

By Representative Lynn

1 A bill to be entitled
2 An act relating to the Florida On-Line High
3 School; creating s. 228.082, F.S.; establishing
4 the Florida On-Line High School; establishing a
5 board of trustees; providing for membership,
6 powers, duties, and organization of the board
7 of trustees; requiring the board of trustees to
8 submit a legislative budget request;
9 establishing provisions for the employment of
10 personnel of the board of trustees and the
11 Florida On-Line High School; authorizing the
12 establishment of a personnel loan or exchange
13 program; requiring the board of trustees to
14 establish priorities for student admissions;
15 requiring the distribution of information
16 relating to student enrollment procedures;
17 providing requirements for the content and
18 custody of student and employee records;
19 providing funding requirements; designating the
20 Orange County District School Board as the
21 temporary fiscal agent of the Florida On-Line
22 High School; prohibiting the credit of the
23 state from being pledged on behalf of the
24 Florida On-Line High School; requiring the
25 board of trustees to submit a report; providing
26 an effective date.

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

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30 Section 1. Section 228.082, Florida Statutes, is
31 created to read:

1 228.082 The Florida On-Line High School.--
2 (1) The Florida On-Line High School is established for
3 the development and delivery of on-line and distance learning
4 education.
5 (2) The Florida On-Line High School shall be governed
6 by a board of trustees comprised of seven members appointed by
7 the Governor; one of whom shall be the current chair of the
8 Florida High School Advisory Board, and one of whom shall be
9 the current Orange County Public School District
10 representative on the Florida High School Advisory Board. The
11 board of trustees shall have the following powers and duties:
12 (a) The board of trustees shall meet within 30 days
13 after July 1, 2000, and shall continue to meet at least 4
14 times each year, upon the call of the chair, or at the request
15 of a majority of the membership.
16 (b) The board of trustees shall enter into informal
17 agreements with distance learning providers, and may acquire,
18 enjoy, use, and dispose of patents, copyrights, and trademarks
19 and any licenses and other rights or interests thereunder, or
20 therein. Any funds realized from patents, copyrights,
21 trademarks, or licenses shall be used to support the school's
22 research and development activities in order to improve
23 courseware and services to its students.
24 (c) The board of trustees shall prepare and submit a
25 legislative budget request for the 2000-2001 fiscal year,
26 including fixed capital outlay requests for computers for
27 public school students who do not have access to public school
28 computers, in accordance with chapter 216 and s. 235.41. The
29 legislative budget request of the Florida On-Line High School
30 shall be prepared using the same format, procedures, and
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1 timelines required for the submission of the legislative
2 budget of the Department of Education.

3 (d) The board of trustees shall administer and
4 maintain personnel programs for all employees of the board of
5 trustees and the Florida On-Line High School. The board of
6 trustees may adopt rules, policies, and procedures related to
7 the appointment, employment, and removal of personnel.

8 1. The board of trustees shall determine the
9 compensation, including salaries and fringe benefits, and
10 other conditions of employment for such personnel.

11 2. The board of trustees may establish and maintain a
12 personnel loan or exchange program by which persons employed
13 by the board for the Florida On-Line High School as academic
14 administrative and instructional staff may be loaned to, or
15 exchanged with persons employed in like capacities by, school
16 districts either within or without this state, or by private
17 industry. The salary and benefits of board personnel
18 participating in the loan or exchange program shall be
19 continued during the period of time they participate in a loan
20 or exchange program, and such personnel shall be deemed to
21 have no break in creditable or continuous service or
22 employment during such time. The salary and benefits of
23 persons participating in the personnel loan or exchange
24 program who are employed by school districts or private
25 industry shall be paid by the originating employers of those
26 participants and such personnel shall be deemed to have no
27 break in creditable or continuous service or employment during
28 such time.

29 3. The employment of all Florida On-Line High School
30 academic administrative and instructional personnel shall be
31 subject to rejection for cause by the board of trustees, and

1 shall be subject to policies of the board of trustees relative
2 to certification, tenure, leaves of absence, sabbaticals,
3 remuneration, and such other conditions of employment as the
4 board deems necessary and proper, not inconsistent with law.

5 4. Each person employed by the board of trustees in an
6 academic administrative or instructional capacity with the
7 Florida On-Line High School shall be entitled to a contract as
8 provided by rules of the board. Academic administrative and
9 instructional employees may be state employees for the purpose
10 of being eligible to participate in the Florida Retirement
11 System and receive health benefits.

12 (e) The board of trustees shall establish priorities
13 for admission of students in accordance with the General
14 Appropriations Act.

15 (f) The board of trustees shall establish and
16 distribute to all school districts and high schools in the
17 state procedures for enrollment of students into courses
18 offered by the Florida On-Line High School. Such procedures
19 shall be designed to minimize paperwork and maximize
20 participation by students.

21 (g) The board of trustees shall annually submit both
22 forecasted and actual enrollments for the Florida On-Line High
23 School, according to procedures established by the Department
24 of Education. At a minimum, such procedures must include the
25 number of public, private, and home school students served, by
26 district.

27 (h) The board of trustees shall provide for the
28 content and custody of student and employee personnel records.
29 Student records shall be subject to the provisions of s.
30 228.093. Employee records shall be subject to the provisions
31 of s. 231.291.

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2 The Governor shall designate the initial chair of the board of
3 trustees to serve a term of 4 years. Members of the board of
4 trustees shall serve without compensation, but may be
5 reimbursed for per diem and travel expenses pursuant to s.
6 112.061. The board of trustees shall be a body corporate with
7 all the powers of a body corporate and such authority as is
8 needed for the proper operation and improvement of the Florida
9 On-Line High School. The board of trustees is specifically
10 authorized to adopt rules, policies, and procedures,
11 consistent with law, related to governance, personnel, budget
12 and finance, administration, programs, curriculum and
13 instruction, travel and purchasing, technology, students,
14 contracts and grants, and property as necessary for optimal,
15 efficient operation of the Florida On-Line High School.

16 (3) The Commissioner of Education shall include the
17 Florida On-Line High School as a grant-in-aid appropriation in
18 the department's legislative budget request to the State Board
19 of Education, the Governor, and the Legislature.

20 (a) Subject to any guidelines imposed in the General
21 Appropriations Act, funds for the operation of the Florida
22 On-Line High School shall be requested and appropriated within
23 the Department of Education as a grant-in-aid category until
24 such time as the Legislature authorizes a different funding
25 mechanism.

26 (b) The Orange County District School Board shall be
27 the temporary fiscal agent of the Florida On-Line High School.

28 (c) Priorities for the delivery of services by the
29 Florida On-Line High School shall be identified by the
30 Legislature in the General Appropriations Act and shall ensure
31 that priority access is provided equitably across the state.

1 (4) Under no circumstance may the credit of the state
2 be pledged on behalf of the Florida On-Line High School.
3 (5) By January 1, 2001, the board of trustees shall
4 submit to the Governor, the Legislature, and the Education
5 Reorganization Transition Commission a complete and detailed
6 report setting forth:
7 (a) The operations and accomplishments of the Florida
8 On-Line High School.
9 (b) The marketing and operational plan for the Florida
10 On-Line High School, including recommendations regarding
11 methods for improving the delivery of education through the
12 Internet and other distance learning technology.
13 (c) The assets and liabilities of the Florida On-Line
14 High School at the end of the fiscal year.
15 (d) A copy of an annual financial and compliance audit
16 of the accounts and records of the Florida On-Line High
17 School, conducted by an independent certified public
18 accountant and performed in accordance with rules adopted by
19 the Auditor General.
20 (e) Recommendations regarding the unit cost of
21 providing services to students. In order to most effectively
22 develop public policy regarding any future funding of the
23 Florida On-Line High School, it is imperative that the cost of
24 the program is accurately identified. The identified cost of
25 the program must be based on reliable data and reflect the
26 costs associated with maintaining a state-of-the-art on-line
27 high school, including the costs associated with maintaining a
28 high-quality research and development effort to locate and
29 assimilate, or develop, Internet-based courses.
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