

STORAGE NAME: h4003s1z.edk
DATE: June 22, 2000

****AS PASSED BY THE LEGISLATURE****
CHAPTER #: 2000-331, Laws of Florida

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
EDUCATION K-12
FINAL ANALYSIS**

BILL #: CS/HB 4003 (Passed as SB 1738)

RELATING TO: Florida Statutes/ Repeals

SPONSOR(S): Committee on Education K-12, Committee on Rules and Calendar, and Representative Lynn

TIED BILL(S): None

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

- (1) RULES AND CALENDAR YEAS 17 NAYS 0
 - (2) EDUCATION K-12 YEAS 9 NAYS 0
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

CS/HB 4003 repeals various statutory provisions that are obsolete, duplicative, unnecessary or have been impliedly repealed or superseded.

The bill has no fiscal impact.

The effective date of the bill is upon becoming a law.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

See the Section-by-Section analysis.

C. EFFECT OF PROPOSED CHANGES:

See the Section-by-Section analysis.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Public school parental choice (Repeals s. 228.057(7), F.S.)

This section removes outdated language requiring the Department of Education (DOE) to make recommendations for a public school parental choice program for the 1997-1998 school year.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 2: Florida Model School Consortia (Repeals s. 228.0855, F.S.)

CURRENT SITUATION:

The Florida Model School Consortia was established by Chapter 85-238, Laws of Florida, to establish one or more secondary or elementary prototype technology schools throughout Florida, supported by public-private consortia. The section 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*. In 1995, DOE recommended repeal of this program during a review of the Florida School Code.

EFFECTS OF PROPOSED CHANGES:

This section repeals the Florida Model School Consortia, a program that is no longer implemented.

Section 3: Summer camp programs in mathematics, science, and computers
(Repeals s. 228.087, F.S.)

CURRENT SITUATION:

The summer camp program in mathematics, science, and computers was established by Chapter 83-327, Laws of Florida, 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. In 1995, DOE recommended repeal of this program during a review of the Florida School Code because the program *had not been funded or implemented since 1993*.

EFFECT OF PROPOSED CHANGES:

This section repeals the summer camp program that has been defunct since 1993.

Section 4: Governor's Summer Colleges residential programs (Repeals s. 228.0875, F.S.)

CURRENT SITUATION:

The Governor's Summer Colleges residential program was established by Chapter 87-311, Laws of Florida, 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. In 1995, DOE recommended repeal of this program during a review of the Florida School Code because the program *had not been funded or implemented since 1993*.

EFFECT OF PROPOSED CHANGES:

This section repeals the Governor's Summer Colleges program that has been defunct since 1993.

Section 5: High Schools and secondary schools utilization of security programs (Repeals s. 228.088, F.S.)

This section repeals a duplicative 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. In 1995, DOE recommended repeal of this section during a review of the Florida School Code because of its duplicative nature.

Section 6: Mandatory screening or testing for sickle-cell trait prohibited (Repeals s. 228.201, F.S.)

This section repeals duplicative 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 7: The Education Success Incentive Program (Repeals s. 228.502, F.S.)

CURRENT SITUATION:

The Education Success Incentive Program was established by Chapter 90-236, Laws of Florida, to encourage students from low income and disadvantaged backgrounds to

maintain satisfactory academic progress and enroll in postsecondary institutions. In 1995, DOE recommended repeal of this program during a review of the Florida School Code because the program *had not been funded or implemented since its inception*.

EFFECT OF PROPOSED CHANGES:

This section repeals the Education Success Incentive Program that has never been funded or implemented.

Section 8: Meeting dates (Repeals s. 229.021, F.S.)

This section repeals 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. In 1995, DOE recommended repeal of this section during a review of the Florida School Code.

Section 9: State Board of Education; assistance in economic development (Repeals s. 229.52, F.S.)

This section repeals 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 PEPC (Postsecondary Education Planning Commission) the clearinghouse has been *defunct since 1984*.

Section 10: Educational management (Repeals s. 229.551(3)(c), F.S.)

This section repeals a duplicative requirement that DOE develop and administer an educational evaluation program developed pursuant to Chapter 70-399, Laws of Florida. 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 11: Math and Science Partnership Program (Repeals s. 229.602(9), F.S.)

CURRENT SITUATION:

The Math and Science Partnership Program was established by Chapter 89-298, Laws of Florida, to award funds to public-private partnerships that encourage initiatives from elementary and middle school teachers for teaching mathematics, science, and computer skills. In 1995, DOE recommended repeal of this program during a review of the Florida School Code because the program was *never funded or implemented*.

EFFECT OF PROPOSED CHANGES:

This section repeals the Math and Science Partnership Program that was never funded or implemented.

Section 12: Instructional Technology Grant Program (Repeals s. 229.603, F.S.)

CURRENT SITUATION:

The Instructional Technology Grant Program was established by Chapter 90-273, Laws of Florida, to provide grants for projects that are dedicated to elementary school implementation of technology and that utilize advanced technology to incorporate self-paced learning. In 1995, DOE recommended repeal of this program during a review of the Florida School Code because the program was *no longer funded or implemented*.

EFFECT OF PROPOSED CHANGES:

This section repeals the Instructional Technology Grant program which is no longer funded or implemented.

Section 13: International education and programs (Repeals ss. 229.6054 and 229.6055, F.S.)

CURRENT SITUATION:

The international education program statute was created by Chapter 86-139, Laws of Florida, 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. In 1995, DOE recommended repeal of this program during a review of the Florida School Code. This program has never received special funding and can be done without specific legislative authority.

EFFECT OF PROPOSED CHANGES:

This section repeals the intent, findings, and goals statutes relating to international education programs.

Section 14: School Readiness pilot programs (Repeals s. 229.6058, F.S.)

This section repeals the School Readiness pilot program. This program is duplicative and no longer necessary since the passage of 1999 Readiness legislation (Chapter 99-357, Laws of Florida).

Section 15: Maintenance of department (Repeals s. 229.78, F.S.)

This section repeals unnecessary language that states that legislative appropriations and other funds must be expended by DOE as provided by law.

Section 16: Environmental Education (Repeals ss. 229.8055, 229.8056, 229.8058, F.S.)

CURRENT SITUATION:

Office of Environmental Education

The Office of Environmental Education was established by Chapter 89-175, Laws of Florida, 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. In 1995, DOE recommended repeal of this statute during a review of the Florida School Code because 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.

Advisory Council on Environmental Education

The Advisory Council on Environmental Education was created by Chapter 86-172, Laws of Florida. The Council 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 be 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.

EFFECT OF PROPOSED CHANGES:

This section repeals statutes relating to Environmental Education, the DOE Office of Environmental Education, and the nonexistent DOE Advisory Council on Environmental Education.

Section 17: Procedures on complaints of violations (Amends s. 112.324(7)(a)and(c), F.S.)

This section removes references to the DOE Advisory Council on Environmental Education to conform to repeals in other sections of the bill.

Section 18: Endangered and Threatened Species Act (Amends s. 372.072(4)(b), F.S.)

This section removes a reference to the DOE Office of Environmental Education to conform to repeals in other sections of the bill.

Section 19: “Keep Florida Beautiful, Incorporated” (Amends s. 403.4131, F.S.)

This section removes a reference to the DOE Advisory Council on Environmental Education to conform to repeals in other sections of the bill.

Section 20: Tree planting programs (Amends s. 589.277, F.S.)

This section removes a reference to the DOE Office of Environmental Education to conform to repeals in other sections of the bill.

Section 21: District school board composition (Repeals s. 230.106, F.S.)

This section removes obsolete language that required a November 1997, voter referendum on single member school board residence areas.

Section 22: Plan for school board member professional development (Repeals s. 230.2215, F.S.)

This section repeals language that encourages DOE, in cooperation with the Florida School Board Association, to jointly develop a state plan for school board member professional development. This language is obsolete according to the Florida School Board Association and DOE.

Section 23: Developmental research schools (Amends s. 228.053(12)(a), F.S.)

This section removes a reference to the plan for school board member professional development to conform to repeals in other sections of the bill.

Section 24: Superintendent of schools (Repeals s. 230.303(2), F.S.)

This section removes obsolete language pertaining to the salaries of superintendents on October 1, 1973. This section is unnecessary and obsolete according to the Florida Association of District School Superintendents (FADSS).

Section 25: Teacher quality; legislative findings and purpose (Repeals s. 231.002(2), F.S.)

This section removes 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 26: Short Title (Repeals s. 235.001, F.S.)

The section repeals the unnecessary title of the "Educational Facilities Act."

Section 27: Functions of the Department (Repeals s. 235.014(13), F.S.)

This section removes the dated requirement for the Commissioner of Education to use the total amount of funds appropriated in Specific Appropriations 35, 36, 37, 38, 39, 42, 42A, and 43 of the 1999-2000 General Appropriations Act as the funds for fixed capital outlay for the fiscal year 1999-2000. This subsection expires July 1, 2000.

Section 28: Full school utilization program (Repeals ss. 235.436, 235.437, 235.438, 235.4391)

CURRENT SITUATION:

The full school utilization program was established by Chapter 90-241, Laws of Florida, to incentivize 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*.

EFFECT OF PROPOSED CHANGES:

This section repeals the full school utilization program that has not been funded or implemented since 1995.

Section 29: Establishes the effective date of the bill of upon becoming a law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to spend funds or to take 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 with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The committee substitute removes the repeal of s. 231.087(7), F.S. Section 231.087(7), F.S., references outdated language that requires the Office of Program Policy Analysis and Governmental Accountability (OPPAGA), in consultation with DOE, to conduct a comprehensive review of the Management Training Act to determine its effectiveness and report the findings by January 1, 2000. This section also contains the repeal of the Management Training Act effective June 30, 2000. This repeal was removed from the bill so as not to conflict with other committee legislation on the review of chapter 231.

CS/HB 4003 passed the House and died in the Senate Committee on Education. The companion bill, SB 1738 passed the Senate on April 26, 2000 [YEAS 40, NAYS 0]. On May 4, 2000, the House received and passed SB 1738 [YEAS 116, NAYS 0]. The bill was signed into law by the Governor on June 20, 2000 and became Chapter 2000-331, LOF.

SB 1738 differs from CS/HB 4003 by eliminating the repeals of s. 228.056(20)(b), F.S., relating to a legislative review of charter schools, and s. 230.23162, F.S., relating to the residential public education facility.

VII. SIGNATURES:

COMMITTEE ON EDUCATION K-12:

Prepared by:

Staff Director:

Patricia W. Levesque

Patricia W. Levesque

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON EDUCATION K-12:

Prepared by:

Staff Director:

Patricia W. Levesque

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