

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 1096

INTRODUCER: Education Committee and Senator Montford

SUBJECT: Repeal of Education Provisions

DATE: March 14, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McLaughlin	Klebacha	ED	Fav/CS
2.	Elwell	Hansen	AP	Favorable
3.			RC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

CS/SB 1096 is a combined effort by the Governor, Legislature, district school superintendents, and other education stakeholders to reduce regulation of public educational institutions. The bill repeals:

- Inactive or underutilized programs, including the Alternative Credit for High School Courses Pilot Project, the High School to Business Career Enhancement Program, Incentives for Urban or Socially and Economically Disadvantaged Area Internships, Centers of Technology Innovation, Dropout Reentry and Mentor Project, Sunshine Workforce Solutions Grants, Florida Minority Medical Education Program, Transition to Teaching Program, School Infrastructure Thrift (SIT) Program, A Business-Community (ABC) School Program, and Effort Index Grants.
- Provisions that are unnecessary or duplicate other law, including State Board of Education review of school district compliance with the Family and School Partnership for Student Achievement Act, certain requirements regarding school-to-work transition and postsecondary and workforce readiness, school district reporting of suspensions and expulsions, provisions requiring alignment of public high school athletic programs with those offered by public postsecondary institutions, certain public postsecondary institution safety

policies, and authority for the Commissioner of Education to grant exceptions to recommendations in educational plant surveys.

- Provisions that are not being implemented or contain outdated or expired statutory authority, including reporting of K-12 Foreign Language Curriculum plans, the Department of Education parent-response center, Florida School for the Deaf and the Blinds authority to create a direct-support organization, high school diploma designations related to high school major areas of interest, high school graduation requirements for students who entered 9th grade before the 2007-08 school year, certain substance abuse training programs, the Florida Teachers Lead Program electronic management system pilot project, provisions relating to reduction of energy consumption by public postsecondary institutions, and exceptions to Special Facilities Construction Account millage contribution requirements granted to three school districts.
- Burdensome, incorrect, or unnecessary reporting requirements relating to K-12 public school recycling efforts, school board family involvement rules, school wellness and physical education policies, and paperwork reduction.

By repealing redundant or unnecessary statutory requirements, the bill creates operational efficiencies and potential cost savings for school districts, higher education institutions, the Department of Education (DOE), and the Board of Governors (BOG) of the State University System.

The bill does not make an appropriation.

The bill takes effect upon becoming law except as otherwise expressly provided in this act.

This bill substantially amends the following sections of the Florida Statutes: 120.81, 250.115, 403.7032, 409.1451, 1001.11, 1002.20, 1002.33, 1002.34, 1002.45, 1003.03, 1003.429, 1003.438, 1003.49, 1004.435(5), 1004.45, 1004.70, 1004.71, 1006.025, 1006.15, 1007.263, 1007.271, 1008.22, 1008.23, 1009.40, 1009.531, 1009.85, 1009.94, 1011.61, 1013.35, 1013.356, 1013.41, 1013.64, 1013.69, and 1013.738.

The bill repeals the following sections of the Florida Statutes: 1001.26(3), 1001.435, 1002.23(4), (6), and (9), 1002.32(10), 1002.361, 1002.375, 1003.4285(1), 1003.43, 1003.433(5), 1003.453(2), 1003.496, 1004.05, 1004.62, 1004.77, 1006.02, 1006.035, 1006.051, 1006.09(1)(d), 1006.17, 1006.65, 1006.70, 1007.21, 1007.35(10), 1008.31(3)(d) and (e), 1009.68, 1012.58, 1012.71(6), 1013.231, 1013.32, 1013.42, 1013.72, 1013.502, 1013.721, 1013.64(7), and 1013.73.

II. Present Situation:

The bill is a coordinated effort by the Governor, the Legislature, district school superintendents, and other education stakeholders to reduce regulation of public educational institutions. In October 2012, the Governor selected seven district school superintendents to formulate recommendations for eliminating unnecessary or outdated statutes and State Board of Education rules. The DOE distributed a statewide survey soliciting recommendations from the remaining

60 superintendents. The statutes proposed for repeal by this bill are the product of these combined efforts.¹

III. Effect of Proposed Changes:

Recycling

Legislation enacted in 2010 required, among others, each state agency, local government, and K-12 public school, public institution of higher learning, community college, and state university to annually report all recycled materials to the appropriate county.² The Department of Environmental Protection was directed to designate a reporting format, but has not done so.³ Thus, reporting by public sector entities has not yet commenced.

The bill amends s. 403.7032(3), F.S., eliminating the recycling reporting requirement for K-12 public schools, as requested by school district superintendents.⁴

K-12 Foreign Language Curriculum Plan Submittal

Legislation enacted in 2002 required each district school board to develop a K-12 foreign language curriculum plan to be submitted to the Commissioner of Education by June 30, 2004.⁵ Kindergarten through grade twelve foreign language curriculum plans were submitted to the commissioner in 2004 and subsequently implemented by school districts.

The bill repeals s. 1001.435, F.S., relating to the K-12 foreign language curriculum, as the purpose of this statute has been accomplished.

Family and School Partnership for Student Achievement Act

Enacted in 2003, the Family and School Partnership for Student Achievement Act established several requirements designed to strengthen collaboration among parents and school personnel.⁶ Among other things, the Act requires the DOE to establish a parent-response center; annual submission of family involvement rules by school boards to the DOE; and an annual State Board of Education review of school districts' compliance.⁷ The parent-response center does not exist, as the DOE uses other means to assist parents and the public.⁸ The DOE simply acknowledges receipt of school board family involvement rules, but does nothing further. State board review of school board compliance with the Act duplicates another law which provides the Commissioner

¹Press Release, Florida Department of Education, *Superintendents Recommend Ways to Reduce Red Tape, Regulations* (Nov. 5, 2012), http://www.fldoe.org/news/2012/2012_11_05-2.asp (last visited Jan. 8, 2013). The superintendents of Bay County, Broward County, Charlotte County, Highlands County, Orange County, St. Johns County, and Volusia County school districts participated on the governor's panel.

²Section 3, ch. 2010-143, L.O.F., *codified at* s. 403.7032(3), F.S.

³Telephone conversation, Board of Governors, State University System of Florida, Staff (Dec. 20, 2012).

⁴Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

⁵Section 1061, ch. 2002-387, L.O.F., *codified at* s. 1001.435, F.S.

⁶Section 2, ch. 2003-118, L.O.F., *codified at* s. 1002.23, F.S.

⁷Section 1002.23(4), (6), and (9), F.S.

⁸Telephone conversation, Florida Department of Education, Bureau of Family and Community Outreach (December 18, 2012).

of Education with the authority to investigate school board noncompliance with state law and the State Board of Education with the authority to withhold funds for such noncompliance.⁹

The bill repeals subsections (4), (6), and (9) of s. 1002.23, F.S., relating to the parent-response center, school board reporting of parent involvement rules, and state board review of compliance with the Act, respectively. The DOE and district school superintendents concur with these repeals.

Florida School for the Deaf and the Blind Direct-Support Organization

Legislation enacted in 2004 authorized the Florida School for the Deaf and the Blind (FSDB) board to establish a direct support organization (DSO). The DSO may receive, hold, invest, and administer property and make expenditures to or for the benefit of FSDB or the board.¹⁰

The bill repeals s. 1002.361, F.S., relating to a DSO for the FSDB, as no DSO exists and the FSDB has no future intent to create one. The FSDB concurs with repeal of this statute.

Alternative Credit for High School Courses Pilot Project

Legislation enacted in 2008 established the Alternative Credit for High School Courses Pilot Project to enable high school students enrolled in industry certification courses to simultaneously earn credit in Algebra, Geometry, or Biology without having to enroll in a separate course.¹¹ In order to earn such credit, students were required to pass an end-of-course (EOC) assessment. The legislation required the Commissioner of Education to select up to three school districts to participate in the pilot project, beginning in the 2008-09 school year, and authorized the DOE to approve eligible courses and EOC assessments.¹² Only one high school participated in the pilot project and no eligible students sought credit through the pilot program.¹³

The bill repeals s. 1002.375, F.S., relating to the Alternative Credit for High School Courses Pilot Project, which is no longer in existence, and has been made unnecessary by the Legislature's enactment of the Credit Acceleration Program (CAP) in 2010. Similar to the pilot project, CAP enables students to earn credit in courses tested by a statewide standardized EOC assessment without enrolling in the course. The bill also amends s. 1011.61, F.S., which is a conforming provision. The DOE and district school superintendents concur with repeal of this statute.¹⁴

⁹ See s. 1008.32, F.S.

¹⁰ Section 6, ch. 2004-331, L.O.F., *codified at* s. 1002.361, F.S.

¹¹ Section 1, ch. 2008-174, L.O.F., *codified at* s. 1002.375, F.S.

¹² Section 1002.375(1), (2), and (4), F.S. The law authorizes use of a statewide standardized EOC assessment or EOC assessment developed by the Florida Virtual School for assessing student mastery of Algebra, Geometry, or Biology. Section 1002.375(4), F.S.

¹³ Florida Department of Education, *Legislative Bill Analysis for HB 4185* (2011).

¹⁴ Florida Department of Education, *Legislative Report on Alternative Credit for High School Courses Pilot*, (2010).(on file with the Senate Committee on Education); Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012); see s. 5, ch. 2010-22, L.O.F., *codified at* s. 1003.4295(3), F.S.

Standard High School Diploma Designations

Legislation enacted in 2006 required high school students to select a major area of interest comprised of four credits in a career, academic, or fine or performing arts content area, in order to earn a standard high school diploma.¹⁵ Legislation enacted in 2008 created a standard high school diploma designation signifying the student's completion of a major.¹⁶ Legislation enacted in 2010 repealed the major area of interest graduation requirement, but did not eliminate the diploma designation.¹⁷

The bill repeals s. 1003.4285(1), F.S., relating to the major area of interest diploma designation, which is now obsolete due to the repeal of the corresponding graduation requirement.

General Requirements for High School Graduation

Since 2006, Florida has had two laws concerning high school graduation requirements. Section 1003.43, F.S., was enacted in 1978 and applies to students who entered 9th grade before the 2007-08 school year; s. 1003.428, F.S., applies to students entering the 9th grade in the 2007-08 school year and thereafter.¹⁸ Six school years have passed since entering 9th graders have been subject to s. 1003.43, F.S.

The bill repeals s. 1003.43, F.S., relating to the general requirements for high school graduation for students entering 9th grade before the 2007-08 school year. Despite repeal, these requirements will remain applicable to any students still enrolled in Florida public schools who were subject to them at the time they entered 9th grade.¹⁹ The DOE and district school superintendents concur with repeal of this statute.²⁰

School Wellness and Physical Education Policies

Legislation enacted in 2006 required each school district to provide the most recent version of its school wellness and physical education policy on its website. The DOE was required to post on its website links to these policies.²¹

School wellness policies are required by federal law governing child nutrition programs. Legislation enacted in 2011 transferred oversight of federal child nutrition programs from the DOE to the Department of Agriculture and Consumer Services (DACCS).²² Accordingly, the

¹⁵ Section 23, ch. 2006-74, L.O.F., *codified at* s. 1003.428(2)(b)1., F.S.

¹⁶ Section 8, ch. 2008-235, L.O.F., *codified at* s. 1003.4285(1), F.S.

¹⁷ Section 3, ch. 2010-22, L.O.F.

¹⁸ Chapter 78-424, L.O.F., *initially codified at* s. 232.246, F.S., *redesignated in* 2002 as s. 1003.43, F.S., and s. 23, ch. 2006-74, L.O.F., *codified as* s. 1003.428, F.S.

¹⁹ *Memorial Hospital-West Volusia, Inc. v. News-Journal Corp.*, 784 So. 2d 438 (Fla. 2001). The general rule is that in the absence of clear legislative intent to the contrary, a law affecting substantive rights, liabilities and duties is presumed to apply prospectively.

²⁰ Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

²¹ Section 18, ch. 2006-301, L.O.F., *codified at* s. 1003.453(2), F.S.

²² *See* Healthy, Hunger Free Kids Act of 2010, Pub. L. No.111-296, 124 Stat. 3183; s. 8, ch. 2011-217, L.O.F.; Florida Department of Agriculture and Consumer Services, *Wellness*, <http://www.freshforfloridakids.com/Sponsors/Programs/Wellness.aspx> (last visited Jan. 7, 2013)(*see* Florida Links to Local Wellness Policies).

DACS, not the DOE, posts school wellness policies on its website. However, the law was never changed to reflect this.

The DOE website includes a page devoted entirely to physical education.²³ The webpage includes online links to school district physical education policies and numerous additional resources. Posting of physical education policies is the only resource that is statutorily required.²⁴

The bill repeals s. 1003.453(2), F.S., relating to online posting of school wellness and physical education policies, thereby removing the outdated requirement that the DOE post links to school wellness policies on its website. The DOE and district school superintendents requested repeal of this outdated and unnecessary reporting requirement.²⁵

High School to Business Career Enhancement Program

Legislation enacted in 2007 established the High School to Business Career Enhancement Program, which authorizes school boards to adopt policies for providing high school students internships with local employers.²⁶ Among other things, participating students must earn at least a 2.0 GPA, internships must be between 8 and 20 consecutive weeks in duration, and participants are limited to 20 work hours weekly and one internship annually.²⁷ No school districts have participated in this program in recent years.

The bill repeals s. 1003.496, F.S., relating to the High School to Business Career Enhancement Program, as the program is not currently being implemented by school districts.

Substance Abuse Training Programs

Legislation enacted in 1993 authorized state universities and the Florida College System (FCS) institutions to develop courses designed to train public school teachers, counselors, physicians, law enforcement personnel, and other professionals in recognizing symptoms of substance abuse impairment.²⁸ These programs are inactive and unfunded.

The bill repeals s. 1004.05, F.S., which created the Substance Abuse Training Programs. The DOE and the BOG concur with the repeal of this statute.²⁹

Incentives for Urban or Socially and Economically Disadvantaged Area Internships

Legislation enacted in 1994 established the Incentives for Urban or Socially and Economically Disadvantaged Area Internships program to give university students the opportunity to study the social, economic, educational, and political life of inner cities and economically disadvantaged

²³ See, Florida Department of Education, *Physical Education*, http://www.fldoe.org/BII/CSHP/Education/Physical_Ed/default.asp (last visited Jan. 7, 2013) (see Links to Florida School District's Physical Education Policies); see ss. 1003.453 and 1003.455, F.S.

²⁴ *Id.*

²⁵ Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

²⁶ Section 1, ch. 2007-122, L.O.F., *codified at* s. 1003.496, F.S.

²⁷ Section 1003.496(2), F.S.

²⁸ Section 12, ch. 93-39, L.O.F., *initially codified at* s. 240.70, F.S., *redesignated in* 2002 as s. 1004.05, F.S.

²⁹ Telephone conversation, Board of Governors, State University System of Florida, Staff (Dec. 11, 2012).

areas of the state.³⁰ This program is not currently being implemented and has not received funding since FY 1999-2000.

The bill repeals s. 1004.62, F.S., relating to Incentives for Urban or Socially and Economically Disadvantaged Area Internships. The BOG concurs with the repeal of this inactive program.³¹

Centers of Technology Innovation

Legislation enacted in 1994 authorized individual FCS institutions, consortia of multiple FCS institutions, or consortia of FCS institutions and other educational institutions to establish centers of technology innovation.³² These centers were authorized to perform various functions, including curriculum and faculty development; research, testing, and technology transfer; instructional materials development; and the formation of partnerships with technology industries seeking to update or expand existing technology.³³ According to the DOE, no such centers exist.³⁴

The bill repeals s. 1004.77, F.S., relating to Centers of Technology Innovation, as the program is inactive. The DOE concurs with repeal of this statute.³⁵

Provision of Information to Students and Parents Regarding School-to-Work Transition

Legislation enacted in 1994 required, among other things, each K-12 public school to document actions taken to prepare students for the workforce. Each public high school was required to assess each student's preparation for employment before graduation and provide the student and the student's parent with the results of the assessment.³⁶

Subsequent legislation has increased the state's focus on workforce preparation. Among other things, each school district, in collaboration with the local workforce board and public postsecondary institutions serving the district, must develop a 3-year strategic plan for identifying high-demand career fields and creating career academies in those fields, recruiting students to enroll in career academies; providing personalized student advisement with parent participation, supporting education planning, and coordinating middle school and high school career education programs.³⁷ Additionally, middle school students must complete a career and education planning course which results in completion of an academic and career plan for the student.³⁸

The bill repeals s. 1006.02, F.S., relating to Provision of Information to Students and Parents Regarding School-to-Work Transition and amends s. 1006.025, F.S. which is a conforming

³⁰ Section 38, ch. 94-230, L.O.F., *initially codified at s. 240.701, F.S., redesignated in 2002 as s. 1004.62, F.S.*

³¹ Email, Board of Governors, State University System of Florida, General Counsel (Dec. 20, 2012).

³² Section 39, ch. 94-230, L.O.F., *initially codified at s. 240.3335, F.S., redesignated in 2002 as s. 1004.77, F.S.*

³³ Section 1004.77(2), F.S.

³⁴ Telephone conversation, Division of Florida Colleges, Staff (Jan. 5, 2013).

³⁵ *Id.*

³⁶ Section 5, ch. 94-319, L.O.F., *initially codified at s. 229.595, F.S., redesignated in 2002 as s. 1006.02, F.S.*

³⁷ Section 1003.491(3), F.S.; *see e.g.* s. 1, ch. 2007-216 and s. 13, ch. 2012-191, L.O.F.

³⁸ Section 1003.4156(1)(a)5., F.S.; s. 21, ch. 2006-74, L.O.F.

provision. These requirements have been supplanted by other provisions governing workforce preparation and education planning.³⁹

Dropout Reentry and Mentor Project

Legislation enacted in 1990 created the Dropout Reentry and Mentoring Project, a pilot project to be implemented by the Florida Agricultural and Mechanical University National Alumni Association in Tallahassee, Jacksonville, Daytona Beach, and Miami.⁴⁰ The project assisted 15 African American students in each of these four locations who had dropped out of high school for reasons unrelated to academic difficulty. Participants received mentoring; academic evaluation for, and enrollment in, a regular high school, General Educational Development (GED) program, career center, or alternative school; and instruction regarding test-taking, study, goal setting, conflict management, and time management skills.⁴¹ This project is no longer operational and has received no funding in over 10 years.

The bill repeals s. 1006.035, F.S., which created the Dropout Reentry and Mentor Project. The Florida Agricultural and Mechanical University and district school superintendents concur with repeal of this statute.

Sunshine Workforce Solutions Grant Program

Legislation enacted in 2002 created the Sunshine Workforce Solutions Grant Program, to provide school districts with grants for establishing nursing-themed middle school and high school career education programs.⁴² The program was never implemented or funded.

The bill repeals s. 1006.051, F.S., which created the Sunshine Workforce Solutions Grant Program. The DOE and district school superintendents concur with repeal of this statute.⁴³

Duties of School Principal relating to Student Discipline and School Safety

Section 1006.09(1)(d), F.S., requires each school principal (or designee) to include an analysis of suspensions and expulsions in the annual report of school progress. Subsection (6) of s. 1006.09, F.S., requires each school principal to report data concerning school safety and discipline to the DOE.⁴⁴ The discipline data reported to DOE includes information regarding suspensions and expulsions. Thus, these two provisions are redundant.⁴⁵

The bill repeals s. 1006.09(1)(d), F.S., relating to duties of school principals for student discipline and school safety, as the information reported under this paragraph duplicates that reported under s. 1006.09(6), F.S. DOE and district school superintendents concur with repeal of this statute.⁴⁶

³⁹ Telephone conversation, Board of Governors, State University System of Florida, Staff (Dec. 11, 2012).

⁴⁰ Section 11, ch. 90-365, L.O.F., *initially codified at s. 228.503, F.S., redesignated in 2002 as s. 1006.035, F.S.*

⁴¹ Section 1006.035(2), (5), and (7), F.S.

⁴² Section 4, ch. 2002-230, L.O.F., *codified at s. 1006.051, F.S.*

⁴³ Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

⁴⁴ Section 279, ch. 2002-387, L.O.F., *codified at s. 1006.09(1)(d) and (6), F.S.*

⁴⁵ Telephone conversation, Florida Department of Education, Staff, (Dec. 11, 2012).

⁴⁶ Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

Sponsorship of Athletic Activities

Two substantially identical statutes enacted in 1986 required public high schools, FCS institutions, and state universities to align their sports offerings to enable opportunities for students to play sports for which collegiate scholarships are offered.⁴⁷ The law was specifically enacted in order to induce public schools to transition from slow pitch softball to fast pitch softball.⁴⁸

The bill repeals ss. 1006.17 and 1006.70, F.S., relating to sponsorship of athletic activities similar to those for which scholarships offered. Fast-pitch softball is the version of softball currently sponsored by the Florida High School Athletic Association (FHSAA), the Florida College System Athletic Association (FCSAA), and the National Collegiate Athletic Association.⁴⁹ The FHSAA and the FCSAA concur with these repeals.⁵⁰

Safety Issues in Courses Offered by Public Postsecondary Educational Institutions

Legislation enacted in 2002 required the State Board of Education and the BOG to adopt policies for protecting the health and safety of students, instructional personnel, and visitors who participate in courses offered by the FCS institutions or state universities, respectively.⁵¹

According to the DOE, these safety policies are already required by federal law and accrediting bodies and included in affiliation contracts with hospitals and law enforcement agencies.⁵²

The bill repeals s. 1006.65, F.S., relating to safety issues in courses offered by public postsecondary institutions. The DOE concurs with repeal of this statute.

Readiness for Postsecondary Education and the Workplace

Legislation enacted in 1997 required that entering 9th graders and their parents develop a four to five year academic and career plan while the student is in middle school, based upon the student's postsecondary and career goals.⁵³ Legislation enacted subsequently required middle school students to complete a career and education planning course which results in completion of an academic and career plan for the student.⁵⁴

⁴⁷ Section 4, ch. 86-172, L.O.F., initially codified at s. 232.426, F.S., redesignated in 2002 as ss. 1006.17 and 1006.70, F.S.

⁴⁸ Florida House of Representatives, *Legislative Bill Analysis for CS/HB 90*(1986).

⁴⁹ Florida High School Athletic Association, *Sports and Programs*, <http://www.fhsaa.org/sports> (last visited Jan. 8, 2013);

Florida College System Activities Association, *Athletics*, <http://www.thefcsaa.com/> (last visited Jan. 8, 2013); National

Collegiate Athletic Association, *Championships List*,

<http://www.ncaa.org/wps/wcm/connect/public/ncaa/championships/championships+list> (last visited Jan. 8, 2013).

⁵⁰ Florida Department of Education, *Legislative Bill Analysis for HB 4041* (2012).

⁵¹ Section 335, ch. 2002-387, L.O.F., codified at s. 1006.65, F.S.

⁵² Email, Board of Governors, State University System of Florida (Dec. 20, 2012); see 20 U.S.C. s. 1092(f), requiring disclosure of campus security policies and crime statistics by postsecondary institutions participating federal financial aid programs.

⁵³ Section 1, ch. 97-21, L.O.F., initially codified at s. 232.2451, F.S., redesignated in 2002 as s. 1007.21, F.S.

⁵⁴ Section 1003.4156(1)(a)5., F.S.; s. 21, ch. 2006-74, L.O.F.

The bill repeals s. 1007.21, F.S., relating to readiness for postsecondary education and the workplace, as this provision is duplicative. The DOE and district school superintendents concur with repeal of this statute.⁵⁵

Paperwork Reduction

Legislation enacted in 2010 required the Commissioner of Education to annually monitor and review paperwork, data collection, and reporting requirements and report recommendations for eliminating or consolidating such requirements to school districts.⁵⁶ Although this provision is intended to reduce paperwork, it actually creates more paperwork for DOE and school districts.⁵⁷

The bill repeals s. 1008.31(3)(d) and (e), F.S., relating to paperwork reduction. The DOE and school district superintendents concur with repeal of these provisions.⁵⁸

Florida Minority Medical Education Program

Legislation enacted in 1991 established a scholarship program for minority students pursuing medical education at the University of Florida, the University of South Florida, Florida State University, and the University of Miami, or Southeastern University Health Sciences, for the purpose of addressing the primary health care needs of underserved groups.⁵⁹ According to the DOE, the program has not been funded in 15 years.⁶⁰

The bill repeals s. 1009.68, F.S., relating to the Florida minority medical education program. The DOE concurs with repeal of this statute.⁶¹

Transition to Teaching Program

Legislation enacted in 2001 created the Transition to Teaching Program to award grants for establishing programs to facilitate the transition of midcareer professionals into the teaching profession.⁶² An individual participating in programs created under the grant was eligible for financial assistance, upon condition that he or she commit to teach in a Florida school district for at least three years. The award of grants was contingent upon legislative funding. The DOE was awarded federal Transition to Teaching grants in 2003 and 2007. However, these grants expired in October 2011.

The bill repeals s. 1012.58, F.S. creating the Transition to Teaching Program, which is inactive and no longer funded. The DOE concurs with the repeal of this statute.

⁵⁵ Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

⁵⁶ Section 199, ch. 2010-102, L.O.F., *codified at* s. 1008.31(3)(d)-(e), F.S.

⁵⁷ Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012)

⁵⁸ *Id.*

⁵⁹ Section 1, ch. 91-203, L.O.F., *initially codified at* s. 240.4987, F.S., *redesignated in* 2002 as s. 1009.68, F.S.

⁶⁰ Telephone conversation, Florida Department of Education, Staff (Jan. 15, 2013).

⁶¹ *Id.*

⁶² Sections 1 and 2, ch. 2001-219, L.O.F., *initially codified at* s. 229.604, F.S., *redesignated in* 2002 as s. 1012.58, F.S.

The Florida Teachers Lead Program

The Florida Teachers Lead program provides a classroom materials and supplies stipend to each public school classroom teacher.⁶³ Legislation enacted in 2009, authorized the DOE to establish a pilot program to study the feasibility of creating a centralized electronic system for managing Florida Teachers Lead Program disbursements. The program was authorized only for FY 2009-10. School district participation was voluntary and the DOE was not required to implement the program if school district participation was insufficient to measure the viability of an electronic management system.⁶⁴ According to the DOE, no school districts agreed to participate and the program was never implemented.⁶⁵

The bill repeals s. 1012.71(6), F.S., relating to the Florida Teachers Lead Program centralized electronic management system pilot program, as authority for the program has expired.

Florida College System Institution and University Energy Consumption

Legislation enacted in 2010 required each FCS institution and state university to strive to reduce campus-wide energy consumption by ten percent and submit a report to the Governor, Speaker of the House of Representatives, and President of the Senate by January 1, 2011, describing how this goal was met or providing a plan for meeting the goal in the future.⁶⁶ While this statute requires a plan, it does not require that the institutions actually meet this goal. Furthermore, the report submission deadline of January 1, 2011, has passed.⁶⁷

The bill repeals s. 1013.231, F.S., relating to reduction in energy consumption by the FCS institutions and universities, as the purpose of this statute has been served.

Exception to Recommendations in Educational Plant Survey

Legislation enacted in 1977 authorized school districts to request exceptions to recommendations made in an educational plant survey based upon potential cost savings or other educational benefits. These exceptions must be approved by the Commissioner of Education.⁶⁸ A separate provision of law similarly authorizes the commissioner to waive survey requirements upon school district request.⁶⁹

The bill repeals s. 1013.32, F.S., relating to exceptions to recommendations in educational plant surveys. The DOE concurs with repeal of this statute.⁷⁰

⁶³ Section 1012.71, F.S.

⁶⁴ *Id.*

⁶⁵ Section 37, ch. 2009-59, L.O.F., *codified at* s. 1012.71(6), F.S.

⁶⁶ Section 30, ch. 2010-155, L.O.F., *codified at* s. 1013.321, F.S.

⁶⁷ Section. 1013.231, F.S.

⁶⁸ Section 9, ch. 77-458, L.O.F., *initially codified at* s. 235.155, F.S., *redesignated in* 2002 as s. 1013.32, F.S.

⁶⁹ Section 1013.03(10), F.S.

⁷⁰ Telephone conversation, Florida Department of Education, Staff (Dec. 11, 2012).

School Infrastructure Thrift Program

Legislation enacted in 1997 established the School Infrastructure Thrift (SIT) program, which was designed to reward school districts that achieved construction cost savings.⁷¹ Among other things, the legislation required the DOE to identify for elimination obsolete, excessively restrictive, and unnecessary education facilities regulations and practices.⁷² School districts that achieved reduced costs per student station specified in statute were eligible to apply for SIT program awards.⁷³ The SIT program has not been funded since FY 2004-05, when funding was awarded to the Orange and Osceola County school districts.⁷⁴ A related program, the SMART Schools Clearinghouse, was repealed in 2010.⁷⁵

The bill repeals ss. 1013.42 and 1013.72, F.S., relating to the SIT program. DOE concurs with these repeals.

A Business-Community School Program

The A Business-Community (ABC) School Program encourages the formation of business and education partnership schools which operate in facilities owned or operated by a local business.⁷⁶ The ABC schools may serve students in kindergarten through 3rd grade. Children of employees of the business must be given first preference for enrollment.⁷⁷ School districts are not required to establish an ABC school, nor do they need statutory authority to do so.

The bill repeals ss. 1013.502 and 1013.721, F.S., relating to the ABC School Program. School district superintendents concur with these repeals.⁷⁸

Exceptions to Special Facilities Construction Account requirements

The Special Facility Construction Account (SFCA) provides funding to school districts with urgent construction needs that cannot be met by existing resources or resources anticipated in the next three year period.⁷⁹ In addition to other provisions, school districts receiving SFCA funding must levy the maximum authorized discretionary millage for capital outlay (1.5 mills), or its equivalent from the school capital outlay surtax.⁸⁰ Legislation enacted in 2009 reduced this millage contribution for the school districts of Wakulla county (1 mill for FY 2009-10 and .5 mill for FY 2010-11), Liberty county (1 mill for FYs 2009-10 to 2011-12), and Calhoun county (1.125 mills for FYs 2009-10 to 2012-13).⁸¹ This provision will be obsolete as of June 30, 2013,

⁷¹ Section 22 ch. 97-153, L.O.F., *initially codified at s. 235.2155, F.S., redesignated in 2002 as s. 1013.42, F.S.*; Section 23, ch. 97-153, L.O.F., *initially codified at s. 235.216, F.S., redesignated in 2002 as s. 1013.72, F.S.*

⁷² Section 1013.42(2), F.S.

⁷³ Section 1013.72(2), F.S.

⁷⁴ Telephone conversation, Florida Department of Education, Staff (Dec. 11, 2012).

⁷⁵ Chapter 2010-70, L.O.F.

⁷⁶ Section 21, ch. 2003-391, L.O.F., *initially codified at s. 1013.501, F.S., redesignated in 2006 as s. 1013.721, F.S.* Initially known as the Florida Business and Education in School Together (Florida BEST) Program, the name of the program was changed to the ABC Schools Program in 2006.

⁷⁷ Section 1013.721(2) and (5)(a), F.S.

⁷⁸ Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

⁷⁹ Section 1013.64(2)(a), F.S.

⁸⁰ Section 1013.64(2)(a)8., F.S.; *see s. 1011.71(2), F.S.*

⁸¹ Section 40, ch. 2009-59, L.O.F., *codified at s. 1013.64(7), F.S.*

when Calhoun County's exception expires. Wakulla County's exception expired June 30, 2011, and Liberty County's exception expired June 30, 2012.

The bill repeals s. 1013.64(7), F.S., relating to exceptions to SFCA millage contribution requirements, as the last exception expires June 30, 2013 rendering the provision obsolete. The DOE concurs with repeal of this provision.⁸²

Effort Index Grants

Legislation enacted in 1997 provided grants to school districts which met a specified level of local effort funding, but still had a need for new student stations or core facilities to meet student demand.⁸³ The legislation provided a one-time appropriation of \$300 million for the grants, the last of which was disbursed in 2008.⁸⁴ A related program, the SMART Schools Clearinghouse, was repealed in 2010.⁸⁵

The bill repeals s. 1013.73(7), F.S., relating to effort index grants, which are no longer funded. The DOE concurs with the repeal of this statute.

Rulemaking Authority

- The DOE states that the rulemaking authority of ss. 1001.26(3), 1002.32(10), 1007.35(10), and 1009.85, F.S. is unnecessary because the statutes are self-executing.⁸⁶
- The DOE further states that s. 1003.433(5), F.S., is unnecessary due to duplicative statutory authority.⁸⁷
- The BOG states that the rulemaking authority of s. 1004.435(5)(c) and (d), F.S., is unnecessary and no rules have been created.⁸⁸
- Florida State University states that the rulemaking authority of s. 1004.45(2)(g), F.S. is unnecessary because the property in question belongs to the Ringling estate and not to the university.⁸⁹
- The bill repeals the rulemaking authority in these statutes previously identified as duplicative, redundant, or unused pursuant to s. 11.242(5)(j), F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁸² *Id.*

⁸³ Section 5, ch. 97-384, L.O.F., initially codified at s. 235.186, F.S., redesignated in 2002 as s. 1013.73, F.S.

⁸⁴ Section 870, ch. 2002-387, L.O.F.

⁸⁵ Chapter 2010-70, L.O.F.

⁸⁶ Telephone conversation, Florida Department of Education, Staff (Dec. 18, 2012).

⁸⁷ *Id.*

⁸⁸ Telephone conversation, Board of Governors, State University System of Florida (Dec. 20, 2012).

⁸⁹ Telephone conversation, Florida State University, Office of General Counsel (December 18, 2012).

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

By repealing redundant or unnecessary statutory requirements, the bill creates operational efficiencies and potential cost savings for school districts, higher education institutions, the DOE, and the BOG.

The bill does not make an appropriation.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by the Education Committee on March 6, 2013:

The committee substitute retains the original provisions of SB 1096 and:

- Repeals s. 1002.375, F.S., relating to the Alternative Credit for High School Courses Pilot Project, s. 1006.02, F. S., relating to the provision of information to students and parents regarding school-to-work transition, s. 1006.051, F.S., relating to the Sunshine Workforce Solutions Grant Program, and the rulemaking authority in ss. 1001.26(3), 1002.32(10), 1003.433(5), 1004.435(5)(c) and (d), 1004.45(2)(g), 1007.35(10), and 1009.85 of the Florida Statutes.
- Amends s. 1006.025, F.S., which is a conforming provision for s. 1006.02, F.S., and s. 1011.61, F.S., which is a conforming provision for s. 1002.375, F.S.

- Amends s. 1013.64(7), F.S., providing for an effective date that corresponds with the exception granted to Calhoun County.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
