S., provides for the removal from office of SBE appointed persons.

This section of the bill, authorizes the SBE, not the DOE, to remove from office, for cause, any person appointed by the SBE.

Section 101: Amends s. 229.805, F.S.

Section 229.805, F.S., provides the powers of the DOE regarding educational television.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for educational television and other electronic media.

Section 102: Amends s. 229.8051, F.S.

Section 229.8051, F.S., establishes the public broadcasting program system.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for the state public broadcasting program.

Section 103: Amends s. 230.03, F.S.

Section 230.03, F.S., relates to the management of the district school system.

This section of the bill requires school districts to comply with the Commissioner's rules. Districts are still required to comply with SBE rules.

Section 104: Amends s. 230.22, F.S.

Section 230.22, F.S., provides the general powers of school boards.

This section of the bill requires school boards to comply with the Commissioner's rules. School Boards are still required to comply with SBE rules.

Section 105: Amends s. 230.23, F.S.

Section 230.23, F.S., sets forth the powers and duties of school boards.

This section of the bill requires school boards to comply with the Commissioner's rules for establishment and maintenance of school plants, exceptional student programs, school district reports, cooperation with other district boards, and school food service. The bill deletes references to the SBE's authority for such rules.

Section 106: Amends s. 230.2305, F.S.

Section 230.2305(8), F.S., provides for monitoring and technical assistance from the DOE for prekindergarten early intervention programs.

This section of the bill deletes the cross reference to s. 229.565(5), F.S., which no longer exists.

Section 107: Amends s. 230.2316, F.S.

Section 230.2316, F.S., relates to dropout prevention.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for dropout prevention programs.

Section 108: Amends s. 230.23166, F.S.

Section 230.23166, F.S., relates to teenage parent programs.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for teenage parent programs.

Section 109: Amends s. 230.2318, F.S.

Section 230.2318, F.S., relates to the school resource officer program.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for the school resource officer program.

Section 110: Amends s. 230.32, F.S.

Section 230.32, F.S., provides the general powers of the superintendents.

This section of the bill requires superintendents to comply with rules adopted by the Commissioner.

Section 111: Amends s. 230.321, F.S.

Section 230.321, F.S., relates to superintendents employed under Art. IX.

This section of the bill grants the Commissioner rulemaking authority over those superintendents employed under Art. IX of the State Constitution.

Section 112: Amends s. 230.33, F.S.

Section 230.33, F.S., establishes the duties and responsibilities of superintendents.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for superintendents' duties to plan and implement a school lunch program; gives the Commissioner, as well as the SBE, the authority to make rules governing reports the superintendent must make to the DOE; and gives them both the authority to assign other duties to the superintendent.

Section 113: Amends s. 230.64, F.S.

Section 230.64, F.S., relates to minimum standards for area technical centers.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for prescribing minimum standards for area technical centers.

Section 114: Amends s. 230.71, F.S.

Section 230.71, F.S., relates to intergenerational school volunteers.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for intergenerational school volunteers.

Section 115: Amends s. 232.01, F.S.

Section 232.01, F.S., relates to regular school attendance.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for compulsory attendance.

Section 116: Amends s. 232.23, F.S.

Section 232.23, F.S., relates to procedures regarding pupil records.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for maintenance and transfer of pupil records.

Section 117: Amends s. 232.2468, F.S.

Section 232.2468, F.S., relates to graduation, habitual truancy, and dropout rates.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules defining habitual truancy, graduation, and dropout rates.

Section 118: Amends s. 232.247, F.S.

Section 232.247, F.S., relates to special high school graduation requirements.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for special high school graduation requirements for certain exceptional students.

Section 119: Amends s. 232.25, F.S.

Section 232.25, F.S., relates to control of pupils.

This section of the bill authorizes the Commissioner and the school board, instead of the SBE, to adopt rules for the control of pupils.

Section 120: Amends s. 232.303, F.S.

Section 232.303, F.S., relates to interagency student services.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for interagency student services and corrects the name of HRS to Department of Children and Family Services.

Section 121: Amends s. 232.435, F.S.

Section 232.435, F.S., relates to extracurricular athletic activities.

This section of the bill authorizes the Commissioner, instead of the SBE, to approve athletic trainer course requirements.

Section 122: Amends s. 233.011, F.S.

Section 233.011, F.S., relates to curriculum accountability.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for accountability in curriculum, education instructional materials, and testing. Additionally, this section of the bill deletes an obsolete date and corrects a cross reference.

Section 123: Amends s. 233.015, F.S.

Section 233.015, F.S., relates to purging of obsolete courses.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for purging, from the list of courses in the statewide course numbering system, courses that have not been taught for five years.

Section 124: Amends s. 233.056, F.S.

Section 233.056, F.S., relates to instructional programs for visually impaired students and deaf or hard-of-hearing students.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for instructional programs for visually impaired and deaf students.

Section 125: Amends s. 233.058, F.S.

Section 233.058, F.S., relates to English language instruction for limited English proficient students.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for ESOL instruction.

Section 126: Amends s. 233.061, F.S.

Section 233.061, F.S., relates to required instruction.

This section of the bill authorizes the Commissioner and the SBE to adopt rules for required instruction.

Section 127: Amends s. 233.067, F.S.

Section 233.067, F.S., relates to health education and substance abuse prevention.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for comprehensive health education and substance abuse prevention, and corrects the name of HRS to the Department of Children and Family Services.

Section 128: Amends s. 233.115, F.S.

Section 233.115, F.S., relates to prohibited acts regarding instructional materials.

This section of the bill provides that the Commissioner, instead of the SBE, adopts rules for instructional materials.

Section 129: Amends s. 233.17, F.S.

Section 233.17, F.S., relates to adoption of instructional materials.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for instructional materials terms of adoption.

Section 130: Amends s. 233.37, F.S.

Section 233.37, F.S., relates to the disposal of instructional materials.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for the disposal of instructional materials.

Section 131: Amends s. 233.39, F.S.

Section 233.39, F.S., relates to textbook renovation.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for the renovation and repair of textbooks.

Section 132: Amends s. 234.01, F.S.

Section 234.01, F.S., relates to provision and purpose of student transportation.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules regarding the provision and purpose for student transportation.

Section 133: Amends s. 234.02, F.S.

Section 234.02, F.S., relates to student health and safety during transportation.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for transportation that ensure the health and safety of students.

Section 134: Amends s. 234.03, F.S.

Section 234.03, F.S., relates to tort liability regarding student transportation.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules regarding school districts' tort liability for student transportation.

Section 135: Amends s. 234.051, F.S.

Section 234.051, F.S., relates to school buses.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules regarding standards and specifications for school buses and other student transportation.

Section 136: Amends s. 234.091, F.S.

Section 234.091, F.S., relates to qualifications for school bus drivers.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for bus driver qualifications.

Section 137: Amends s. 234.101, F.S.

Section 234.101, F.S., relates to school bus driver training.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for bus driver training.

Section 138: Amends s. 234.301, F.S.

Section 234.301, F.S., relates to purchase of school buses.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for the pool purchase of school buses.

Section 139: Amends s. 235.01, F.S.

Section 235.01, F.S., relates to purposes governing educational facilities.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for chapter 235, F.S., governing facilities.

Section 140: Amends s. 235.04, F.S.

Section 235.04, F.S., relates to disposal of property.

This section of the bill authorizes the Commissioner, instead of the SBE, to make rules regarding school boards' disposal of real property.

Section 141: Amends s. 235.056, F.S.

Section 235.056, F.S., relates to lease and lease-purchase of facilities and sites.

This section of the bill specifies that it is the Commissioner's rules, instead of the SBE's, that govern when leased educational facilities are in compliance following school board declaration of public emergency.

Section 142: Amends s. 235.06, F.S.

Section 235.06, F.S., relates to safety and sanitation standards.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for the safety and sanitation of facilities.

Section 143: Amends s. 235.19, F.S.

Section 235.19, F.S., relates to site planning and selection.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for site planning and selection of educational facilities.

Section 144: Amends s. 235.211, F.S.

Section 235.211, F.S., relates to facilitating contracting and construction.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for educational facility contracting and construction standards.

Section 145: Amends s. 235.26, F.S.

Section 235.26, F.S., relates to the uniform building code.

This section of the bill makes the Commissioner responsible, instead of the SBE, for adopting the State Uniform Building Code for Public Educational Facilities Construction.

Section 146: Amends s. 235.31, F.S.

Section 235.31, F.S., relates to facilities construction contracts.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for prequalification of contractors, and to prescribe standards and specifications for facilities.

Section 147: Amends s. 235.32, F.S.

Section 235.32, F.S., relates to facilities contracts.

This section of the bill provides penalties for violation of building standards or specifications prescribed by the Commissioner, instead of the SBE, for educational facilities and contractors.

Section 148: Amends s. 236.02, F.S.

Section 236.02, F.S., relates to the FEFP.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for the Florida Education Finance Program (FEFP) reporting and budgeting requirements.

Section 149: Amends s. 236.0801, F.S.

Section 236.0801, F.S., relates to the reporting of kindergarten students.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for reporting kindergarten students under the FEFP.

Section 150: Amends s. 236.081, F.S.

Section 236.081, F.S., relates to funds for school operation.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for FEFP allocation computations and reporting.

Section 151: Amends s. 236.0811, F.S.

Section 236.0811, F.S., relates to educational training.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for inservice training programs.

Section 152: Amends s. 236.083, F.S.

Section 236.083, F.S., relates to student transportation funds.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for transportation funding.

Section 153: Amends s. 236.0841, F.S.

Section 236.0841, F.S., relates to student remedial programs.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for student enrichment, remedial, and dropout prevention funding.

Section 154: Amends s. 236.1225, F.S.

Section 236.1225, F.S., relates to gifted program grants.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for gifted program grants.

Section 155: Amends s. 236.13, F.S.

Section 236.13, F.S., relating to school board expenditures.

This section of the bill gives the Commissioner, in addition to the SBE, rule making authority for school board expenditure of state funds.

Section 156: Amends s. 236.685, F.S.

Section 236.685, F.S., relates to funding accountability.

This section of the bill gives the Commissioner, in addition to the SBE, rule making authority for class size measures.

Section 157: Amends s. 237.211, F.S.

Section 237.211, F.S., relates to school depositories.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules prescribing security measures for school depositories.

Section 158: Amends s. 237.40, F.S.

Section 237.40, F.S., relates to Direct Support Organizations.

This section of the bill gives the Commissioner the authority, instead of the SBE, to require audits of public school Direct Support Organizations.

Section 159: Amends s. 316. 615, F.S.

Section 316.615, F.S., relates to school buses.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for school bus driver qualifications.

Section 160: This section of the bill provides that all rules of the SBE which are in effect on June 30, 1997, remain in effect, until specifically altered, amended, or revoked in the manner provided by law.

Section 161: Repeals ss. 228.0617 and 228.085, F.S.

Section 228.0617, F.S., establishing a school-age child care incentives program, was created in 1986 to provide care before and after school for children considered to be at risk. The program has not been funded as a separate categorical program since 1991.

Section 228.085, F.S., was created in 1983 to require a state comprehensive plan for mathematics, science, and computer education. The plan was written, adopted, and implemented.

Section 162: Amends s. 228.121, F.S.

Section 228.121, F.S., provides for public school nonresident tuition fee and exemptions from the fee.

This section of the bill corrects a cross reference to s. 228.041(35), F.S., due to the changes made in section 4 of the bill. This reference cites the definition of "homeless child."

Section 163: Provides an effective date of July 1, 1997.

### III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

#### A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

Indeterminate.

2. Recurring Effects:

There should be cost savings realized due to public school rule adoption by the Commissioner of Education, rather than the State Board of Education, since the process should be less cumbersome.

3. Long Run Effects Other Than Normal Growth:

Indeterminate.

4. Total Revenues and Expenditures:

Indeterminate.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

Indeterminate.

2. Recurring Effects:

Indeterminate.

3. Long Run Effects Other Than Normal Growth:

Indeterminate.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Indeterminate.

2. Direct Private Sector Benefits:

Indeterminate.

3. Effects on Competition, Private Enterprise and Employment Markets:

Indeterminate.

D. FISCAL COMMENTS:

Expediting the rulemaking process may provide indeterminate cost savings in the form of time, money, and effort by teachers, administrators, and staff at the school, district, and departmental levels.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

*This bill does not require counties or municipalities to expend funds or to take an action requiring the expenditure of funds.*

B. REDUCTION OF REVENUE RAISING AUTHORITY:

*This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.*

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

*This bill does not reduce the percentage of a state tax shared with counties or municipalities.*

V. COMMENTS:

On April 30, 1997, the substance of HB 1487 was amended on to CS/HB 137. The combination of these two bills resulted in conflicting changes to several statute sections. According to the Chairman of the Academic Excellence Council, the language in CS/HB 137, prior to combining with the substance HB 1487, should override any conflicts occurring in later language.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

Committee on Education K-12

On March 25, 1997, PCS/HB 137 passed favorably out of the Committee on Education K-12 and was made a committee substitute. The committee substitute differs from the proposed committee substitute in the following ways.

The committee substitute removes any changes to or repeal of language from the proposed committee substitute regarding the following subjects:

- exceptional students contained in s. 230.23, F.S.;
- vocational classes and schools contained in s. 230.23, F.S.;
- planning time for teachers contained in s. 230.23, F.S.;
- awards and incentives contained in s. 230.23, F.S.;
- school library and media services contained in s. 230.23, F.S.;
- the Florida First Start Program contained in s. 230.2303, F.S.;
- the prekindergarten early intervention program contained in s. 230.2305, F.S.;
- a statewide crime watch program contained in s. 230.23185, F.S.;
- academic transcript for vocational-technical center student requirements contained in s. 230.643, F.S.;
- general requirements for high school graduation contained in s. 232.246, F.S.;
- Florida Academic Scholars Program contained in s. 232.2465, F.S.;
- hazardous walking conditions contained in s. 234.021, F.S.;

The committee substitute provides language permitting the school board to reject by a majority plus one any employee nominated for various positions. This language is contained in s. 230.23, F.S.

Rather than repealing s. 230.2317, F.S., relating to educational multiagency services for severely emotionally disturbed students, in the proposed committee substitute, the committee substitute amends the section and replaces the phrase "severely emotionally disturbed students" with "students with severe emotional disturbance"; replaces references to HRS with other state departments and agencies; removes outdated language; and removes language relating to funding and written agreements between district school boards and HRS.

The committee substitute removes several references giving the State Board of Education rule making authority and includes a comprehensive health program in the list of required instruction in s. 233.061, F.S. The committee substitute authorizes the safekeeper of securities purchased by any school board to issue documentation rather than trust receipts for each transaction.

The committee substitute removes obsolete language, makes technical changes, and provides clarifying language.

Final Action

On April 17, 1997, CS/HB 137 was read a second time on the House Floor. The following amendments were adopted:

- the required comprehensive health education must include an awareness of the benefits of sexual abstinence *as the expected standard*.

- restores the staff development for dropout prevention programs.
- relating to school personnel, restores current language regarding school board authority to reject employee nominations and an amendment to the amendment states that the school board's decision to reject a person's nomination does not give that person a right of action to sue over the rejection and may not be used as a cause of action by the nominated employee.
- restores s. 233.0672, F.S., relating to health education; instruction in acquired immune deficiency syndrome.
- restores current language relating to the minimum period of time a student participates in a dropout prevention program; and clarifies that students in grades 4 through 12 are eligible for dropout prevention programs.
- clarifies that school boards may establish school resource officer programs in accordance with s. 230.23175, F.S., relating to school safety officers.
- amends s. 230.2305, F.S., relating to the prekindergarten early intervention program; includes in the eligibility section the requirement that each public school district 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-program; and deletes provisions relating to program plans and plan approval, monitoring and technical assistance, the annual report, and funding.

On April 23, 1997, CS/HB 137 was heard for a third time on the House Floor. The House adopted a technical title amendment, the bill passed unanimously out of the House [YEAS 111, NAYS 0] and was sent to the Senate.

On April 25, 1997, the Senate received CS/HB 137 and referred the bill to the Education and Ways and Means Committees. The Senate withdrew the bill from these committees on April 28, 1997, placed it on the Senate Calendar. On April 30, 1997, CS/HB 137 was substituted for CS/SB 1376 and read a second time. The following amendments were adopted:

- the substance of HB 1487, the state governance bill (See Section by Section Analysis).
- removes new language granting school boards specific authority for rules, procedures, and policies.

CS/HB 137 passed as amended [YEAS 34, NAYS 0] on April 30, 1997. The House took up CS/HB 137 on May 1, 1997, concurred with the two Senate amendments, and sent the bill to the Governor [YEAS 118, NAYS 0].

On May 30, 1997, CS/HB 137 became law without the Governor's signature.

VII. SIGNATURES:

COMMITTEE ON EDUCATION K-12:  
Prepared by:

Legislative Research Director:

M. Elizabeth Atkins

Lynn Cobb

**STORAGE NAME:** h0137s1z.edk

**DATE:** June 16, 1997

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**FINAL RESEARCH PREPARED BY COMMITTEE ON EDUCATION K-12:**

Prepared by:

Legislative Research Director:

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