

By the Committee on Governmental Oversight and Productivity;
and Senator Webster

302-2123-99

1 A bill to be entitled
2 An act relating to the Commissioner of
3 Education; amending s. 20.15, F.S.; clarifying
4 the location of the commissioner's office;
5 amending s. 228.056, F.S.; providing for
6 application to the State Board of Education for
7 waiver of school code; providing for waiver
8 approval by the State Board of Education;
9 amending s. 228.0565, F.S.; providing for
10 application to the State Board of Education for
11 waiver of school code; providing for waiver
12 approval by the State Board of Education;
13 amending s. 229.111, F.S.; providing that the
14 State Board of Education may accept or decline
15 gifts on behalf of the public education system;
16 amending s. 229.512, F.S.; providing that the
17 Commissioner of Education is the chief
18 educational officer of the state for elementary
19 and secondary education; amending s. 240.417,
20 F.S.; providing that the State Board of
21 Education, in conjunction with the State Board
22 of Administration, Division of Bond Finance,
23 may determine that certain fees are not
24 required; providing an effective date.

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

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28 Section 1. Subsection (2) of section 20.15, Florida
29 Statutes, 1998 Supplement, is amended to read:

30 20.15 Department of Education.--There is created a
31 Department of Education.

1 (2) COMMISSIONER OF EDUCATION.--The head of the
2 Department of Education is the Commissioner of Education ~~who~~
3 ~~shall be elected by vote of the qualified electors of the~~
4 ~~state pursuant to s. 5, Art. IV of the State Constitution.~~ The
5 Commissioner of Education shall reside at the seat of
6 government of this state.

7 (a) The Commissioner of Education shall appoint a
8 Deputy Commissioner for Educational Programs who has such
9 powers, duties, responsibilities, and functions as are
10 necessary to ensure the greatest possible coordination,
11 efficiency, and effectiveness of kindergarten through
12 12th-grade education and vocational and continuing education
13 programs.

14 (b) The Commissioner of Education shall appoint a
15 Deputy Commissioner for Planning, Budgeting, and Management
16 who has such powers, duties, responsibilities, and functions
17 as are necessary to ensure the greatest possible coordination
18 of policies, programs, and procedures for the statewide system
19 of education and the department.

20 Section 2. Subsection (11) of section 228.056, Florida
21 Statutes, 1998 Supplement, is amended to read:

22 228.056 Charter schools.--

23 (11) EXEMPTION FROM STATUTES.--A charter school shall
24 operate in accordance with its charter and shall be exempt
25 from all statutes of the Florida School Code, except those
26 pertaining to civil rights and student health, safety, and
27 welfare, or as otherwise required by this section. A charter
28 school shall not be exempt from the following statutes:
29 chapter 119, relating to public records, and s. 286.011,
30 relating to public meetings and records, public inspection,
31 and penalties. The sponsor, upon request of a charter school,

1 may apply to the State Board of Education ~~Commissioner of~~
2 ~~Education~~ for a waiver of provisions of chapters 230 through
3 239 which are applicable to charter schools under this
4 section, except that the provisions of chapters 236 or 237
5 shall not be eligible for waiver if the waiver would affect
6 funding allocations or create inequity in public school
7 funding. The State Board of Education ~~commissioner~~ may grant
8 the waiver if necessary to implement the school program.

9 Section 3. Paragraph (a) of subsection (7) of section
10 228.0565, Florida Statutes, 1998 Supplement, is amended to
11 read:

12 228.0565 Deregulated public schools.--

13 (7) EXEMPTION FROM STATUTES.--

14 (a) A deregulated public school shall operate in
15 accordance with its proposal and shall be exempt from all
16 statutes of the Florida School Code, except those pertaining
17 to civil rights and student health, safety, and welfare, or as
18 otherwise required by this section. A deregulated public
19 school shall not be exempt from the following statutes:
20 chapter 119, relating to public records, and s. 286.011,
21 relating to public meetings and records, public inspection,
22 and penalties. The school district, upon request of a
23 deregulated public school, may apply to the State Board
24 ~~Commissioner~~ of Education for a waiver of provisions of
25 chapters 230 through 239 which are applicable to deregulated
26 public schools under this section, except that the provisions
27 of chapter 236 or chapter 237 shall not be eligible for waiver
28 if the waiver would affect funding allocations or create
29 inequity in public school funding. The State Board of
30 Education ~~commissioner~~ may grant the waiver if necessary to
31 implement the school program.

1 Section 4. Subsection (1) of section 229.111, Florida
2 Statutes, is amended to read:

3 229.111 State board authorized to accept gifts.--

4 (1) The State Board ~~Commissioner~~ of Education may
5 accept or decline, on behalf of the state system of public
6 education or of any school fund established or recognized by
7 law, any gift or bequest of money, royalty, or other personal
8 or real property given or bequeathed to the state system of
9 public education, or to any school fund established or
10 recognized by law. Conditions may not be attached to any such
11 gift or bequest of money, royalty, or other personal or real
12 property given or bequeathed for the purposes designated
13 herein which are contrary to the provisions of law or
14 regulations of the state board relating to the use or
15 expenditure of the fund.

16 Section 5. Section 229.512, Florida Statutes, is
17 amended to read:

18 229.512 Commissioner of Education; general powers and
19 duties.--The Commissioner of Education is the chief
20 educational officer of the state for elementary and secondary
21 education, and has the following general powers and duties:

22 (1) To appoint staff necessary to carry out his or her
23 powers and duties.

24 ~~(2) To suspend, for cause, with the approval of the~~
25 ~~State Board of Education, a public community college~~
26 ~~president. Such suspension shall be acted upon expeditiously~~
27 ~~by the local community college board of trustees.~~

28 (2)(3) To advise and counsel with the State Board of
29 Education on all matters pertaining to elementary and
30 secondary education; to recommend to the State Board of
31 Education actions and policies related to elementary and

1 secondary education as, in the commissioner's opinion, should
2 be acted upon or adopted; and to execute or provide for the
3 execution of all acts and policies as are approved.

4 (3)~~(4)~~ To call such special meetings of the State
5 Board of Education as the commissioner deems necessary.

6 (4)~~(5)~~ To keep such records as are necessary to set
7 forth clearly all acts and proceedings of the state board.

8 (5)~~(6)~~ To have a seal for his or her office with
9 which, in connection with his or her own signature, the
10 commissioner shall authenticate true copies of decisions,
11 acts, or documents.

12 (6)~~(7)~~ To assemble all data relative to the
13 preparation of the long-range plan for the development of the
14 state system of elementary and secondary public education; to
15 propose for adoption by the State Board of Education such a
16 plan; and to propose revisions in the plan as may be
17 necessary.

18 (7)~~(8)~~ To recommend to the State Board of Education
19 policies and steps designed to protect and preserve the
20 principal of the State School Fund; to provide an assured and
21 stable income from the fund; to execute such policies and
22 actions as are approved; and to administer the State School
23 Fund.

24 (8)~~(9)~~ To take action on the release of mineral rights
25 based upon the recommendations of the Board of Trustees of the
26 Internal Improvement Trust Fund.

27 (9)~~(10)~~ To submit to the State Board of Education, at
28 least 30 days prior to the date fixed herein, recommendations
29 of expenditures for the State Board of Education, the
30 Commissioner of Education, and all of the boards,
31 institutions, agencies, and services under the general

1 supervision of the State Board of Education for the ensuing
2 fiscal year.

3 (10)~~(11)~~ To develop and implement a plan for
4 cooperating with the Federal Government in carrying out any or
5 all phases of the educational program and to recommend
6 policies for administering funds that are appropriated by
7 Congress and apportioned to the state for any or all
8 educational purposes.

9 (11)~~(12)~~ To develop and implement policies for
10 cooperating with other public agencies in carrying out those
11 phases of the program in which such cooperation is required by
12 law or is deemed by the commissioner to be desirable and to
13 cooperate with public and nonpublic agencies in planning and
14 bringing about improvements in the educational program.

15 (12)~~(13)~~ To prepare forms and procedures as are
16 necessary to be used by district school boards and all other
17 educational agencies to assure uniformity, accuracy, and
18 efficiency in the keeping of records, the execution of
19 contracts, the preparation of budgets, or the submission of
20 reports; to furnish at state expense, when deemed advisable by
21 the commissioner, those forms that can more economically and
22 efficiently be provided.

23 (13)~~(14)~~ To implement a program of school improvement
24 and education accountability as provided by statute and State
25 Board of Education rule which is based upon the achievement of
26 the state education goals, recognizing the State Board of
27 Education as the body corporate responsible for the
28 supervision of the system of public education, the school
29 board as responsible for school and student performance, and
30 the individual school as the unit for education
31 accountability; to arrange for the preparation, publication,

1 and distribution of materials relating to the state system of
2 public education which will supply information concerning
3 needs, problems, plans, and possibilities; to prepare and
4 publish annually reports giving statistics and other useful
5 information pertaining to the state system of public
6 education; and to have printed copies of school laws, forms,
7 instruments, instructions, and regulations of the State Board
8 of Education and to provide for the distribution of the same.

9 (14)~~(15)~~ To develop criteria for use by state
10 instructional materials committees in evaluating materials
11 submitted for adoption consideration. The criteria shall, as
12 appropriate, be based on instructional expectations reflected
13 in curriculum frameworks and student performance standards.
14 The criteria for each subject or course shall be made
15 available to publishers of instructional materials at least 24
16 months prior to the date on which bids are due as provided by
17 s. 233.14, except as otherwise permitted under s. 233.17(3).
18 It is the intent of the Legislature that publishers have ample
19 time to develop instructional materials designed to meet
20 requirements in this state.

21 (15)~~(16)~~ To prescribe procedures for evaluating
22 instructional materials submitted by publishers and
23 manufacturers in each adoption.

24 Section 6. Paragraph (b) of subsection (5) of section
25 240.311, Florida Statutes, 1998 Supplement, is amended to
26 read:

27 240.311 State Board of Community Colleges; powers and
28 duties.--

29 (5) The State Board of Community Colleges is
30 responsible for reviewing and administering the state program

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1 of support for the Florida Community College System and,
2 subject to existing law, shall:

3 (b) Recommend to the Governor, as chief budget officer
4 of the state,~~Commissioner of Education~~ all requests for
5 appropriations ~~for inclusion in the Commissioner of~~
6 ~~Education's budget presentation to the Governor, as chief~~
7 ~~budget officer of the state,~~in the manner provided in chapter
8 216.

9 Section 7. Subsection (1) of section 240.417, Florida
10 Statutes, is amended to read:

11 240.417 Increased registration or tuition fees for
12 funding financial aid program.--

13 (1) Student registration or tuition fees at each state
14 university and public community college shall include up to
15 \$4.68 per quarter, or \$7.02 per semester, per full-time
16 student, or the per-student credit hour equivalents of such
17 amounts. The fees provided for by this section shall be
18 adjusted from time to time, as necessary, to comply with the
19 debt service coverage requirements of the student loan revenue
20 bonds issued pursuant to s. 240.441. If the Division of Bond
21 Finance of the State Board of Administration and the State
22 Board ~~Commissioner~~ of Education determine that such fees are
23 no longer required as security for revenue bonds issued
24 pursuant to ss. 240.439-240.463, moneys previously collected
25 pursuant to this section which are held in escrow, after
26 administrative expenses have been met and up to \$150,000 has
27 been used to establish a financial aid data processing system
28 for the State University System incorporating the necessary
29 features to meet the needs of all nine universities for
30 application through disbursement processing, shall be
31 reallocated to the generating institutions to be used for

1 student financial aid programs, including, but not limited to,
2 scholarships and grants for educational purposes. Upon such
3 determination, such fees shall no longer be assessed and
4 collected.

5 Section 8. This act shall take effect July 1, 2000.

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7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
8 COMMITTEE SUBSTITUTE FOR
9 SB 2208

10 Provides that application for waivers of the Florida School
11 Code are made to, and to be approved by, the State Board of
Education, instead of the Commissioner of Education.

12 Provides that the Commissioner of Education is the chief
13 educational officer of the state for public elementary and
secondary education.

14 Provides that the State Board of Community Colleges submits
15 its budget directly to the Governor.

16 Provides an effective date of July 1, 2000.

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