

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1738

SPONSOR: Senator McKay

SUBJECT: Florida Statutes

DATE: March 8, 2000

REVISED: 3/14/2000 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harkey</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Favorable/1 amend.</u>
2.	_____	_____	<u>RC</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

During the 1999-2000 legislative session interim, staff of the House of Representatives reviewed each chapter of the five volumes of the Florida Statutes to find provisions which were outdated or obsolete. Upon completion of the first draft, staff of Senate counterpart committees reviewed the work product to further refine the sections identified. This bill repeals sections that met the criteria of the review.

The bill takes effect upon becoming a law.

This bill amends sections 112.324, 228.053, 228.056, 228.057, 229.551, 229.602, 230.303, 231.002, 235.014, 372.072, 403.4131, 589.277, and repeals sections 228.0855, 228.087, 228.0875, 228.088, 228.201, 228.502, 229.021, 229.52, 229.603, 229.6054, 229.6055, 229.6058, 229.78, 229.8055, 229.8056, 229.8058, 230.106, 230.2215, 235.001, 235.436, 235.437, 235.438, and 235.4391, Florida Statutes.

II. Present Situation:

During the 1999-2000 legislative session interim, staff of the House of Representatives reviewed each chapter of the five volumes of the Florida Statutes to find provisions which were outdated or obsolete. Upon completion of the first draft, staff of Senate counterpart committees reviewed the work product to further refine the sections identified. The final list of some one thousand original sections of Florida law contained an identification of statutory sections which shared one or more of the following characteristics:

1. A reference to a dormant board, council or other non-governing authority;
2. A provision rendered obsolete due to the passage of time.
3. A requirement which was nonrecurring due to the completion of the activity;
4. A statement of legislative intent, findings or purpose so generalized as to provide no specific interpretive guidance on the context or particularity of the statute or its application;

5. A cross-reference to another section which was otherwise repealed;
6. The use of boilerplate language, such as a severability clause, which is assumed as part of legislative style and drafting or of judicial interpretation;
7. The creation of a short title, or popular name, unrelated to the purpose of the statute;
8. The use of archaic language or descriptions.
9. A redundancy in text or reference no longer needed.

The following statute sections have one or more of those characteristics.

Section 112.324, F.S., establishes procedures the Commission on Ethics must follow when investigating complaints against public officials. The President of the Senate and the Speaker of the House of Representatives must jointly investigate any case concerning members of the Advisory Council on Environmental Education.

Section 228.056, F.S., authorizes the establishment of charter schools. The law requires the Legislature to review the operation of charter schools during the 2000 Session.

Section 228.057, F.S., establishes a public school parental choice program. The law requires the DOE to develop recommendations in 1996-97 for plans school boards would implement in 1997-98.

Section 228.0855, F.S., authorizes Florida Model School Consortia to establish one or more secondary or elementary prototype technology schools throughout Florida. The law requires the Commissioner of Education to develop a statewide comprehensive plan for establishing these prototype schools, in consultation with representatives from business and industry, the Florida High Technology and Industry Council, the Academy of Sciences, state community colleges and universities, career education, teaching organizations, school district personnel, the Governor's office, the Legislature, and parents. According to DOE, this program is no longer being funded or implemented.

Section 228.057 (7), F.S., requires the Department of Education (DOE) to make recommendations for a public school parental choice program for the 1997-1998 school year.

Section 228.0855, F.S., creates Florida Model Schools Consortia.

Section 228.087, F.S., creates the summer camp program in mathematics, science, and computers to award grants to school districts, developmental research schools, community colleges, state universities, private postsecondary institutions, and not-for-profit science museums and science centers to conduct summer camps for elementary students. The program ran from 1983 until 1993. The number of project recipients varied from as few as 25 in the early years to as many as 50 during the later years. Legislative appropriations ranged from \$750,000 to \$1,235,341 while the program was active. The program has not been funded or implemented since 1993.

Section 228.0875, F.S., establishes the Governor's Summer Colleges residential program to create a series of 4-week summer residential programs for highly qualified rising high school seniors. The program was funded at \$199,563 during the 1991-1992 fiscal year and at \$183,598 during the 1992-1993 fiscal year. The program has not been funded or implemented since 1993.

Section 228.088, F.S., requires that each district high school develop and implement programs for security purposes during school hours.

Section 228.201, F.S., prohibits mandatory screening or testing for sickle-cell trait as a condition of employment or admission into any state educational institution.

Section 228.502, F.S., creates the Education Success Incentive Program. This program has never been funded or implemented.

Section 229.021, F.S., requires the State Board of Education to set aside meeting days once a month.

Section 229.52, F.S., requires the State Board of Education to establish a clearinghouse for information on educational programs of value to the economic development of the state.

Section 229.551, F.S., requires that DOE develop and administer an educational evaluation program.

Section 229.602, F.S., creates private sector and education partnerships, including a Mathematics and Science Partnership Program.

Section 229.603, F.S., creates an instructional technology grant program to provide grants for projects that are dedicated to elementary school implementation of technology and that utilize advanced technology to incorporate self-paced learning. This program is no longer funded or implemented.

Sections 229.6054, and 229.6055, F.S., create the international education program to encourage public schools, community colleges, and universities to incorporate international education into their programs and strengthen the international character of course offerings, faculty resources, and research opportunities. This program has never received special funding and can be done without specific legislative authority.

Section 229.6058, F.S., creates a School Readiness pilot program.

Section 229.78, F.S., requires DOE to expend legislative appropriations and other funds as provided by law.

Section 229.8055, F.S., creates the environmental education program.

Section 229.8056, F.S., creates the Office of Environmental Education to develop a formal environmental education program. Funding for the Office during 1989-1996 was from the Save Our State Environmental Education Trust Fund. Funding for the Office during the 1997-1998 fiscal year was from a combination of resources from the Save the Manatee Trust Fund and Panther Research and Recovery Trust Fund. Funding for the Office during the 1999-2000 fiscal year was completely from the Panther Research and Recovery Trust Fund. According to the

DOE, there exists sufficient flexibility for the department to provide assistance and consultation on environmental education without this section. There is also an Office of Environmental Education established in s. 20.255(2)(a)7., F.S. within the Department of Environmental Protection.

Section 229.8058, F.S., creates the Advisory Council on Environmental Education which must consist of 14 members, including the following: two members of the Senate, two members of the House of Representatives, five members appointed by the Governor, a representative of DOE, a representative of the Department of Environmental Protection (DEP), a representative of the Fish and Wildlife Conservation Commission (FWCC), a representative of the Executive Office of the Governor, and the chair of the Environmental Education Foundation.

The DOE Advisory Council was created to do the following:

- Advise the Governor, Cabinet, and Legislature on policies needed to provide environmental education to visitors and residents who have little contact with the public educational system of the state.
- Serve as a forum for the discussion and study of problems that affect the environment and environmental education.
- Recommend a priority list for the types of programs to be funded.
- Recommend regional service projects to be funded to serve the public education system.

The Advisory Council was **repealed** by Chapter 92-128, Laws of Florida, effective October 1, 1997; however, this statute was amended after the effective date of repeal. According to DOE, the DOE Advisory Council on Environmental Education has never been a part of the department. The FWCC Advisory Council has served in its stead.

Section 372.674(2), F.S., establishes the Advisory Council on Environmental Education within the Fish and Wildlife Conservation Commission. The FWCC Advisory Council consists of 10 members appointed by the Commission. The FWCC Advisory Council must do the following:

- Serve as a forum for the discussion and study of problems that affect the environment which could be improved with environmental education.
- Develop a recommended priority list for projects to funded.
- Review and evaluate annual funding needs for educational activities and materials which will assist Florida public school students, teachers, and administrators.
- Cooperate with DOE in evaluating project proposals.
- Cooperate with DEP in evaluating annual proposals.

Section 230.106, F.S., requires a November 1997 voter referendum on single member school board residence areas in counties of a certain population

Section 230.2215, F.S., encourages DOE, in cooperation, with the Florida School Board Association, to jointly develop a state plan for school board member professional development.

Section 230.303(2), F.S., prohibits a decrease in the salaries of superintendents who were employed on October 1, 1973.

Section 231.002, F.S., requires DOE to submit a report on a review of provisions of chapter 231 to the presiding officers of the Senate, House of Representatives, and the State Board of Education by January 1, 2000.

Section 235.001, F.S., provides a title for the “Educational Facilities Act”.

Section 235.014(13), F.S., provides directions for the commissioner’s development of his fixed capital outlay budget request for 2000-2001. If not repealed, subsection (13) would expire on July 1, 2000.

Sections 235.436, F.S., 235.437, 235.438, and 235.4391, F.S., establish the full school utilization program to provide incentives for a more effective and efficient use of school facilities, equipment, and personnel for the regular school program. The program has not been funded or implemented since 1995.

Section 372.072, F.S., creates the Endangered and Threatened Species Act, which contains a reference to the DOE Office of Environmental Education.

Section 403.4131, F.S., creates “Keep Florida Beautiful, Incorporated”. This section contains a reference to the DOE Advisory Council on Environmental Education.

Section 589.277, F.S., establishes tree planting programs and contains a reference to the DOE Office of Environmental Education.

III. **Effect of Proposed Changes:**

Section 1. **Charter Schools**-- This section repeals s. 228.056(20)(b), F.S.), thereby repealing the requirement for a Legislative review of charter schools during the 2000 regular session.

Section 2. **Public school parental choice**--This section repeals s. 228.057(7), F.S., to remove outdated language requiring the Department of Education (DOE) to make recommendations for a public school parental choice program for the 1997-1998 school year.

Section 3. **Florida Model School Consortia**--This section repeals s. 228.0855, F.S., to repeal the Florida Model School Consortia, a program that is no longer implemented.

Section 4. **Summer camp programs in mathematics, science, and computers**--This section repeals s. 228.087, F.S., to repeal the summer camp program that has been defunct since 1993.

Section 5. **Governor’s Summer Colleges residential programs**--This section repeals s. 228.0875, F.S., to repeal the Governor’s Summer Colleges program that has been defunct since 1993.

Section 6. **High Schools and secondary schools utilization of security programs**--This section repeals s. 228.088, F.S., to eliminate a safety requirement that each district high school develop and implement programs for security purposes during school hours. Safety requirements have

been more specifically outlined since the creation of this general statute (1985) to include zero tolerance policies, emergency planning, truancy reduction, etc. General safety goals are also outlined in school improvement statutes.

Section 7. Mandatory screening or testing for sickle-cell trait prohibited--This section repeals s. 228.201, F.S., to repeal language already published in ss. 63.04 and 448.076, F.S., that states that no person, firm, corporation, unincorporated association, state agency, unit of local government, or any public or private entity shall require screening or testing for the sickle-cell trait as a condition for employment, admission into any state educational institution, or for adoption eligibility.

Section 8. The Education Success Incentive Program--This section repeals s. 228.502, F.S., to repeal the Education Success Incentive Program that has never been funded or implemented.

Section 9. Meeting dates--This section repeals s. 229.021, F.S., to repeal unnecessary language requiring the state board to set aside meeting days once a month. Meeting dates are set in the fall by the Governor's office and are administrative in nature.

Section 10. State Board of Education; assistance in economic development--This section repeals s. 229.52, F.S., to repeal a statute requiring the State Board of Education to establish a clearinghouse for information on educational programs of value to the economic development of the state. According to DOE and the Postsecondary Education Planning Commission (PEPC) the clearinghouse has been defunct since 1984.

Section 11. Educational management--This section repeals s. 229.551(3)(c), F.S., a requirement that DOE develop and administer and educational evaluation program. The section is no longer necessary since the passage of the student assessment provisions in the A+ Plan (Chapter 99-398, Laws of Florida).

Section 12. Math and Science Partnership Program--This section repeals s. 229.602(9), F.S., to repeal a Math and Science Partnership Program that was never funded or implemented.

Section 13. Instructional Technology Grant Program--This section repeals s. 229.603, F.S., to repeal the Instructional Technology Grant program which is no longer funded or implemented.

Section 14. International education and programs--This section repeals ss. 229.6054 and 229.6055, F.S., to repeal the intent, findings, and goals statutes relating to international education programs.

Section 15. School Readiness pilot programs--This section repeals s. 229.6058, F.S., the School Readiness pilot program. This program is no longer necessary since the passage of the School Readiness Act in 1999 (Chapter 99-357, Laws of Florida).

Section 16. Maintenance of department--This section repeals s. 229.78, F.S., which states that legislative appropriations and other funds must be expended by DOE as provided by law.

Section 17. **Environmental Education**--This section repeals ss. 229.8055, 229.8056, 229.8058, F.S., repeals statutes relating to Environmental Education, the DOE Office of Environmental Education, and the nonexistent DOE Advisory Council on Environmental Education.

Section 18. **Procedures on complaints of violations**--This section amends s. 112.324(7)(a) and (c), F.S., to remove references to the DOE Advisory Council on Environmental Education to conform to repeals in other sections of the bill.

Section 19. **Endangered and Threatened Species Act**--This section amends s. 372.072(4)(b), F.S., to remove a reference to the DOE Office of Environmental Education, to conform to repeals in other sections of the bill.

Section 20. **“Keep Florida Beautiful, Incorporated”**--This section amends s. 403.4131, F.S., to remove a reference to the DOE Advisory Council on Environmental Education, to conform to repeals in other sections of the bill.

Section 21. **Tree planting programs** This section amends s. 589.277, F.S., to remove a reference to the DOE Office of Environmental Education, to conform to repeals in other sections of the bill.

Section 22. **District school board composition**--This section repeals s. 230.106, F.S., to remove obsolete language that required a November 1997 voter referendum on single member school board residence areas.

Section 23. **Plan for school board member professional development**--This section repeals s. 230.2215, F.S., to delete language that encourages DOE, in cooperation, with the Florida School Board Association, to jointly develop a state plan for school board member professional development.

Section 24. **Developmental research schools**--This section amends s. 228.053(12)(a), F.S., to remove a reference to the plan for school board member professional development, to conform to repeals in other sections of the bill.

Section 25. **Superintendent of schools**--This section repeals s. 230.303(2), F.S., to remove obsolete language pertaining to the salaries of superintendents on October 1, 1973.

Section 26. **Teacher quality; legislative findings and purpose**--This section (Repeals s. 231.002(2), F.S., to remove outdated language requiring DOE to submit a report on a review of provisions of chapter 231 to the presiding officers of the Senate, House of Representatives, and the State Board of Education by January 1, 2000.

Section 27. **Short Title**--This section repeals s. 235.001, F.S., to repeal the title of the “Educational Facilities Act”.

Section 28. This section repeals s. 235.014 (13), F.S., to repeal directions for the commissioner’s development of his fixed capital outlay budget request for 2000-2001. If not repealed, subsection (13) would expire on July 1, 2000.

Section 29. This section repeals ss. 235.436, 235.438, and 235.4391, F.S., to repeal definitions, grant procedures, and rule making authority for full school utilization programs.

Section 30. The bill will take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

1 by Education Committee

Deletes the repeal of a section of s.228.056, F.S., governing charter schools.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
