

1
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 a representative of the fiscal agent,
14 and one of whom shall be the Chief Information Officer or his
15 designee from the State Technology Office pursuant to HB 2075,
16 2000 Regular Session, or similar legislation. The board shall
17 be a public agency entitled to sovereign immunity pursuant to
18 s. 768.28, and board members shall be public officers who
19 shall bear fiduciary responsibility for the Florida On-Line
20 High School. The board of trustees shall have the following
21 powers and duties:

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

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

29 (c) The fiscal year for the Florida On-Line High
30 School shall be the state fiscal year as provided in s.
31 216.011(1)(n).

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

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

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

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

30 2. The board of trustees may establish and maintain a
31 personnel loan or exchange program by which persons employed

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

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

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

30 5. All employees except temporary, seasonal, and
31 student employees may be state employees for the purpose of

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

11 (g) The board of trustees shall establish priorities
12 for admission of students.

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

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

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

30 (k) The financial records and accounts of the Florida
31 On-Line High School shall be maintained under the direction of

1 the board of trustees and under regulations prescribed by the
2 State Board of Education for the uniform system of financial
3 records and accounts for the schools of the state.

4
5 The Governor shall designate the initial chair of the board of
6 trustees to serve a term of 4 years. Members of the board of
7 trustees shall serve without compensation, but may be
8 reimbursed for per diem and travel expenses pursuant to s.
9 112.061. The board of trustees shall be a body corporate with
10 all the powers of a body corporate and such authority as is
11 needed for the proper operation and improvement of the Florida
12 On-Line High School. The board of trustees is specifically
13 authorized to adopt rules, policies, and procedures,
14 consistent with law related to governance, personnel, budget
15 and finance, administration, programs, curriculum and
16 instruction, travel and purchasing, technology, students,
17 contracts and grants, and property as necessary for optimal,
18 efficient operation of the Florida On-Line High School.
19 Tangible personal property owned by the board of trustees
20 shall be subject to the provisions of chapter 273.

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

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

31

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

3 (c) Priorities for the delivery of services by the
4 Florida On-Line High School shall ensure that priority access
5 is provided equitably across the state.

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

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

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

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

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

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

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

1 high school, including the costs associated with maintaining a
2 high-quality research and development effort to locate and
3 assimilate, or develop, Internet-based courses.

4 (f) Recommendations regarding an accountability
5 mechanism to assess the effectiveness of the services provided
6 by the Florida On-Line High School.

7 (6) The Auditor General may, pursuant to his or her
8 own authority, or at the direction of the Joint Legislative
9 Auditing Committee, conduct an audit of the Florida On-Line
10 High School.

11 (7) The State Board of Education may adopt rules it
12 deems necessary to implement reporting requirements for the
13 Florida On-Line High School.

14 Section 2. This act shall take effect upon becoming a
15 law.

16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31