

STORAGE NAME: h4055.cu

DATE: February 11, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COLLEGES & UNIVERSITIES
ANALYSIS**

BILL #: HB 4055 (PCB RC 00-28)

RELATING TO: Florida Statutes

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

TIED BILL(S): None

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

(1) RULES & CALENDAR YEAS 18 NAYS 0

(2) COLLEGES & UNIVERSITIES

I. SUMMARY:

The Florida House of Representatives and the Florida Senate initiated a comprehensive statutory review and repeal project. The purpose of the project was to identify and review those sections of the Florida Statutes that are presently obsolete, duplicative, inoperative, or no longer serving the purpose for which the statutes were enacted. The Division of Statutory Revision, legislative staff, and executive agencies conducted an initial review of the Florida Statutes in order to identify the statutory sections that meet the aforementioned criteria.

HB 4055 repeals various statutory provisions that may be obsolete, duplicative, inoperative, or no longer serving the purpose for which the statutes were enacted.

This bill does not appear to have a fiscal impact on state or local governments.

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"/> |

B. PRESENT SITUATION:

Please see SECTION-BY-SECTION ANALYSIS.

C. EFFECT OF PROPOSED CHANGES:

Please see SECTION-BY-SECTION ANALYSIS.

D. SECTION-BY-SECTION ANALYSIS:

SECTION 1: Repeals section 239.5142, Florida Statutes.

PRESENT SITUATION-

According to section 239.5142, Florida Statutes, the State Board of Education must 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 as of the fall term of 1998.

EFFECT OF PROPOSED CHANGES-

The bill repeals section 239.5142, Florida Statutes, because it contains outdated language.

SECTION 2: Repeals section 239.5143, Florida Statutes.

PRESENT SITUATION-

According to section 239.5143, Florida Statutes, the Commissioner on Education and the Executive Director of the State Board of Community Colleges must 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.

EFFECT OF PROPOSED CHANGES-

The bill repeals section 239.5143, Florida Statutes, because it contains outdated language.

SECTION 3: Repeals section 239.5144, Florida Statutes.

PRESENT SITUATION-

According to section 239.5144, Florida Statutes, the Employment Task Force for Adults with Disabilities must 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.

EFFECT OF PROPOSED CHANGES-

The bill repeals section 239.5144, Florida Statutes, because it contains outdated language.

SECTION 4: Repeals subsection 240.209(3)(g), Florida Statutes.

PRESENT SITUATION-

Subsection 240.209(3)(g), Florida Statutes, 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.

EFFECT OF PROPOSED CHANGES-

The bill repeals subsection 240.209(3)(g), Florida Statutes, because it contains outdated language.

SECTION 5: Amends subsection 240.147(4), Florida Statutes, in order to correct a cross-reference in statute.

PRESENT SITUATION-

Subsection 240.147(4), Florida Statutes, directs 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 pursuant to subsection 240.209(3)(s), Florida Statutes.

Section 4 of this bill repeals subsection 240.209(3)(g), Florida Statutes and consequently, subsection 240.209(3), Florida Statutes must be renumbered. As a result of the renumbering, subsection 240.209(3)(s), Florida Statutes, will appear as subsection 240.209(3)(r), Florida Statutes.

EFFECT OF PROPOSED CHANGES-

The bill amends subsection 240.147(4), Florida Statutes, in order to correct the cross-reference to subsection 240.209(3)(s), Florida Statutes, following the aforementioned renumbering.

SECTION 6: Amends subsection 240.296(2)(d), Florida Statutes, in order to correct a cross-reference in statute.

PRESENT SITUATION-

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

Section 4 of this bill repeals subsection 240.209(3)(g), Florida Statutes and consequently, subsection 240.209(3), Florida Statutes must be renumbered. As a result of the renumbering,

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subsection 240.209(3)(p), Florida Statutes, will appear as subsection 240.209(3)(o), Florida Statutes.

EFFECT OF PROPOSED CHANGES-

The bill amends subsection 240.296(2)(d), Florida Statutes, in order to correct the cross-reference to subsection 240.209(3)(p), Florida Statutes, following the aforementioned renumbering.

SECTION 7: Amends subsection 240.531(5), Florida Statutes, in order to correct a cross-reference in statute.

PRESENT SITUATION-

Subsection 240.531(5), Florida Statutes, 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 pursuant to subsection 240.209(3)(h), Florida Statutes.

Section 4 of this bill repeals subsection 240.209(3)(g), Florida Statutes and consequently, subsection 240.209(3), Florida Statutes must be renumbered. As a result of the renumbering, subsection 240.209(3)(h), Florida Statutes, will appear as subsection 240.209(3)(g), Florida Statutes.

EFFECT OF PROPOSED CHANGES-

The bill amends subsection 240.531(5), Florida Statutes, in order to correct the cross-reference to subsection 240.209(3)(h), Florida Statutes, following the aforementioned renumbering.

SECTION 8: Repeals subsection 240.262(3), Florida Statutes.

PRESENT SITUATION-

According to subsection 240.262(3), Florida Statutes, a copy of each state university's anti-hazing policy must be submitted to the Board of Regents for its approval no later than September 1, 1981.

EFFECT OF PROPOSED CHANGES-

The bill repeals subsection 240.262(3), Florida Statutes, because it contains outdated language.

SECTION 9: Repeals subsection 240.326(3), Florida Statutes.

PRESENT SITUATION-

According to subsection 240.326(3), Florida Statutes, a copy of each community college's anti-hazing policy must be submitted to the State Board of Education for its approval no later than September 1, 1981.

EFFECT OF PROPOSED CHANGES-

The bill repeals subsection 240.326(3), Florida Statutes, because it contains outdated language.

SECTION 10: Repeals subsection 240.40208(4), Florida Statutes.

PRESENT SITUATION-

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Subsection 240.40208(4), Florida Statutes, 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.

EFFECT OF PROPOSED CHANGES-

The bill repeals subsection 240.40208(4), Florida Statutes, because it contains outdated language.

SECTION 11: Repeals section 240.6055, Florida Statutes.

PRESENT SITUATION-

The 1993 State Legislature created the Access Grant Fund for Community College Graduates into law (ch. 93-191, L.O.F.) 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.

EFFECT OF PROPOSED CHANGES-

The bill repeals section 240.6055, Florida Statutes, because the Access Grant Fund for Community College Graduates has never been funded.

SECTION 12: Amends subsection 246.041(1)(r), Florida Statutes, in order to remove an unnecessary cross-reference in statute.

PRESENT SITUATION-

Provisions in subsection 246.041(1)(r), Florida Statutes, 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.

Section 11 of this bill repeals section 240.6055, Florida Statutes, and therefore, no longer needs to appear as a cross-reference in subsection 246.041(1)(r), Florida Statutes.

EFFECT OF PROPOSED CHANGES-

The bill amends subsection 246.041(1)(r), Florida Statutes, in order to remove an unnecessary cross-reference to section 240.6055, Florida Statutes.

SECTION 13: Establishes that this act shall take effect upon becoming a law.

III. **FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:**

A. **FISCAL IMPACT ON STATE GOVERNMENT:**

1. **Revenues:**

This bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

This bill does not appear to have a fiscal impact.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take action which requires the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that counties and municipalities have to raise revenues.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties and municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

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C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON COLLEGES & UNIVERSITIES:

Prepared by:

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Daniel Furman

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