

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/ SB 1772

SPONSOR: Committee on Education

SUBJECT: Education/School Code/Technical Corrections

DATE: April 10, 2003

REVISED: 04/10/03 \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Matthews</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Favorable/CS</u>
2.	<u>Golden</u>	<u>Newman</u>	<u>AED</u>	<u>Fav/1 amendment</u>
3.	_____	_____	<u>AP</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

Pursuant to s. 1060 of Chapter 2002-387, Laws of Florida, this committee substitute makes technical corrections to the statutes to conform to the passage of the Florida School Code.

The CS makes minor technical amendments to the following sections of the Florida Statutes: 24.121, 212.055, 216.136, 316.615, 402.305, 409.1451, 445.0123, 455.2125, 456.028, 467.009, 488.01, 489.125, 817.566, 817.567, 943.22, 1000.04, 1001.26, 1001.372, 1001.42, 1001.50, 1001.74, 1002.01, 1002.32, 1002.33, 1002.42, 1002.43, 1003.63, 1004.24, 1004.26, 1004.445, 1005.04, 1006.14, 1006.21, 1007.21, 1008.37, 1009.29, 1009.531, 1009.534, 1009.535, 1009.539, 1010.75, 1009.765, 1009.77, 1011.60, 1011.62, 1012.21, 1012.585, 1012.62, 1012.74, 1012.79, 1012.795, 1012.796, 1012.98, 1013.73, and 1013.74.

## II. Present Situation:

The Florida School Code has been in effect since 1939. Although the Florida School Code has been substantially amended over the years, the Legislature determined that the code needed substantial structural changes in order to reflect the new educational governance structure brought about by a 1998 constitutional amendment.

The 1998 constitutional amendment replaced the elected Cabinet serving as the State Board of Education with an appointed board, and the elected Commissioner of Education with a commissioner appointed by the new state board. To implement the changes, the Legislature enacted the Florida Governance Reorganization Act of 2000 (chapter 2000-321, L.O.F.). The act required identifying necessary changes to current law to implement the new governance structure. The act provided for repeal of several sections of the Florida School Code on January 7, 2003.

The 2001 Legislature continued to make necessary changes in the school code through passage of the Florida Education Governance Implementation Act (chapter 2001-170, L.O.F.). The act abolished the Board of Regents and established boards of trustees for each of the state's eleven public universities. It created a transitional Florida Board of Education and gave the board the responsibility of recommending a revised school code to the Legislature.

The 2002 Legislature restructured the Florida School Code to conform the new school code to the education governance structure based on recommendations from the Florida Board of Education and others. These changes for the most part were implemented on January 7, 2003.

Chapter 2002-387, L.O.F., created a new code reflecting a K-20 seamless system of public education. For the most part, the new code includes the current education laws; however, the statutes are reorganized with new chapter and section numbers. In addition to reorganizing the code, the act makes major revisions in the laws affecting the governance of state universities, the organization and operation of the new State Board of Education, and the Department of Education.

Interim Project 2003-122 required legislative staff to review the new school code and make any technical corrections. Legislative staff developed a set of guiding principles to assist in the review of the code. The guiding principles were to (1) limit the review to technical corrections, (2) identify any unintended results from changes to substantive law, (3) ensure that other legislation passed in the 2002 regular session and special sessions amending the previous school code are appropriately reconciled with the new school code, and (4) avoid making any major policy changes through the CS. Staff reviewed current law and legislative history, and received suggestions from the House of Representatives, the education agencies, and the various entities representing education interests throughout the state regarding technical changes that would improve the new Florida School Code.

### **III. Effect of Proposed Changes:**

The CS makes technical corrections to the school code as required by s. 1060 of chapter 2002-387, L.O.F., and in accordance with Interim Project 2003-122. The technical corrections can be divided into four basic categories: (1) correction of cross-references, (2) correction of minor technical errors such as punctuation, (3) removal of obsolete boards, and (4) reconciliation of school code revisions with other legislation passed contemporaneously with the new school code.

The CS corrects cross-references that do not effect a substantive change in law. The cross-reference corrections occur in sections 24.121, 409.1451, 817.566, 817.567, 1001.26, 1001.372, 1001.42, 1001.74, 1002.01, 1002.32, 1002.33, 1002.42, 1002.43, 1009.539, 1011.60, 1012.585, 1012.62, 1012.74, 1012.79, 1012.796, 1013.73, and 1013.74, F.S.

The CS makes minor technical revisions to ensure that the school code conforms to the guiding principles of the school code rewrite to include clarity and consistency. The CS makes the following technical corrections:

- Sections 1005.04 and 1006.14, F.S., revises punctuation;

- Section 212.055, F.S., eliminates reference to repealed Frugal Schools Program;
- Sections 943.22, F.S., and 1011.62, F.S., corrects reference to Accrediting Council for Independent Colleges and Schools;
- Section 1000.04, F.S., corrects reference to technical centers;
- Section 1001.50, F.S., eliminates reference to age of superintendent as a factor in determining compensation;
- Section 1002.32, F.S., corrects reference to university lab schools;
- Sections 1004.24, F.S., and 1004.445, F.S., corrects reference to financial audits;
- Section 1007.21, F.S., eliminates superfluous reference to guardians;
- Section 1008.37, F.S., corrects reference to erroneous date;
- Section 1009.29, F.S., corrects reference to State Board of Administration;
- Section 1009.531, F.S., correct grammar;
- Section 1009.539, F.S., conforms reference to name of Medallion scholarship;
- Section 1012.21, F.S., conforms reference to the Department of Education;
- Section 1012.585, F.S., conforms reference to name of trust fund;
- Section 1012.795, F.S., clarifies reference to designee of superintendent; and
- Section 1012.98, F.S., clarifies reference to state university.

The CS also makes conforming changes to the school code by repealing references to the rulemaking authority of the Commissioner of Education and the Department of Education in sections 316.615, 402.305, and 489.125, 1009.534, 1009.535, 1009.765, 1009.77, F.S. The CS also repeals State Board of Education authority to waive law in s. 1003.63, F.S.

There are several obsolete board references in the new school code. In particular, the Board of Regents, the State Board of Community Colleges, the State University System, the Florida Community College System, the State Board of Independent Colleges and Universities, the State Board for Nonpublic Career Education, and the Articulation Coordinating Committee, do not exist. Each of the statutory references to these boards' powers and duties were reviewed to determine the appropriate, if any, successor entity.

The CS makes conforming changes to the statutes by substituting the Commission for Independent Education for the State Board of Independent Colleges and Universities and the State Board for Nonpublic Career Education in sections 216.316, 445.0123, 455.2125, 456.028, 467.009, 488.01, and 817.566, F.S. In addition, the State Board of Education was substituted for the Articulation Coordinating Committee in s. 1009.539, F.S. in conformance with the school code.

However, the references to the Board of Regents, the State Board of Community Colleges, the State University System, and the Florida Community College System, were not replaced. Determining the successor to these entities requires resolving numerous policy issues including the impact of the constitutional amendment concerning the state university system and the devolution of authority to local boards of trustees. As the jurisdiction of the CS is limited to the correction of technical errors, resolution of the above policy issues would require a separate bill.

Finally, the CS makes conforming changes to ensure that other legislation contemporaneously passed during the 2002 regular sessions and 2002 special sessions are successfully incorporated

into the new school code as required under s. 1059 of chapter 2002-387, L.O.F. In particular, the CS amends s. 1004.26, to eliminate a student organization appeal of the university president's decisions on the internal procedures of student organizations to the university board of trustees. The appeal was provided through chapter 2002-188. The provision is not needed because the university board of trustees approves internal procedures of student organizations pursuant to s. 1001.74(10)(i), F.S.

**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:**

#1 by Education Appropriation

Amends sections 110.161 and 1001.74 (19), Florida Statutes, to clarify that employees of state universities shall remain eligible to participate in the pretax benefits program administered by the Department of Management Services. (WITH TITLE AMENDMENT)

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

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