

By the Committees on Commerce and Economic Opportunities;  
Education; and Senator Webster

310-2028-00

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. At a  
11 minimum one member of the Board of Trustees must be a  
12 representative from Alachua County. The board of trustees  
13 shall have the following powers and duties:  
14           (a) The board of trustees shall meet within 30 days  
15 after July 1, 2000, and shall continue to meet at least 4  
16 times each year, upon the call of the chair, or at the request  
17 of a majority of the membership.  
18           (b) The board of trustees shall enter into informal  
19 agreements with distance learning providers, and may acquire,  
20 enjoy, use, and dispose of patents, copyrights, and trademarks  
21 and any licenses and other rights or interests thereunder, or  
22 therein. Any funds realized from patents, copyrights,  
23 trademarks, or licenses shall be used to support the school's  
24 research and development activities in order to improve  
25 courseware and services to its students.  
26           (c) The board of trustees shall prepare and submit a  
27 legislative budget request for the 2001-2002 fiscal year,  
28 including fixed capital outlay requests for computers for  
29 public school students who do not have access to public school  
30 computers, in accordance with chapter 216 and s. 235.41. The  
31 legislative budget request of the Florida On-Line High School

1 shall be prepared using the same format, procedures, and  
2 timelines required for the submission of the legislative  
3 budget of the Department of Education.

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

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

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

30 3. The employment of all Florida On-Line High School  
31 academic administrative and instructional personnel shall be

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

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

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

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

28 (f) The board of trustees shall establish and  
29 distribute to all school districts and high schools in the  
30 state procedures for enrollment of students into courses  
31 offered by the Florida On-Line High School. Such procedures

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.

19  
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  
CS/SB 2260

This committee substitute differs from the committee substitute for Senate Bill 2260 by requiring that the Board of Trustees of the Florida On-Line High School include at a minimum one representative from Alachua County.