

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 340
SPONSOR: Education Committee and Senator Constantine
SUBJECT: Education/Florida School Code Technical Corrections Bill
DATE: March 3, 2004 REVISED: _____

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

I. Summary:

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

The CS amends the following sections of the Florida Statutes: 17.076, 20.055, 112.215, 145.19, 159.27, 212.055, 216.136, 287.064, 316.615, 402.305, 440.38, 445.0124, 455.2125, 456.028, 458.347, 467.009, 488.01, 489.125, 784.081, 817.566, 817.567, 943.17, 1000.04, 1001.26, 1001.32, 1001.372, 1001.42, 1001.47, 1001.50, 1001.51, 1001.74, 1002.01, 1002.20, 1002.32, 1002.33, 1002.42, 1002.43, 1003.22, 1003.43, 1003.52, 1003.63, 1004.24, 1004.26, 1004.445, 1005.04, 1006.14, 1006.21, 1007.21, 1008.22, 1008.29, 1008.32, 1008.37, 1009.29, 1009.531, 1009.532, 1009.534, 1009.535, 1009.536, 1009.58, 1009.61, 1009.765, 1009.77, 1010.215, 1010.75, 1011.24, 1011.47, 1011.60, 1011.62, 1011.70, 1012.21, 1012.585, 1012.62, 1012.79, 1012.795, 1012.796, 1012.98, 1013.73, and 1013.74.

The CS repeals the following sections of the Florida Statutes: 445.049(2)(g) and (h), 1002.33(24), 1006.57, and 1010.10(10).

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 included the existing education laws; however, the statutes were reorganized with new chapter and section numbers. In addition to reorganizing the code, the act made 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. Staff reviewed current law and legislative history, and received suggestions from the House of Representatives, the Department of Education, 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 committee substitute 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.

Section by Section Analysis:**Section 1. Section 17.076, F.S.**

The CS makes permanent the changes provided for in s. 6 of chapter 2003-399, Laws of Florida, with respect to access to direct deposit records of university employees by the state universities. This provision is necessitated by the conversion of state universities into non-state agencies as part of the school code rewrite (chapter 2002-387, L.O.F.).

Section 2. Section 20.055, F.S.

The CS deletes a reference to the Board of Regents as a state agency as the Board of Regents was abolished in s. 3, chapter 2000-321, L.O.F.

Section 3. Section 112.215, F.S.

The CS makes permanent the changes provided for in s. 8, chapter 2003-399, L.O.F. with respect to participation by state university employees in the state deferred compensation program. This provision is necessitated by the conversion of state universities into non-state agencies as part of the school code rewrite (chapter 2002-387, L.O.F.).

Section 4. Section 145.19, F.S.

The CS corrects an omission in the statutes reflecting the annual percentage increase in salaries of elected superintendents. In 1993, the calculation of the salaries for elected district school superintendents was moved from chapter 145 to s. 230.303, F.S. However, s. 145.19, F.S., failed to include the appropriate cross-reference to chapter 230 for calculating the annual increases in salary. The CS corrects the cross-reference to refer to s. 1001.47, F.S., the provision in law that provides the method for calculating the salaries of elected district school superintendents. In addition, the CS conforms s. 145.19, F.S., to s. 1001.47, F.S., with respect to adding the special qualification salary and annual incentive salary of elected district school superintendents to the salary calculation methodology. This provision clarifies existing law and codifies existing practice.

Section 5. Section 159.27, F.S.

The CS designates a developmental research school as a lab school in conformance with s. 1002.32, F.S.

Section 6. Section 212.055, F.S.

The CS deletes a reference to the Florida Frugal Schools Program as that program was repealed by the school code rewrite (chapter 2002-387, L.O.F.).

Section 7. Section 216.136, F.S.

The CS revises the membership of the Workforce Estimating Conference to conform to the replacement of the State Board of Nonpublic Career Education with the Commission for Independent Education and the State Board of Community Colleges with the State Board of Education. The obsolete board was merged into the Commission for Independent Education pursuant to s. 3, chapter 2001-170, L.O.F.

Section 8. Section 287.064, F.S.

The CS makes permanent the changes provided for in s. 10 of chapter 2003-399, L.O.F., with respect to participation by state universities in the consolidated equipment financing program. This provision is necessitated by the conversion of state universities into non-state agencies as part of the school code rewrite, chapter 2002-387, L.O.F.

Section 9. Section 316.615, F.S.

The CS makes conforming changes to rulemaking by vesting rulemaking authority solely in the hands of the State Board of Education as head of the Department of Education. This provision conforms this section to the school code rewrite, chapter 2002-387, L.O.F.

Section 10. Section 402.305, F.S.

The CS makes conforming changes to rulemaking by vesting rulemaking authority solely in the hands of the State Board of Education as head of the Department of Education. This provision conforms this section to the school code rewrite, chapter 2002-387, L.O.F.

Section 11. Section 440.38, F.S.

The CS makes permanent the changes provided for in s. 12, chapter 2003-399, L.O.F. with respect to authorizing state universities to act as self-insurers for purposes of workers' compensation. This provision is necessitated by the conversion of state universities into non-state agencies as part of the school code rewrite, chapter 2002-387, L.O.F.

Section 12. Section 445.0124, F.S.

The CS replaces the State Board of Community Colleges and the Department of Education with the State Board of Education in conformance with s. 3, chapter 2000-321, L.O.F.

Section 13. Section 455.2125, F.S.

The CS replaces references to the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education with the Commission for Independent Education, and replaces the State Board of Community Colleges with the State Board of Education, pursuant to s. 3, chapter 2000-321, L.O.F., and s. 3, chapter 2001-170, L.O.F.

Section 14. Section 456.028, F.S.

The CS replaces references to the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education with the Commission for Independent Education and replaces the State Board of Community Colleges with the State Board of Education, pursuant to s. 3, chapter 2000-321, L.O.F., and s. 3, chapter 2001-170, L.O.F.

Section 15. Section 458.347, F.S.

The CS replaces a reference to the State Board of Community Colleges with the State Board of Education pursuant to s. 3, chapter 2000-321, L.O.F.

Section 16. Section 467.009, F.S.

The CS replaces a reference to the State Board of Nonpublic Career Education with the Commission for Independent Education pursuant to s. 3, chapter 2001-170, L.O.F.

Section 17. Section 488.01, F.S.

The CS replaces a reference to the State Board of Nonpublic Career Education with the Commission for Independent Education pursuant to s. 3, chapter 2001-170, L.O.F.

Section 18. Section 489.125, F.S.

The CS makes conforming changes to rulemaking by vesting rulemaking authority solely in the hands of the State Board of Education as head of the Department of Education and as opposed to the Commissioner of Education. This provision conforms this section to the school code rewrite, chapter 2002-387, L.O.F.

Section 19. Section 784.081, F.S.

The CS designates a developmental research school as a lab school in conformance with s. 1002.32, F.S.

Section 20. Section 817.566, F.S.

The CS replaces a reference to an obsolete board, the State Board of Independent Colleges and Universities, with its successor, the Commission for Independent Education pursuant to s. 3, chapter 2001-170, L.O.F. In addition, the CS corrects a cross-reference to conform to the repeal of s. 246.085, F.S., in the school code rewrite, chapter 2002-387, L.O.F.

Section 21. Section 817.567, F.S.

The CS replaces a reference to an obsolete board, the State Board of Independent Colleges and Universities, with its successor, the Commission for Independent Education pursuant to s. 3, chapter 2001-170, L.O.F. In addition, the CS corrects a cross-reference to conform to the repeal of s. 246.085, F.S., in the school code rewrite, chapter 2002-387, L.O.F.

Section 22. Section 943.17, F.S.

The CS makes a conforming change to rulemaking by vesting rulemaking authority solely in the hands of the State Board of Education as head of the Department of Education. This provision conforms this section to the school code rewrite, chapter 2002-387, L.O.F.

Section 23. Section 1000.04, F.S.

The CS revises the designation of area technical centers to technical centers in conformance with s. 1001.44, F.S.

Section 24. Section 1001.26, F.S.

The CS corrects an errant cross-reference to part III of chapter 287 which was transferred to s. 282.102, F.S., in 1983.

Section 25. Section 1001.32, F.S.

The CS makes a conforming change to rulemaking by vesting rulemaking authority solely in the hands of the State Board of Education as head of the Department of Education, and as opposed to the Commissioner of Education. This provision conforms this section to the school code rewrite, chapter 2002-387, L.O.F.

Section 26. Section 1001.372, F.S.

The CS corrects an errant internal cross-reference.

Section 27. Section 1001.42, F.S.

The CS corrects an errant cross-reference.

Section 28. Section 1001.47, F.S.

The CS codifies existing practice by the Legislative Committee on Intergovernmental Relations (LCIR) in the methodology used to calculate elected district school superintendent salaries.¹ The codification is necessary because the school code rewrite unintentionally repealed the base salary population chart in s. 230.303, F.S. (2001).

The 1980 Legislature transferred and renumbered s. 145.08, F.S., (1980), relating to the salary calculations of elected district school superintendents, to s. 230.303, F.S., (2001).² However, s. 145.19, F.S., relating to annual salary increases of certain elected constitutional officers, including elected district school superintendents, was not amended to reflect the transfer. As a result, a statutory ambiguity resulted in the method of calculating the annual salary increases of elected district school superintendents because the section authorized adjusting the annual salary by multiplying the base salary, determined on the basis of population as provided in chapter 145, by the initial factor, the certified annual factor, and the certified cumulative annual factor. Since the method for calculating elected district school superintendent salaries was transferred to s. 230.303, F.S., a reasonable interpretation of s. 145.19, F.S., could conclude that elected district school superintendents are only eligible for the adjustment as provided by the certified annual factor.

Although not statutorily required, the Advisory Council on Intergovernmental Relations (ACIR)³, as a courtesy to certain elected constitutional officers in chapter 145 and to elected district school superintendents, annually calculated the salaries following publication of the annual increase factors, authorized in s. 145.19, F.S., by the then Department of Administration. At that time, ACIR calculated the salaries of elected district school superintendents using the traditional annual increase factors including the initial factor, certified annual factor, and the certified cumulative annual factor without knowledge of the statutory ambiguity that had been potentially created.

In 1993, the Legislature amended the salary calculations of elected district school superintendents by freezing their salaries at FY 1991-1992 levels with the annual increase as authorized in s. 145.19, F.S.⁴ However, the Legislature did not resolve the unknown ambiguity potentially created in 1980. Moreover, in providing a new base salary for calculating the salaries of elected district school superintendents, the Legislature did not repeal the base salary calculation based on population contained in s. 230.303(1), F.S., (2001). Accordingly, subsections (1) and (2) of s. 230.303, F.S., (2001) were arguably in conflict. In deference to

¹ There are currently 44 elected district school superintendents: Baker, Bay, Bradford, Calhoun, Citrus, Clay, Columbia, DeSoto, Dixie, Escambia, Franklin, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Highlands, Holmes, Jackson, Jefferson, Lafayette, Lake, Leon, Levy, Liberty, Madison, Marion, Martin, Monroe, Nassau, Okaloosa, Pasco, Polk, Putnam, Santa Rosa, Sumter, Suwannee, Taylor, Union, Wakulla, Walton, and Washington.

² Section 21, chapter 80-378, L.O.F.

³ The Legislative Committee on Intergovernmental Relations succeeded the Advisory Council on Intergovernmental Relations in 1996.

⁴ Section 5, ch. 93-146, L.O.F.

standard statutory construction, arguably subsection (2) would prevail as it was later in time. However, in resolving this conflict, ACIR, continued to publish the salaries of elected district school superintendents relying on the population chart as the base salary.

In the school code rewrite, the Legislature revised subsection (1) of s. 230.303, F.S., (2001) by eliminating the population chart as the base salary.⁵ In preparing the salaries for calculation, LCIR discovered that an interpretation of the salary calculation in s. 1001.47, F.S., required LCIR to use the finalized FY 1991-1992 salary as its starting point with adjustment, as authorized in s. 145.19, F.S., by multiplying the base salary by the initial factor, the certified annual factor, and the certified cumulative annual factor. If this interpretation of the calculation method were followed, elected district school superintendents would experience, on average, an increase in their salaries in the range of 130 percent to 143 percent. To give some perspective, the salaries of certain elected district school superintendents would increase as follows:

County	Current Practice	New	Increase	Percent Change
Escambia	\$116,314	\$279,982	\$163,667	141 percent
Lake	\$111,900	\$259,800	\$147,900	132 percent
Polk	\$124,136	\$299,650	\$175,514	141 percent
Monroe	\$96,905	\$235,072	\$138,466	143 percent

However, if the interpretation of s. 145.19, F.S., relating to the method of calculating the annual increase is used, then the base salaries of elected district school superintendents would only be adjusted by the certified annual factor and there would be a general decline in salaries for the upcoming fiscal year. To give some perspective, the salaries of the above elected district school superintendents would decrease as follows:

County	Current Practice	New	Decrease	Percent Change
Escambia	\$116,314	\$114,353	\$1,961	-1.7 percent
Lake	\$111,900	\$106,110	\$5,789	-5.2 percent
Polk	\$124,136	\$122,387	\$1,749	-1.4 percent
Monroe	\$96,905	\$96,011	\$595	-0.6 percent

In light of the statutory ambiguity created by the various amendments to the provisions contained in s. 1001.47, F.S., LCIR did not publish a suggested salary for elected district school superintendents for FY 2003-2004. Instead, the elected superintendents with the support and agreement of the district school boards calculated their own salaries using the traditional salary calculation method. The CS would clarify the statutory ambiguities in favor of current practice and would ratify the salaries previously calculated in conformance with this method.

Section 29. Section 1001.50, F.S.

The CS codifies existing practice in that the age of an appointed district school superintendent is not a factor to be taken into consideration when a district school board calculates the appointed superintendent's salary.

⁵ Section 67, chapter 2002-387, L.O.F.

Section 30. Section 1001.51, F.S.

The CS eliminates the reference to patrons in the school code as that term is not defined.

Section 31. Section 1001.74, F.S.

The CS corrects an errant cross-reference.

Section 32. Section 1002.01, F.S.

The CS corrects an errant cross-reference to s. 1003.01(14), F.S., which does not exist.

Section 33. Section 1002.20, F.S.

The CS corrects an errant cross-reference to s. 1003.01(14), F.S., which does not exist.

Section 34. Section 1002.32, F.S.

The CS designates a developmental research school as a lab school in conformance with the section. The bill eliminates an errant cross-reference to s. 1013.77, F.S., which does not exist.

Section 35. Section 1002.33, F.S.

The CS adds cross-references to s. 1012.45, F.S., with respect to requirements for charter school transportation. The school code rewrite separated the provisions relating to education personnel into chapter 1012. However, the provision only cross-references chapter 1006.

Section 36. Section 1002.42, F.S.

The CS corrects an errant cross-reference to s. 1003.01(14), F.S., which does not exist. In addition, the CS corrects an errant cross-reference to s. 1006.26, F.S. The appropriate cross-reference is to s. 1012.45(4), F.S.

Section 37. Section 1002.43, F.S.

The CS corrects an errant cross-reference to s. 1003.01(14), F.S., which does not exist.

Section 38. Section 1003.22, F.S.

The CS amends s. 1003.22, F.S., to reflect that school-entry health requirements apply to prekindergarteners. The antecedent provision to s. 1003.22, F.S., s. 232.032, F.S., applied to children in public or private prekindergarten. The school code rewrite, s. 117, chapter 2002-387, L.O.F., unintentionally amended the section to reflect kindergarten only.

Section 39. Section 1003.43, F.S.

The CS eliminates State Board of Education authority to waive laws with respect to laboratory requirements in accordance with the school code rewrite, chapter 2002-387, L.O.F. In addition, the CS amends the times and designation of the Korean conflict to conform to s. 1.01(14), F.S.

Section 40. Section 1003.52, F.S.

The CS corrects an errant cross-reference to s. 1003.01(12) to s. 1003.01(11), F.S., which properly relates the definition of a school year with respect to a juvenile justice school.

Section 41. Section 1003.63, F.S.

The CS eliminates State Board of Education authority to waive laws with respect to laboratory requirements in accordance with the school code rewrite, chapter 2002-387, L.O.F.

Section 42. Section 1004.24, F.S.

The CS revises the provisions relating to financial audits for the self-insurance programs created by the State Board of Education to update terminology.

Section 43. Section 1004.26, F.S.

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 s. 3, chapter 2002-188, L.O.F. 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. The CS reconciles the conflict in favor of the school code rewrite, s. 86, chapter 2002-387, L.O.F.

Section 44. Section 1004.445, F.S.

The CS revises the provisions relating to financial audits for the self-insurance programs created by the State Board of Education to update terminology.

Section 45. Section 1005.04, F.S.

The CS corrects a punctuation error.

Section 46. Section 1006.14, F.S.

The CS corrects a punctuation error.

Section 47. Section 1006.21, F.S.

The CS eliminates superfluous references to regulations when referencing rules of the State Board of Education and the districts school boards.

Section 48. Section 1007.21, F.S.

The CS eliminates a reference to guardian as that term is encompassed within the definition of parent as defined in s. 1001.21(5), F.S.

Section 49. Section 1008.22, F.S.

The CS clarifies that students who take the 2002 Florida Comprehensive Assessment Test (FCAT) are required to earn passing scores as established by the State Board of Education for the 2002 FCAT. In addition, the CS clarifies that increases in passing scores adopted by the State Board of Education for students taking the grade 10 FCAT only apply to those students taking the grade 10 FCAT for the first time.

Section 50. Section 1008.29, F.S.

The CS eliminates an errant cross-reference.

Section 51. Section 1008.32, F.S.

The CS revises the sentence structure to clarify the meaning and correct a run-on sentence.

Section 52. Section 1008.37, F.S.

The CS corrects an errant reporting date as there is not a November 31.

Section 53. Section 1009.29, F.S.

The CS corrects an incorrect reference to the number of state universities.

Section 54. Section 1009.531, F.S.

The CS corrects grammar.

Section 55. Section 1009.532, F.S.

The CS updates terminology to refer to restoration of a Bright Futures Scholarship.

Section 56. Section 1009.534, F.S.

The CS makes a conforming change to rulemaking by vesting rulemaking authority solely in the hands of the State Board of Education as head of the Department of Education. This provision conforms this section to the school code rewrite, chapter 2002-387, L.O.F. In addition, the CS updates terminology to refer to restoration of a Bright Futures Scholarship.

Section 57. Section 1009.535, F.S.

The CS makes a conforming change to rulemaking by vesting rulemaking authority solely in the hands of the State Board of Education as head of the Department of Education, pursuant to chapter 2002-387, L.O.F. In addition, the CS updates terminology to refer to restoration of a Bright Futures Scholarship.

Section 58. Section 1009.536, F.S.

The CS updates terminology to refer to restoration of a Bright Futures Scholarship.

Section 59. Section 1009.58, F.S.

The CS designates a developmental research school as a lab school in conformance with s. 1002.32, F.S.

Section 60. Section 1009.61, F.S.

The CS designates a developmental research school as a lab school in conformance with s. 1002.32, F.S.

Section 61. Section 1009.765, F.S.

The CS makes a conforming change to rulemaking by vesting rulemaking authority solely in the hands of the State Board of Education as head of the Department of Education, pursuant to the school code rewrite, chapter 2002-387, L.O.F.

Section 62. Section 1009.77, F.S.

The CS makes a conforming change to rulemaking by vesting rulemaking authority solely in the hands of the State Board of Education as head of the Department of Education, pursuant to the school code rewrite, chapter 2002-387, L.O.F.

Section 63. Section 1010.215, F.S.

The CS corrects terminology.

Section 64. Section 1010.75, F.S.

The CS corrects grammar to effectuate the section's purpose.

Section 65. Section 1011.24, F.S.

The CS designates a developmental research school as a lab school in conformance with s. 1002.32, F.S.

Section 66. Section 1011.47, F.S.

The CS designates a developmental research school as a lab school in conformance with s. 1002.32, F.S.

Section 67. Section 1011.60, F.S.

The CS eliminates an errant cross-reference.

Section 68. Section 1011.62, F.S.

The CS designates a developmental research school as a lab school in conformance with s. 1002.32, F.S. In addition, the CS eliminates a reference to a score (percentage of students at the small, isolated high school with a passing score that is higher than the greater of the percentage score of the district or state) on the obsolete high school competency test and substitutes a corresponding score (school performance grade of "C" or better) on the FCAT for purposes of determining eligibility for a small, isolated high school under the Florida Education Finance Program (FEFP). There are currently two high schools in the state that qualify.

Section 69. Section 1011.70, F.S.

The CS revises the responsibilities for monitoring compliance of school districts with a Medicaid provider agreement from the Department of Education to the Agency for Health Care Administration. The revision conforms the law to current practice. In addition, the CS designates a developmental research school as a lab school in conformance with s. 1002.32, F.S., and clarifies that lab schools shall participate in the Medicaid certified school match program on the same basis as school districts.

Section 70. Section 1012.585, F.S.

The CS corrects a trust fund name and corrects a cross-reference.

Section 71. Section 1012.62, F.S.

The CS corrects a cross reference.

Section 72. Section 1012.79, F.S.

The CS corrects a cross reference.

Section 73. Section 1012.795, F.S.

The CS clarifies that the duly appointed representative is a representative of the district school superintendent for purposes of receipt of certain information regarding revocation of a teaching certificate under the Education Practices Commission. The provision does not make a substantive change to the law.

Section 74. Section 1012.796, F.S.
The CS corrects a cross-reference.

Section 75. Section 1012.98, F.S.
The CS clarifies that a reference to university faculty for purposes of the School Community Professional Development Act refers to state university faculty.

Section 76. Section 1013.73, F.S.
The CS corrects an errant internal cross-reference.

Section 77. Section 1013.74, F.S.
The CS corrects a cross-reference to chapter 235, which was repealed by the school code rewrite, chapter 2002-387, L.O.F.

Section 78. Sections 445.049, 1002.33, and 1006.57, F.S.
The CS revises the membership of the Digital Divide Council to eliminate representation of the State Board of Community Colleges and the State Board for Career Education as these boards were abolished by s. 3, chapter 2000-321, L.O.F., and s. 3, chapter 2001-170, L.O.F., respectively. In addition, the CS repeals the obsolete conversion charter school pilot program as the program has never been implemented within the established timeframes. Finally, the CS eliminates the requirement that the Clerk of the Supreme Court of Florida furnish certain law school libraries with the Florida Supreme Court Reporter. This reporter is not currently published.

Section 79. Section 1010.10, F.S.
The CS makes permanent the changes provided for in s. 13, chapter 2003-399, L.O.F., with respect to The Uniform Management of Institutional Funds Act (UMIFA). This provision is necessitated by the unintentional repeal of UMIFA in the school code rewrite (chapter 2002-387, L.O.F.) and by the decrease in endowment values of certain universities as a consequence of the decline in the value of investments occasioned by the markets.

Section 80.
This act takes effect upon becoming a law.

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:

If this bill is not adopted and depending on the interpretation of s. 1001.47, F.S., and s. 145.19, F.S., the salaries of elected district school superintendents could significantly increase in the magnitude of \$9,786,046 or experience a collective decline of \$92,165.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

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