

By the Committee on Education and Senator Webster

304-1903B-00

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 2001-2002 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.

9 5. Academic administrative and instructional employees
10 may be state employees for the purposes of being eligible to
11 participate in the Florida Retirement System and to receive
12 benefits. All employees except seasonal, temporary, and
13 student employees may be state employees for the purposes of
14 being eligible to participate in the Florida Retirement System
15 and to receive benefits. The classification and pay plan,
16 including terminal leave and other benefits, and any
17 amendments thereto, shall be subject to review and approval by
18 the Department of Management Services and the Executive Office
19 of the Governor prior to adoption. If the board of trustees
20 assumes responsibility for governance pursuant to this section
21 before approval is obtained, employees shall be compensated
22 pursuant to the system in effect for the employees of the
23 fiscal agent.

24 (e) The board of trustees shall establish priorities
25 for admission of students in accordance with the General
26 Appropriations Act.

27 (f) The board of trustees shall establish and
28 distribute to all school districts and high schools in the
29 state procedures for enrollment of students into courses
30 offered by the Florida On-Line High School. Such procedures
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1 shall be designed to minimize paperwork and maximize
2 participation by students.

3 (g) The board of trustees shall annually submit both
4 forecasted and actual enrollments for the Florida On-Line High
5 School, according to procedures established by the Department
6 of Education. At a minimum, such procedures must include the
7 number of public, private, and home school students served by
8 district.

9 (h) The board of trustees shall provide for the
10 content and custody of student and employee personnel records.
11 Student records shall be subject to the provisions of s.
12 228.093. Employee records shall be subject to the provisions
13 of s. 231.291. The financial records and accounts of the
14 Florida On-Line High School shall be maintained under the
15 direction of the board of trustees and under regulations
16 prescribed by the State Board of Education for the uniform
17 system of financial records and accounts for the schools of
18 the state.

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20 The Governor shall designate the initial chair of the board of
21 trustees to serve a term of 4 years. Members of the board of
22 trustees shall serve without compensation, but may be
23 reimbursed for per diem and travel expenses pursuant to s.
24 112.061. The board of trustees shall be a body corporate with
25 all the powers of a body corporate and such authority as is
26 needed for the proper operation and improvement of the Florida
27 On-Line High School. The board of trustees is specifically
28 authorized to adopt rules, policies, and procedures,
29 consistent with law, related to governance, personnel, budget
30 and finance, administration, programs, curriculum and
31 instruction, travel and purchasing, technology, students,

1 contracts and grants, and property as necessary for optimal,
2 efficient operation of the Florida On-Line High School.

3 (3) The Commissioner of Education shall include the
4 Florida On-Line High School as a grant-in-aid appropriation in
5 the department's legislative budget request to the State Board
6 of Education, the Governor, and the Legislature. Tangible
7 personal property owned by the board of trustees is subject to
8 the provisions of chapter 237.

9 (a) Subject to any guidelines imposed in the General
10 Appropriations Act, funds for the operation of the Florida
11 On-Line High School shall be requested and appropriated within
12 the Department of Education as a grant-in-aid category until
13 such time as the Legislature authorizes a different funding
14 mechanism.

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

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

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

23 (5) By January 1, 2002, the board of trustees shall
24 submit to the Governor, the Legislature, and the Education
25 Reorganization Transition Commission a complete and detailed
26 report setting forth:

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

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

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

5 (d) A copy of an annual financial and compliance audit
6 of the accounts and records of the Florida On-Line High
7 School, conducted by an independent certified public
8 accountant and performed in accordance with rules adopted by
9 the Auditor General.

10 (e) Recommendations regarding the unit cost of
11 providing services to students. In order to most effectively
12 develop public policy regarding any future funding of the
13 Florida On-Line High School, it is imperative that the cost of
14 the program is accurately identified. The identified cost of
15 the program must be based on reliable data and reflect the
16 costs associated with maintaining a state-of-the-art on-line
17 high school, including the costs associated with maintaining a
18 high-quality research and development effort to locate and
19 assimilate, or develop, Internet-based courses.

20 (f) Recommendations regarding an accountability
21 mechanism to assess the effectiveness of the services provided
22 by the Florida On-Line High School.

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

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 2260

The committee substitute creates the Florida On-Line High School to be governed by a seven member board of trustees to be appointed by the Governor.

The board of trustees is delegated specific powers and duties including the authority to hire personnel. It shall be a body corporate with the power and such authority as needed for proper operation and improvement of the school.

The Commissioner of Education shall include the school as a grant-in-aid appropriation in the department's legislative budget request to the State Board of Education, the Governor, and the Legislature.

The General Appropriations Act will identify priorities for the delivery of services by the school and ensure that priority access is provided equitably across the state.

Orange County School Board is identified as the temporary fiscal agent for the school.

The committee substitute identifies specific dates for reports to be submitted.