

By Representative Bullard

1                                   A bill to be entitled  
2           An act relating to the district school system;  
3           amending s. 230.22, F.S.; authorizing school  
4           boards to adopt specified rules pursuant to the  
5           Administrative Procedure Act; providing an  
6           effective date.

7  
8           WHEREAS, since 1991, the Florida Legislature has  
9           enacted comprehensive school improvement and accountability  
10          legislation, predicated on the notion that schools and school  
11          districts need flexibility to make sound education decisions  
12          and tailor programs to meet the unique needs of their  
13          students, and

14          WHEREAS, to accomplish this objective, numerous  
15          provisions deemed obsolete or excessively prescriptive have  
16          been deleted from the general school laws of the state, and

17          WHEREAS, in 1996, the Florida Legislature significantly  
18          revised chapter 120, Florida Statutes, the Administrative  
19          Procedure Act, and

20          WHEREAS, agencies were directed to identify those rules  
21          that exceeded rulemaking authority as described in s. 120.536,  
22          Florida Statutes, and to seek authorization for those rules,  
23          and

24          WHEREAS, the definition of rulemaking authority found  
25          in s. 120.536, Florida Statutes, more closely draws the  
26          relationship between an enabling statute and rules adopted  
27          thereunder, and

28          WHEREAS, the revised Administrative Procedure Act now  
29          authorizes agencies to only adopt rules that implement,  
30          interpret, or make specific the particular powers and duties  
31          granted by the enabling statute, and

1           WHEREAS, given the strict standard for promulgating  
2 rules now found in the Administrative Procedure Act, the  
3 general school laws of the state may not provide the requisite  
4 authority for local school boards to adopt rules for the  
5 operation of district school systems, and

6           WHEREAS, providing such authority is necessary for the  
7 efficient and orderly operation of district school systems,  
8 NOW, THEREFORE,

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12           Section 1. Subsection (2) of section 230.22, Florida  
13 Statutes, is amended to read:

14           230.22 General powers of school board.--The school  
15 board, after considering recommendations submitted by the  
16 superintendent, shall exercise the following general powers:

17           (2) Adopt such rules and regulations to supplement  
18 those prescribed by the state board and the commissioner as in  
19 its opinion will contribute to the more orderly and efficient  
20 operation of the district school system. School boards may  
21 adopt rules pursuant to the Administrative Procedure Act for  
22 governance and operations, general school administration,  
23 fiscal management, support services, facilities management,  
24 personnel, instructional programs, student management, parent  
25 relations, school-community relations, court orders, and  
26 federal mandates.

27           Section 2. This act shall take effect upon becoming a  
28 law.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

\*\*\*\*\*

HOUSE SUMMARY

Authorizes school boards to adopt rules pursuant to the Administrative Procedure Act for governance and operations, general school administration, fiscal management, support services, facilities management, personnel, instructional programs, student management, parent relations, school-community relations, court orders, and federal mandates.