

**STORAGE NAME:** h4053a.edk

**DATE:** February 23, 2000

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

**BILL #:** HB 4053 (PCB RC 00-27)

**RELATING TO:** Florida Statutes/Repeals

**SPONSOR(S):** Committee on Rules and Calendar and Representative Evelyn Lynn

**TIED BILL(S):** None

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

- (1) RULES AND CALENDAR YEAS 18 NAYS 0
  - (2) EDUCATION K-12 YEAS 10 NAYS 0
  - (3)
  - (4)
  - (5)
- 

I. SUMMARY:

HB 4053 repeals various statutory provisions that are obsolete, duplicative, unnecessary or have been impliedly repealed or superseded.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 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: State Board land exchange** (Repeals s. 229.121(1), (2), (3), and (5), F.S.)

This section removes obsolete provisions that require the State Board of Education to set terms and conditions and to make and enter contracts and agreements for the exchange of land of the State School Fund for land in this state held by other state agencies, counties, or persons. This function has been transferred to the Bureau of Public Lands Administration in the Division of State Lands under the Department of Environmental Protection. The State Board of Education no longer exchanges land.

**Section 2: Readiness for postsecondary education** (Repeals s. 232.2451(4), F.S.)

This section removes obsolete effective date language.

**Section 3: Removal by Teacher** (Repeals s. 232.271(5), F.S.)

This section removes an outdated provision for a preliminary report on the number of students expelled from classrooms to the Legislature by March 1, 1997, and a final report to the Legislature by September 1, 1997.

**Section 4: Sanitation of Schools** (Repeals s. 232.36, F.S.)

This section removes a duplicative statute for adoption of rules pertaining to sanitation of schools. Sanitation requirements for facilities are established in chapter 235, F.S.

**Section 5: Research Schools-Exceptions to law** (Amends s. 228.053(12)(b), F.S.)

This section removes a reference to s. 232.36, F.S., to conform to repeals in other sections of the bill.

**Section 6: Inclusion of certain students** (Repeals s. 236.0815, F.S.)

This section removes a duplicative provision regarding funding of students who fail to master basic skills or functional literacy despite acquiring sufficient credits to graduate. This funding provision is included in s. 232.246(9), F.S.

**Section 7: Developmental research schools-Funding** (Repeals s. 236.0817, F.S.)

This section removes a provision regarding the use of categorical funds for developmental research schools. This funding provision is included in s. 228.053(9)(a), F.S.

**Section 8: Enrichment, remedial, drop-out prevention** (Repeals s. 236.0841, F.S.)

This section removes a provision regarding funds for supplementary enrichment, remedial, and drop-out prevention activities beyond the required 180 days of instruction. The Supplemental Academic Instruction Categorical created in s. 236.08104, F.S., provides funding for these services.

**Section 9: Graduation requirements** (Amends s. 232.246(7), F.S.)

This section removes a reference to s. 236.0841, F.S., to conform to repeals in other sections of the bill.

**Section 10: Math, science, and computer learning labs** (Repeals s. 236.092, F.S.)

CURRENT SITUATION:

The mathematics, science, and computer learning laboratories program was established by Chapter 83-327, Laws of Florida, to provide funds to maximize the exposure of students in kindergarten through grade 12 to laboratory experiences in the fields of mathematics, science, and computer education. The section requires the Legislature to annually provide by categorical funding in the General Appropriations Act for the purchase and maintenance of computers and scientific equipment by public school districts. However, implementation beyond the 1983-1984 school year is authorized only to the extent specifically funded and authorized in the General Appropriations Act or the substantive bill implementing the General Appropriations Act. 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 mathematics, science and computer learning laboratories, a program that is no longer implemented.

**Section 11: Accountability program grants** (Repeals s. 236.1228, F.S.)

CURRENT SITUATION:

Accountability program grants were established by Chapter 89-298, Laws of Florida, to provide incentive grants to public high schools that achieve accountability on productivity, including student outcome indicators. According to DOE, this program is *no longer being funded or implemented*. In 1995, the DOE recommended repeal of this program during a review of the Florida School Code.

EFFECTS OF PROPOSED CHANGES:

This section repeals the Accountability Grants program that is no longer implemented.

**Section 12: Expenditure of funds by school board** (Amends s. 236.13, F.S.)

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This section removes a reference to s. 236.1228, F.S., regarding accountability program grants to conform to repeals in other sections of the bill.

**Section 13: Florida school improvement grants** (Repeals s. 236.1229 and 236.12295, F.S.)

CURRENT SITUATION:

The Florida School Improvement and Academic Achievement Trust Fund, established by Chapter 95-271, Laws of Florida, and its associated grant program, established by Chapter 95-270, Laws of Florida, provides school districts, as well as the Florida School for the Deaf and Blind, with the opportunity to receive private donations with proportional matching funds to improve schools and academic programs. The section authorized the existence of the Trust Fund through July 1, 1999, unless extended by the Legislature in the session immediately preceding the expiration date. The 1999 Legislature repealed this trust fund and its associated grant program effective July 1, 2000, by Chapter 99-243, Laws of Florida.

EFFECTS OF PROPOSED CHANGES:

This section repeals the Florida School Improvement and Academic Achievement Trust Fund and its associated grant program that is no longer implemented.

**Section 14: Residential nonpublic school contract reimbursement** (Repeals s. 236.145, F.S.)

CURRENT SITUATION:

The Residential Nonpublic School Contract Reimbursement program was established by Chapter 88-161, Laws of Florida, to reimburse school districts for expenditures in contracting for residential nonpublic education services. The Commissioner of Education must obtain the cost of all residential nonpublic school contracts and calculate the cost to be reimbursed to each school district based on the number of weighted full-time equivalent students generated, plus the amount of federal entitlement funds for the disabled per student, less any amount paid by the Department of Children and Family Services, or other state or federal agency. School districts are eligible to receive up to sixty percent (60%) of the amount paid for residential, nonpublic school services contracts. According to the DOE, this program is no longer being funded or implemented. In 1995, the DOE recommended repeal of this program during a review of the Florida School Code.

EFFECTS OF PROPOSED CHANGES:

This section repeals the Residential Nonpublic School Contract Reimbursement program that is no longer implemented.

**Section 15: Florida maximum class size study** (Amends s. 236.687(1), (2), and (3), F.S.)

This section removes outdated fiscal provisions and DOE reporting requirements and changes the purpose of the law from that of a study, to that of establishing goals for maximum class sizes in kindergarten through grade 3.

**Section 16: State plan** (Repeals s. 236.69, F.S.)

This section removes a duplicative provision requiring submittal of a state plan for use of Title I funds. The federal law already requires such a state plan. Furthermore, the Florida Partnership for School Readiness, established in 1999, is responsible for coordinating all state and federal funds identified for readiness.

**Section 17: Membership** (Repeals s. 238.05(5)(a), F.S.)

This section removes an obsolete reference to the Judicial Retirement System. The Judicial Retirement System was repealed in 1997.

**Section 18: Regular benefits; survivor benefits** (Repeals s. 238.07(15A)(f), F.S.)  
This section removes an outdated effective date provision of January 1, 1962.

**Section 19:** Establishes the effective date of the bill upon becoming 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.

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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:

N/A

VII. SIGNATURES:

COMMITTEE ON EDUCATION K-12:

Prepared by:

Staff Director:

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