

Senate Bill No. 1770

An act relating to the Florida Statutes; repealing various statutory provisions that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; amending s. 229.121, F.S.; deleting obsolete provisions relating to exchange of land of the State School Fund by the State Board of Education; repealing s. 232.2451(4), F.S., relating to effect and applicability of provisions relating to readiness for postsecondary education and the workplace; repealing s. 232.271(5), F.S., relating to reports to the Legislature on expulsion of students from the classroom; repealing s. 232.36, F.S., relating to sanitation of schools; amending s. 228.053, F.S.; conforming a cross-reference; repealing s. 236.0815, F.S., relating to restrictions on inclusion of certain students within basic programs; repealing s. 236.0817, F.S., relating to allocation of categorical funds to developmental research schools; repealing s. 236.0841, F.S., relating to provision of student enrichment, remedial, and dropout prevention programs; amending s. 232.246, F.S.; conforming a cross-reference; repealing s. 236.092, F.S., relating to mathematics, science, and computer learning laboratories; repealing s. 236.1228, F.S., relating to accountability program grants; amending s. 236.13, F.S.; deleting a cross-reference, to conform; repealing ss. 236.1229 and 236.12295, F.S., relating to the Florida School Improvement and Academic Achievement Trust Fund and its grant program; repealing s. 236.145, F.S., relating to reimbursement of residential nonpublic school contracts; amending s. 236.687, F.S.; deleting obsolete implementation provisions of the Florida Maximum Class Size Study Act; repealing s. 236.69, F.S., relating to development of a state plan for use of funds received under Title I of the federal Elementary and Secondary Education Act of 1965, as amended and readopted; repealing s. 238.05(5)(a), F.S., relating to optional membership in the Teachers' Retirement System by persons qualified for retirement under the Judicial Retirement System; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 229.121, Florida Statutes, is amended to read:

229.121 Land of the State School Fund; exemption from taxation State board authorized to exchange land.—

~~(1) The State Board of Education of this state is hereby authorized in its discretion to exchange land of the State School Fund held by said board for other land in this state held by any other state agency, or by any county in this state, or by any person, private or corporate, where such exchange will be advantageous to said fund.~~

~~(2) The said State Board of Education shall have authority to fix the terms and conditions of any such exchange and to select and agree upon the~~

~~lands to be conveyed to and to be received by said board, and to make and enter into contracts and agreements therefor. To be acceptable, the land to be received by said board in exchange shall be free of tax or other debt and shall be clear as to title.~~

~~(3) In making exchange of land, the said board may in its discretion convey said land without the reservation of oil, gas, or of phosphate and other minerals required by s. 270.11, where deeds to land received in exchange convey title in fee simple without such reservations, or to determine the part or parts to be reserved and the part or parts to be conveyed so as to facilitate exchange on a basis as nearly equal as may be.~~

(4) The land comprising part of the State School Fund shall not be subject to taxes of any kind whatsoever, but shall enjoy constitutional immunity therefrom, nor shall taxes of any kind be imposed thereon; nor, since not subject to tax, shall the state or any state agency be liable for taxes or the equivalent thereof sought to be imposed upon said land. All outstanding tax sale certificates against land of the State School Fund are hereby canceled.

~~(5) Any such exchanges of land heretofore made by said State Board of Education are hereby confirmed and validated.~~

Section 2. Subsection (4) of section 232.2451, Florida Statutes, is repealed.

Section 3. Subsection (5) of section 232.271, Florida Statutes, is repealed.

Section 4. Section 232.36, Florida Statutes, is repealed.

Section 5. Paragraph (b) of subsection (12) of section 228.053, Florida Statutes, is amended to read:

228.053 Developmental research schools.—

(12) EXCEPTIONS TO LAW.—To encourage innovative practices and facilitate the mission of the developmental research schools, in addition to the exceptions to law specified in s. 229.592, the following exceptions shall be permitted for developmental research schools:

(b) The following statutes or related rules may be waived for any developmental research school so requesting, provided the general statutory purpose of each section is met and the developmental research school has submitted a written request to the Joint Developmental Research School Planning, Articulation, and Evaluation Committee for approval pursuant to this subsection: ss. 229.555; 231.291; 232.2462; ~~232.36~~; 233.34; 237.01; 237.02; 237.031; 237.041; 237.061; 237.081; 237.111; 237.121; 237.131; 237.141; 237.151; 237.161; 237.162; 237.171; 237.181; 237.211; and 237.34. Notwithstanding reference to the responsibilities of the superintendent or school board in chapter 237, developmental research schools shall follow the policy intent of the chapter and shall, at least, adhere to the general state agency accounting procedures established in s. 11.46.

1. Two or more developmental research schools may jointly originate a request for waiver and submit the request to the committee if such waiver

is approved by the school advisory council of each developmental research school desiring the waiver.

2. A developmental research school may submit a request to the committee for a waiver if such request is presented by a school advisory council established pursuant to s. 229.58, if such waiver is required to implement a school improvement plan required by s. 230.23(16), and if such request is made using forms established pursuant to s. 229.592. The Joint Developmental Research School Planning, Articulation, and Evaluation Committee shall monitor the waiver activities of all developmental research schools and shall report annually to the department, in conjunction with the feedback report required pursuant to s. 229.592, the number of waivers requested and submitted to the committee by developmental research schools, and the number of such waiver requests not approved. For each waiver request not approved, the committee shall report the statute or rule for which the waiver was requested, the rationale for the developmental research school request, and the reason the request was not approved.

Section 6. Section 236.0815, Florida Statutes, is repealed.

Section 7. Section 236.0817, Florida Statutes, is repealed.

Section 8. Section 236.0841, Florida Statutes, is repealed.

Section 9. Paragraph (a) of subsection (7) of section 232.246, Florida Statutes, is amended to read:

232.246 General requirements for high school graduation.—

(7) No student may be granted credit toward high school graduation for enrollment in the following courses or programs:

(a) More than a total of nine elective credits in remedial programs as ~~provided for in s. 236.0841.~~

Section 10. Section 236.092, Florida Statutes, is repealed.

Section 11. Section 236.1228, Florida Statutes, is repealed.

Section 12. Subsection (3) of section 236.13, Florida Statutes, is amended to read:

236.13 Expenditure of funds by school board.—All state funds apportioned to the credit of any district constitute a part of the district school fund of that district and must be budgeted and expended under authority of the school board of that district subject to the provisions of law, regulations of the state board, and rules of the commissioner.

(3) Funds expended from school nonrecurring incentives or bonus type state or federal funded programs based on performance outcomes, ~~such as those provided for in s. 236.1228 for the accountability program,~~ may not be used for measuring compliance with state or federal maintenance of effort, supplanting, or comparability standards.

Section 13. Sections 236.1229 and 236.12295, Florida Statutes, are repealed.

Section 14. Section 236.145, Florida Statutes, is repealed.

Section 15. Section 236.687, Florida Statutes, is amended to read:

236.687 Florida Maximum class size goals Study Act.—

(1) ~~This section may be cited as the “Florida Maximum Class Size Study Act.”~~

(2) ~~During school year 1998-1999, each school district using funds provided in the 1998-1999 General Appropriations Act for the purpose of class size reduction shall, in at least one elementary school, reduce the teacher-to-student ratio to one full-time equivalent teacher to 20 students in kindergarten through grade three. In any district where there is a critically low-performing elementary school as identified by the Commissioner of Education, such school shall be selected for inclusion in the program under this subsection in preference to any other school in the district, and the ratio to be achieved in such schools shall be one full-time equivalent teacher to 15 students. In the case of a district with more than one elementary school identified by the commissioner as critically low-performing, the selection of a school shall be performed by the district school board by lot.~~

(3) ~~At the conclusion of the 1998-1999 school year, the Department of Education shall conduct a complete study of the efficacy of the reductions in class size provided for in subsection (2). The study shall involve all participating schools and shall be focused on obtaining verifiable data regarding the benefits of class size reduction in terms of student achievement and performance. Results of the study shall be presented to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the minority leader of each house not later than January 1, 2000.~~

(4) ~~Beginning with school year 1998-1999, It shall be the goal of the Legislature and each school district that each elementary school in the school district beginning with kindergarten through grade three class sizes not exceed 20 students, with a ratio of one full-time equivalent teacher per 20 students; except that only in the case of critically low-performing schools as identified by the Commissioner of Education, the goal in kindergarten through grade three shall be a ratio of one full-time equivalent teacher per 15 students. For purposes of any funding in the General Appropriations Act to meet these goals, the district shall give priority to identified critically low-performing schools in the district. Second priority for the use of any funds designated for meeting these goals shall be for kindergarten through grade one. Third priority for the use of any funds designated for meeting these goals shall be for grades two and three.~~

Section 16. Section 236.69, Florida Statutes, is repealed.

Section 17. Paragraph (a) of subsection (5) of section 238.05, Florida Statutes, is repealed.

Section 18. This act shall take effect upon becoming a law.

Approved by the Governor June 20, 2000.

Filed in Office Secretary of State June 20, 2000.