

**STORAGE NAME:** h1583.ccc

**DATE:** March 20, 1997

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
COMMUNITY COLLEGES & CAREER PREP  
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**BILL #:** HB 1583 (formerly PCB CCCP 97-04)

**RELATING TO:** Postsecondary Education (Flexibility and Report Reduction)

**SPONSOR(S):** Committee on Community Colleges and Career Prep and Representatives  
Sindler, Fasano, and others

**STATUTE(S) AFFECTED:** Amends ss. 120.81, 120.545, 228.041, 231.1725, 232.246, 233.067,  
236.081, 239.105, 239.205, 239.213, 239.229, 239.305, and 240.319,  
F.S.  
Repeals ss. 240.3575(5), 240.3815(1), and 240.382(5), F.S.

**COMPANION BILL(S):** SB 1604 by Senator Grant; SB 1066 by Senator Williams

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

(1)	COMMUNITY COLLEGES & CAREER PREP	YEAS 10	NAYS 0
(2)			
(3)			
(4)			
(5)			

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**I. SUMMARY:**

This bill serves to modify and revise various sections of the Florida Statutes to clarify their meaning in regard to noticing requirements, literacy definitions, and report preparation. In addition, a provision of this bill provides specific rule authority to the extent required by s. 120.536, F.S.

This bill revises requirements for community colleges in regard to the Administrative Procedures Act passed in 1996, as recommended by the Division of Community Colleges. It also makes changes in definitions related to adult and vocational education for clarity and consistency with federal guidelines, as suggested by the Department of Education. Finally, the bill repeals sections of the Florida Statutes that contain overlapping reporting and rule requirements.

Minimal positive fiscal impact on the state, due to a reduction in reporting requirements, would be provided by this bill. The community colleges would realize an indeterminate positive fiscal impact due to the elimination of requirements that they operate within statewide parameters as opposed to local ones.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

APA Revisions

The 1996 Legislature passed legislation relating to the Administrative Procedures Act (APA) that amended, enacted, and repealed numerous and varied provisions of the APA. The legislation reorganized the APA as well as required agencies to file a notice of rule development, change rule challenge standards, require adoption of uniform rules and authorize waiver and variance of rules. For the purposes of this legislation, community colleges were considered state agencies. Section 240.317, F.S., however, establishes community colleges as political subdivisions of the State locally governed by district boards of trustees.

Obsolete Provisions

In several sections of the Florida Statutes, outdated definitions exist that do not reflect the current terminology used, especially in regard to definitions used by the federal government. In addition, some reporting requirements exist that produce overlapping or duplicate reports that result in additional paperwork for the Department of Education. Other sections provide for rule making authority that is no longer applicable.

B. EFFECT OF PROPOSED CHANGES:

APA Requirements

Although required to notice meetings and workshops at the local level, community colleges would not be required to notice on a statewide level. Community colleges

- would not publish, but would provide, the full text of documents when requested to do so;
- would not be required to file documents with the Administrative Procedures Committee;
- would not be required to hold workshops out of their respective districts;
- would be provided with an exemption to s. 120.81(1)(f), F.S., pertaining to fairness and due process in judicial proceedings involving students, which is afforded to the State University System; and
- would be provided with specific authority to adopt rules, procedures, and policies in accordance with and to the extent required by s. 120.536, F.S.

Changes in these APA provisions would eliminate some confusion that exists regarding community colleges' rule making authority, filing requirements, and the applicability of certain sections of law. Changes would also result in reduced paperwork and associated costs for community colleges.

Obsolete Provisions

"Home Economics" would be referred to as "Family and Consumer Sciences". The definitions related to adult education and literacy would be clarified to reflect federal government terminology, thus eliminating conflicting reporting requirements.

The State Board of Education would no longer need to set basic skills standards by rule, but the Department of Education would still be accountable for the development of program standards and industry-driven benchmarks for vocational, adult, and community education.

The changes in reporting requirements would allow local sponsors and the Commissioner of Education more flexibility in reporting information on literacy skills and adult education. Community colleges and school districts would be required to develop and maintain a local adult literacy plan but would not be required to submit it to the commissioner for approval or disapproval.

The repealing of reporting requirements for crime statistics and economic development centers would not reduce the availability of information at the local level, but would eliminate duplicate reports. Currently, the Department of Children and Families regulates child care centers; therefore, community colleges would not need to adopt rules for the same purpose.

**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 proposed changes to the APA would benefit the community colleges by authorizing them to continue to make rules and policies as they have done in the past. Changes would also eliminate rule making requirements for the State Board of Education in regard to basic skills standards and for the community colleges in regard to child care centers.

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

No.

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

No.

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?

NA.

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

NA.

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

NA.

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, if institutions are considered in the same capacity as individuals. The proposed changes would give local entities more flexibility in their respective individual operations in regard to noticing, rule making, and reporting requirements.

- 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?

NA.

(2) Who makes the decisions?

NA.

(3) Are private alternatives permitted?

NA.

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

NA.

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

NA.

- 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?

NA.

(2) service providers?

NA.

(3) government employees/agencies?

NA.

**D. SECTION-BY-SECTION ANALYSIS:**

Section 1. Amends s. 120.81, F.S., 1996 Supplement, to provide for certain exceptions for educational units in notice and filing requirements. Provides that Section 1 of the act will take effect upon becoming law and retroactive to July 1, 1996.

Section 2. Amends s. 120.545, F.S., 1996 Supplement, to correct a cross reference.

Section 3. Amends s. 228.041, F.S., 1996 Supplement, to rename "home economics" to "family and consumer sciences".

Section 4. Amends s. 231.1725, F.S., to rename "home economics" to "family and consumer sciences".

Section 5. Amends s. 232.246, F.S., to rename "home economics" to "family and consumer sciences".

Section 6. Amends s. 233.067, F.S., 1996 Supplement, to rename "home economics" to "family and consumer sciences".

Section 7. Amends s. 236.081, F.S., 1996 Supplement, to rename "home economics" to "family and consumer sciences".

Section 8. Amends s. 239.105, F.S., to provide for revisions in definitions related to adult education.

Section 9. Amends s. 239.205, F.S., to provide for a change in rule making by the State Board of Education.

Section 10. Amends s. 239.213, F.S., to provide for the use of adult basic education.

Section 11. Amends s. 239.229, F.S., to provide for the development of industry-driven standards and benchmarks for vocational, adult, and community education programs.

Section 12. Amends s. 239.305, F.S., to provide for changes related to adult literacy, remove a rule requirement, and remove reporting requirements.

Section 13. Amends s. 240.319, F.S., to provide community colleges with the specific authority to adopt rules, procedures, and policies in accordance with and to the extent required by s. 120.536, F.S.

Section 14. Repeals ss. 240.3575(5), 240.3815(1), 240.382(5), F.S., to eliminate an annual report on economic development centers, an annual report of campus crime statistics, and rule making for the operation of child development centers.

Section 15. Provides that, except as otherwise provided, the act will take effect on July 1, 1997.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

A minimal positive fiscal impact may be realized due to the eliminated need to provide administrative support for the production and maintenance of overlapping or duplicate reports.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

Indeterminate. Community colleges may realize a benefit due to the reduction of costs relative to reporting requirements such as noticing and report publication and printing. In addition, the community colleges would reduce their costs to notify citizens and produce additional reports for people outside of their service areas unaffected by their activities.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

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

None.

D. FISCAL COMMENTS:

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 spend 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.



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V. COMMENTS:

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

VII. SIGNATURES:

COMMITTEE ON COMMUNITY COLLEGES & CAREER PREP:

Prepared by:

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