

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 1768

SPONSOR: Senator McKay

SUBJECT: Florida Statutes

DATE: March 8, 2000

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------------|------------------|-----------|------------------|
| 1. | <u>Harkey</u> | <u>O'Farrell</u> | <u>ED</u> | <u>Favorable</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of Representatives reviewed each chapter of the five volumes of the Florida Statutes to find provisions which were outdated or obsolete.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 contains statute sections that met the criteria of the review.

This bill will take effect upon becoming a law.

This bill substantially amends sections 240.209, 240.147, 240.296, 240.531, 240.262, 240.326, 240.40208, 246.041 and repeals sections 239.5142, 239.5143, 239.5144, 240.6055, 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of Representatives reviewed each chapter of the five volumes of the Florida Statutes to find provisions which were outdated or obsolete.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 A cross-reference to another section which was otherwise repealed;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 239.5142, F.S., requires the State Board of Education to adopt an implementation schedule that establishes standard fees for instruction in certificate career education and continuing workforce education offered by community colleges and school districts. The schedule establishes fees for the 1998-1999 school year and is effective in the fall term of 1998.

Section 239.5143, F.S., requires the Commissioner of Education and the Executive Director of the State Board of Community Colleges to submit a report to the Executive Office of the Governor and the Legislature by December 31, 1998 that relates to the adoption of common reporting formats and common time frames associated with the Workforce Development Information System; the expansion of electronic transcript systems; the implementation of occupational completion points and literacy completion points; the consolidation of state and federal workforce development funds into a common administrative entity; and the elimination of duplicative reporting requirements.

Section 239.5144, F.S., requires the Employment Task Force for Adults with Disabilities to submit a report to the Commissioner of Education by December 1, 1998 that includes recommended changes to policy, rule, or law in order to increase the effectiveness of programs that enroll adults with disabilities.

Section 240.209 (3)(g), F.S., Subsection directs the Board of Regents to develop a plan that transfers employees from the career service status provisions of chapter 110, Florida Statutes. The effective date of the plan is July 1, 1986.

Section 240.147(4), F. S., requires the Postsecondary Education Planning Commission to provide the State Board of Education with recommendations relating to the academic contracts between the state and independent postsecondary education institutions that are consistent with the state master plan for postsecondary education. In providing these recommendations, the commission must consider the annual report submitted by the Board of Regents under subsection 240.209(3)(s), Florida Statutes.

Section 240.296(2)(d), F. S., stipulates that all State University System construction allocations must be acquired in accordance with rules established by the Board of Regents under subsection 240.209(3)(p), Florida Statutes.

Section 240.531(5), F. S., directs each state university educational research center for child development to be funded by a portion of the Capital Improvement Trust Fund fee established by the Board of Regents under subsection 240.209(3)(h), Florida Statutes.

Section 240.262 (3), F.S., requires each state university to submit a copy of its anti-hazing policy to the Board of Regents for its approval no later than September 1, 1981.

Section 240.326(3), F. S., requires each community college to submit a copy of its anti-hazing policy to the State Board of Education for its approval no later than September 1, 1981.

Section 240.40208(4), F. S., permits the Department of Education and eligible postsecondary education institutions to adjust time limits imposed by law and rule in order to provide students with the maximum opportunity to apply for initial and renewal Bright Futures Scholarship awards during 1997 and 1998.

Section 240.6055, F.S., creates the Access Grant Fund for Community College Graduates in order to provide access grants to community college graduates who wish to enroll in a four-year independent postsecondary education institution. According to the Florida Department of Education, this program has never been funded.

Section 246.041(1)(r), F. S., direct the State Board of Independent Colleges and Universities to annually provide information and documentation to the Office of Student Financial Assistance regarding the requirements set forth for nonpublic colleges in section 240.6055, Florida Statutes, relating to access grants for community college graduates.

III. Effect of Proposed Changes:

Section 1. The bill repeals section 239.5142, F. S., which contains outdated language.

Section 2. The bill repeals section 239.5143, F. S., which contains outdated language.

Section 3. The bill repeals section 239.5144, F. S., which contains outdated language.

Section 4. The bill repeals subsection 240.209(3)(g), F. S., which contains outdated language.

Section 5. The bill amends subsection 240.147(4), F. S., in order to correct the cross-reference to subsection 240.209(3)(s), F. S.

Section 6. The bill amends subsection 240.296(2)(d), F. S., in order to correct the cross-reference to subsection 240.209(3)(p), F. S.

Section 7. The bill amends subsection 240.531(5), F. S., in order to correct the cross-reference to subsection 240.209(3)(h), F. S.

Section 8. The bill repeals subsection 240.262(3), F. S., which contains outdated language.

Section 9. The bill repeals subsection 240.326(3), F. S., which contains outdated language.

Section 10. The bill repeals subsection 240.40208(4), F. S., which contains outdated language.

Section 11. The bill repeals section 240.6055, F. S., the Access Grant Fund for Community College Graduates, which has never been funded.

Section 12. The bill amends section 246.041(1)(r), F. S., to remove an unnecessary cross-reference to section 240.6055, Florida Statutes.

Section 13. This 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:

None.

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