

By Senator McKay

26-1041-00

See HB

1 A bill to be entitled
2 An act relating to the Florida Statutes;
3 repealing various statutory provisions that
4 have become obsolete, have had their effect,
5 have served their purpose, or have been
6 impliedly repealed or superseded; amending s.
7 229.121, F.S.; deleting obsolete provisions
8 relating to exchange of land of the State
9 School Fund by the State Board of Education;
10 repealing s. 232.2451(4), F.S., relating to
11 effect and applicability of provisions relating
12 to readiness for postsecondary education and
13 the workplace; repealing s. 232.271(5), F.S.,
14 relating to reports to the Legislature on
15 expulsion of students from the classroom;
16 repealing s. 232.36, F.S., relating to
17 sanitation of schools; amending s. 228.053,
18 F.S.; conforming a cross-reference; repealing
19 s. 236.0815, F.S., relating to restrictions on
20 inclusion of certain students within basic
21 programs; repealing s. 236.0817, F.S., relating
22 to allocation of categorical funds to
23 developmental research schools; repealing s.
24 236.0841, F.S., relating to provision of
25 student enrichment, remedial, and dropout
26 prevention programs; amending s. 232.246, F.S.;
27 conforming a cross-reference; repealing s.
28 236.092, F.S., relating to mathematics,
29 science, and computer learning laboratories;
30 repealing s. 236.1228, F.S., relating to
31 accountability program grants; amending s.

1 236.13, F.S.; deleting a cross-reference, to
2 conform; repealing ss. 236.1229 and 236.12295,
3 F.S., relating to the Florida School
4 Improvement and Academic Achievement Trust Fund
5 and its grant program; repealing s. 236.145,
6 F.S., relating to reimbursement of residential
7 nonpublic school contracts; amending s.
8 236.687, F.S.; deleting obsolete implementation
9 provisions of the Florida Maximum Class Size
10 Study Act; repealing s. 236.69, F.S., relating
11 to development of a state plan for use of funds
12 received under Title I of the federal
13 Elementary and Secondary Education Act of 1965,
14 as amended and readopted; repealing s.
15 238.05(5)(a), F.S., relating to optional
16 membership in the Teachers' Retirement System
17 by persons qualified for retirement under the
18 Judicial Retirement System; repealing s.
19 238.07(15A)(f), F.S., relating to the effective
20 date of provisions authorizing redetermination
21 of the retirement allowance for certain members
22 of the Teachers' Retirement System; providing
23 an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Section 229.121, Florida Statutes, is
28 amended to read:

29 229.121 Land of the State School Fund; exemption from
30 taxation ~~State board authorized to exchange land.--~~

31

1 ~~(1) The State Board of Education of this state is~~
2 ~~hereby authorized in its discretion to exchange land of the~~
3 ~~State School Fund held by said board for other land in this~~
4 ~~state held by any other state agency, or by any county in this~~
5 ~~state, or by any person, private or corporate, where such~~
6 ~~exchange will be advantageous to said fund.~~

7 ~~(2) The said State Board of Education shall have~~
8 ~~authority to fix the terms and conditions of any such exchange~~
9 ~~and to select and agree upon the lands to be conveyed to and~~
10 ~~to be received by said board, and to make and enter into~~
11 ~~contracts and agreements therefor. To be acceptable, the land~~
12 ~~to be received by said board in exchange shall be free of tax~~
13 ~~or other debt and shall be clear as to title.~~

14 ~~(3) In making exchange of land, the said board may in~~
15 ~~its discretion convey said land without the reservation of~~
16 ~~oil, gas, or of phosphate and other minerals required by s.~~
17 ~~270.11, where deeds to land received in exchange convey title~~
18 ~~in fee simple without such reservations, or to determine the~~
19 ~~part or parts to be reserved and the part or parts to be~~
20 ~~conveyed so as to facilitate exchange on a basis as nearly~~
21 ~~equal as may be.~~

22 ~~(4) The land comprising part of the State School Fund~~
23 ~~shall not be subject to taxes of any kind whatsoever, but~~
24 ~~shall enjoy constitutional immunity therefrom, nor shall taxes~~
25 ~~of any kind be imposed thereon; nor, since not subject to tax,~~
26 ~~shall the state or any state agency be liable for taxes or the~~
27 ~~equivalent thereof sought to be imposed upon said land. All~~
28 ~~outstanding tax sale certificates against land of the State~~
29 ~~School Fund are hereby canceled.~~

30 ~~(5) Any such exchanges of land heretofore made by said~~
31 ~~State Board of Education are hereby confirmed and validated.~~

1 Section 2. Subsection (4) of section 232.2451, Florida
2 Statutes, is repealed.

3 Section 3. Subsection (5) of section 232.271, Florida
4 Statutes, is repealed.

5 Section 4. Section 232.36, Florida Statutes, is
6 repealed.

7 Section 5. Paragraph (b) of subsection (12) of section
8 228.053, Florida Statutes, is amended to read:

9 228.053 Developmental research schools.--

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

15 (b) The following statutes or related rules may be
16 waived for any developmental research school so requesting,
17 provided the general statutory purpose of each section is met
18 and the developmental research school has submitted a written
19 request to the Joint Developmental Research School Planning,
20 Articulation, and Evaluation Committee for approval pursuant
21 to this subsection: ss. 229.555; 231.291; 232.2462; ~~232.367~~
22 233.34; 237.01; 237.02; 237.031; 237.041; 237.061; 237.081;
23 237.111; 237.121; 237.131; 237.141; 237.151; 237.161; 237.162;
24 237.171; 237.181; 237.211; and 237.34. Notwithstanding
25 reference to the responsibilities of the superintendent or
26 school board in chapter 237, developmental research schools
27 shall follow the policy intent of the chapter and shall, at
28 least, adhere to the general state agency accounting
29 procedures established in s. 11.46.

30 1. Two or more developmental research schools may
31 jointly originate a request for waiver and submit the request

1 to the committee if such waiver is approved by the school
2 advisory council of each developmental research school
3 desiring the waiver.

4 2. A developmental research school may submit a
5 request to the committee for a waiver if such request is
6 presented by a school advisory council established pursuant to
7 s. 229.58, if such waiver is required to implement a school
8 improvement plan required by s. 230.23(16), and if such
9 request is made using forms established pursuant to s.
10 229.592. The Joint Developmental Research School Planning,
11 Articulation, and Evaluation Committee shall monitor the
12 waiver activities of all developmental research schools and
13 shall report annually to the department, in conjunction with
14 the feedback report required pursuant to s. 229.592, the
15 number of waivers requested and submitted to the committee by
16 developmental research schools, and the number of such waiver
17 requests not approved. For each waiver request not approved,
18 the committee shall report the statute or rule for which the
19 waiver was requested, the rationale for the developmental
20 research school request, and the reason the request was not
21 approved.

22 Section 6. Section 236.0815, Florida Statutes, is
23 repealed.

24 Section 7. Section 236.0817, Florida Statutes, is
25 repealed.

26 Section 8. Section 236.0841, Florida Statutes, is
27 repealed.

28 Section 9. Paragraph (a) of subsection (7) of section
29 232.246, Florida Statutes, is amended to read:

30 232.246 General requirements for high school
31 graduation.--

1 (7) No student may be granted credit toward high
2 school graduation for enrollment in the following courses or
3 programs:

4 (a) More than a total of nine elective credits in
5 remedial programs ~~as provided for in s. 236.0841.~~

6 Section 10. Section 236.092, Florida Statutes, is
7 repealed.

8 Section 11. Section 236.1228, Florida Statutes, is
9 repealed.

10 Section 12. Subsection (3) of section 236.13, Florida
11 Statutes, is amended to read:

12 236.13 Expenditure of funds by school board.--All
13 state funds apportioned to the credit of any district
14 constitute a part of the district school fund of that district
15 and must be budgeted and expended under authority of the
16 school board of that district subject to the provisions of
17 law, regulations of the state board, and rules of the
18 commissioner.

19 (3) Funds expended from school nonrecurring incentives
20 or bonus type state or federal funded programs based on
21 performance outcomes, ~~such as those provided for in s.~~
22 ~~236.1228 for the accountability program,~~ may not be used for
23 measuring compliance with state or federal maintenance of
24 effort, supplanting, or comparability standards.

25 Section 13. Sections 236.1229 and 236.12295, Florida
26 Statutes, are repealed.

27 Section 14. Section 236.145, Florida Statutes, is
28 repealed.

29 Section 15. Section 236.687, Florida Statutes, is
30 amended to read:

31 236.687 ~~Florida~~ Maximum class size goals ~~Study Act.~~--

1 ~~(1) This section may be cited as the "Florida Maximum~~
2 ~~Class Size Study Act."~~

3 ~~(2) During school year 1998-1999, each school district~~
4 ~~using funds provided in the 1998-1999 General Appropriations~~
5 ~~Act for the purpose of class size reduction shall, in at least~~
6 ~~one elementary school, reduce the teacher-to-student ratio to~~
7 ~~one full-time equivalent teacher to 20 students in~~
8 ~~kindergarten through grade three. In any district where there~~
9 ~~is a critically low-performing elementary school as identified~~
10 ~~by the Commissioner of Education, such school shall be~~
11 ~~selected for inclusion in the program under this subsection in~~
12 ~~preference to any other school in the district, and the ratio~~
13 ~~to be achieved in such schools shall be one full-time~~
14 ~~equivalent teacher to 15 students. In the case of a district~~
15 ~~with more than one elementary school identified by the~~
16 ~~commissioner as critically low-performing, the selection of a~~
17 ~~school shall be performed by the district school board by lot.~~

18 ~~(3) At the conclusion of the 1998-1999 school year,~~
19 ~~the Department of Education shall conduct a complete study of~~
20 ~~the efficacy of the reductions in class size provided for in~~
21 ~~subsection (2). The study shall involve all participating~~
22 ~~schools and shall be focused on obtaining verifiable data~~
23 ~~regarding the benefits of class size reduction in terms of~~
24 ~~student achievement and performance. Results of the study~~
25 ~~shall be presented to the Governor, the President of the~~
26 ~~Senate, the Speaker of the House of Representatives, and the~~
27 ~~minority leader of each house not later than January 1, 2000.~~

28 ~~(4) Beginning with school year 1998-1999, It shall be~~
29 ~~the goal of the Legislature and each school district that each~~
30 ~~elementary school in the school district beginning with~~
31 ~~kindergarten through grade three class sizes not exceed 20~~

1 students, with a ratio of one full-time equivalent teacher per
2 20 students; except that only in the case of critically
3 low-performing schools as identified by the Commissioner of
4 Education, the goal in kindergarten through grade three shall
5 be a ratio of one full-time equivalent teacher per 15
6 students. For purposes of any funding in the General
7 Appropriations Act to meet these goals, the district shall
8 give priority to identified critically low-performing schools
9 in the district. Second priority for the use of any funds
10 designated for meeting these goals shall be for kindergarten
11 through grade one. Third priority for the use of any funds
12 designated for meeting these goals shall be for grades two and
13 three.

14 Section 16. Section 236.69, Florida Statutes, is
15 repealed.

16 Section 17. Paragraph (a) of subsection (5) of section
17 238.05, Florida Statutes, is repealed.

18 Section 18. Paragraph (f) of subsection (15A) of
19 section 238.07, Florida Statutes, is repealed.

20 Section 19. This act shall take effect upon becoming a
21 law.

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LEGISLATIVE SUMMARY

Repeals various statutory provisions that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded. Repeals or deletes provisions relating to exchange of land of the State School Fund by the State Board of Education; effect and applicability of provisions relating to readiness for postsecondary education and the workplace; reports to the Legislature on expulsion of students from the classroom; sanitation of schools; restrictions on inclusion of certain students within basic programs; allocation of categorical funds to developmental research schools; provision of student enrichment, remedial, and dropout prevention programs; mathematics, science, and computer learning laboratories; accountability program grants; the Florida School Improvement and Academic Achievement Trust Fund and its grant program; reimbursement of residential nonpublic school contracts; implementation provisions of the Florida Maximum Class Size Study Act; development of a state plan for use of funds received under Title I of the federal Elementary and Secondary Education Act of 1965, as amended and readopted; optional membership in the Teachers' Retirement System by persons qualified for retirement under the Judicial Retirement System; and the effective date of provisions authorizing redetermination of the retirement allowance for certain members of the Teachers' Retirement System.