

By the Committee on Education Innovation and  
Representatives Melvin and 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           annually prepare and submit a legislative  
9           budget request; establishing provisions for the  
10          employment of personnel of the board of  
11          trustees and the Florida On-Line High School;  
12          authorizing the establishment of a personnel  
13          loan or exchange program; requiring the board  
14          of trustees to establish priorities for student  
15          admissions; requiring the distribution of  
16          information relating to student enrollment  
17          procedures; requiring the submission of  
18          forecasted and actual student enrollments;  
19          providing requirements for the content and  
20          custody of student and employee records;  
21          providing requirements for maintenance of  
22          financial records and accounts; providing  
23          funding requirements; designating the Orange  
24          County District School Board as the temporary  
25          fiscal agent of the Florida On-Line High  
26          School; prohibiting the credit of the state  
27          from being pledged on behalf of the Florida  
28          On-Line High School; requiring the board of  
29          trustees to submit a report; providing an  
30          effective date.  
31

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

2

3 Section 1. Section 228.082, Florida Statutes, is  
4 created to read:

5 228.082 The Florida On-Line High School.--

6 (1) The Florida On-Line High School is established for  
7 the development and delivery of on-line and distance learning  
8 education.

9 (2) The Florida On-Line High School shall be governed  
10 by a board of trustees comprised of seven members appointed by  
11 the Governor to 4-year staggered terms, one of whom shall be  
12 the current chair of the Florida High School Advisory Board  
13 and one of whom shall be the current Orange County Public  
14 School District representative on the Florida High School  
15 Advisory Board. The board shall be a public agency entitled to  
16 sovereign immunity pursuant to s. 768.28, and board members  
17 shall be public officers who shall bear fiduciary  
18 responsibility for the Florida On-Line High School. The board  
19 of trustees shall have the following powers and duties:

20 (a) The board of trustees shall meet within 30 days  
21 after July 1, 2000, and shall continue to meet at least 4  
22 times each year, upon the call of the chair, or at the request  
23 of a majority of the membership.

24 (b) Until not more than 60 days after the initial  
25 meeting of the board, the current governance structure of the  
26 Florida On-Line High School shall be maintained.

27 (c) The fiscal year for the Florida On-Line High  
28 School shall be the state fiscal year as provided in s.  
29 216.011(1)(n).

30 (d) The board of trustees shall enter into agreements  
31 with distance learning providers and may acquire, enjoy, use,

1 and dispose of patents, copyrights, and trademarks and any  
2 licenses and other rights or interests thereunder or therein.  
3 Ownership of all such patents, copyrights, trademarks,  
4 licenses, and rights or interests thereunder or therein shall  
5 vest in the state, with the board having full right of use and  
6 full right to retain the revenues derived therefrom. Any funds  
7 realized from patents, copyrights, trademarks, or licenses  
8 shall be used to support the school's research and development  
9 activities in order to improve courseware and services to its  
10 students.

11 (e) The board of trustees shall annually prepare and  
12 submit a legislative budget request, including funding  
13 requests for computers for public school students who do not  
14 have access to public school computers, in accordance with  
15 chapter 216 and s. 235.41. The legislative budget request of  
16 the Florida On-Line High School shall be prepared using the  
17 same format, procedures, and timelines required for the  
18 submission of the legislative budget of the Department of  
19 Education.

20 (f) The board of trustees shall administer and  
21 maintain personnel programs for all employees of the board of  
22 trustees and the Florida On-Line High School. The board of  
23 trustees may adopt rules, policies, and procedures related to  
24 the appointment, employment, and removal of personnel.

25 1. The board of trustees shall determine the  
26 compensation, including salaries and fringe benefits, and  
27 other conditions of employment for such personnel.

28 2. The board of trustees may establish and maintain a  
29 personnel loan or exchange program by which persons employed  
30 by the board for the Florida On-Line High School as academic  
31 administrative and instructional staff may be loaned to, or

1 exchanged with persons employed in like capacities by, public  
2 agencies either within or without this state, or by private  
3 industry. With respect to public agency employees, the program  
4 authorized by this subparagraph shall be consistent with the  
5 requirements of part II of chapter 112. The salary and  
6 benefits of board personnel participating in the loan or  
7 exchange program shall be continued during the period of time  
8 they participate in a loan or exchange program, and such  
9 personnel shall be deemed to have no break in creditable or  
10 continuous service or employment during such time. The salary  
11 and benefits of persons participating in the personnel loan or  
12 exchange program who are employed by public agencies or  
13 private industry shall be paid by the originating employers of  
14 those participants and such personnel shall be deemed to have  
15 no break in creditable or continuous service or employment  
16 during such time.

17 3. The employment of all Florida On-Line High School  
18 academic administrative and instructional personnel shall be  
19 subject to rejection for cause by the board of trustees, and  
20 shall be subject to policies of the board of trustees relative  
21 to certification, tenure, leaves of absence, sabbaticals,  
22 remuneration, and such other conditions of employment as the  
23 board deems necessary and proper, not inconsistent with law.

24 4. Each person employed by the board of trustees in an  
25 academic administrative or instructional capacity with the  
26 Florida On-Line High School shall be entitled to a contract as  
27 provided by rules of the board.

28 5. All employees except temporary, seasonal, and  
29 student employees may be state employees for the purpose of  
30 being eligible to participate in the Florida Retirement System  
31 and receive benefits. The classification and pay plan,

1 including terminal leave and other benefits, and any  
2 amendments thereto, shall be subject to review and approval by  
3 the Department of Management Services and the Executive Office  
4 of the Governor prior to adoption. In the event that the board  
5 of trustees assumes responsibility for governance pursuant to  
6 this section before approval is obtained, employees shall be  
7 compensated pursuant to the system in effect for the employees  
8 of the fiscal agent.

9 (g) The board of trustees shall establish priorities  
10 for admission of students in accordance with the General  
11 Appropriations Act.

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

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

24 (j) The board of trustees shall provide for the  
25 content and custody of student and employee personnel records.  
26 Student records shall be subject to the provisions of s.  
27 228.093. Employee records shall be subject to the provisions  
28 of s. 231.291.

29 (k) The financial records and accounts of the Florida  
30 On-Line High School shall be maintained under the direction of  
31 the board of trustees and under regulations prescribed by the

1 State Board of Education for the uniform system of financial  
2 records and accounts for the schools of the state.  
3  
4 The Governor shall designate the initial chair of the board of  
5 trustees to serve a term of 4 years. Members of the board of  
6 trustees shall serve without compensation, but may be  
7 reimbursed for per diem and travel expenses pursuant to s.  
8 112.061. The board of trustees shall be a body corporate with  
9 all the powers of a body corporate and such authority as is  
10 needed for the proper operation and improvement of the Florida  
11 On-Line High School. The board of trustees is specifically  
12 authorized to adopt rules, policies, and procedures,  
13 consistent with law related to governance, personnel, budget  
14 and finance, administration, programs, curriculum and  
15 instruction, travel and purchasing, technology, students,  
16 contracts and grants, and property as necessary for optimal,  
17 efficient operation of the Florida On-Line High School.  
18 Tangible personal property owned by the board of trustees  
19 shall be subject to the provisions of chapter 273.  
20       (3) The Commissioner of Education shall include the  
21 Florida On-Line High School as a grant-in-aid appropriation in  
22 the department's legislative budget request to the State Board  
23 of Education, the Governor, and the Legislature.  
24       (a) Subject to any guidelines imposed in the General  
25 Appropriations Act, funds for the operation of the Florida  
26 On-Line High School shall be requested and appropriated within  
27 the Department of Education as a grant-in-aid category until  
28 such time as the Legislature authorizes a different funding  
29 mechanism.  
30       (b) The Orange County District School Board shall be  
31 the temporary fiscal agent of the Florida On-Line High School.

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

5       (4) Under no circumstance may the credit of the state  
6 be pledged on behalf of the Florida On-Line High School.

7       (5) By January 1, 2001, the board of trustees shall  
8 submit to the Governor, the Legislature, and the Education  
9 Reorganization Transition Commission a complete and detailed  
10 report setting forth:

11       (a) The operations and accomplishments of the Florida  
12 On-Line High School.

13       (b) The marketing and operational plan for the Florida  
14 On-Line High School, including recommendations regarding  
15 methods for improving the delivery of education through the  
16 Internet and other distance learning technology.

17       (c) The assets and liabilities of the Florida On-Line  
18 High School at the end of the fiscal year.

19       (d) A copy of an annual financial and compliance audit  
20 of the accounts and records of the Florida On-Line High  
21 School, conducted by an independent certified public  
22 accountant and performed in accordance with rules adopted by  
23 the Auditor General.

24       (e) Recommendations regarding the unit cost of  
25 providing services to students. In order to most effectively  
26 develop public policy regarding any future funding of the  
27 Florida On-Line High School, it is imperative that the cost of  
28 the program is accurately identified. The identified cost of  
29 the program must be based on reliable data and reflect the  
30 costs associated with maintaining a state-of-the-art on-line  
31 high school, including the costs associated with maintaining a

1 high-quality research and development effort to locate and  
2 assimilate, or develop, Internet-based courses.  
3 (f) Recommendations regarding an accountability  
4 mechanism to assess the effectiveness of the services provided  
5 by the Florida On-Line High School.  
6 (6) The Auditor General may, pursuant to his or her  
7 own authority, or at the direction of the Joint Legislative  
8 Auditing Committee, conduct an audit of the Florida On-Line  
9 High School.  
10 (7) The State Board of Education may adopt rules it  
11 deems necessary to implement reporting requirements for the  
12 Florida On-Line High School.  
13 Section 2. This act shall take effect upon becoming a  
14 law.  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31