

STORAGE NAME: h2263z.go  
DATE: June 5, 2000

**\*\*AS PASSED BY THE LEGISLATURE\*\***  
**CHAPTER #: 2000-321, Laws of Florida**

**HOUSE OF REPRESENTATIVES  
AS REVISED BY THE COMMITTEE ON  
GOVERNMENTAL OPERATIONS  
FINAL ANALYSIS**

**BILL #:** HB 2263 (PCB GO 00-04) (First Engrossed)  
**RELATING TO:** Florida Education Governance Reorganization Act of 2000  
**SPONSOR(S):** Committee on Governmental Operations, Representative Posey and others  
**TIED BILL(S):**

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) GOVERNMENTAL OPERATIONS YEAS 4 NAYS 2
- (2) EDUCATION APPROPRIATIONS YEAS 11 NAYS 2
- (3)
- (4)
- (5)

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**I. SUMMARY:**

The provisions of this bill are cited as the "Florida Education Governance Reorganization Act of 2000." This bill proposes to achieve, within existing resources, true systemic change in education governance by establishing a seamless academic system that fosters an integrated continuum of kindergarten through graduate school education for Florida's citizens. The WHEREAS clauses document legality and intent for true systemic change.

This bill establishes legislative policy for a seamless K-graduate school education system with consistent education policy; alignment of academic and funding responsibility with accountability; effective articulation; and devolution of authority to the schools, community colleges, universities, and other education institutions that are the actual deliverers of educational services. It establishes guiding principles of a coordinated, seamless system for all education that is student-centered in every facet; that maximizes education access and academic success; and that safeguards equity and refuses to compromise academic excellence.

Effective January 7, 2003, a 7-member Florida Board of Education(FBE) is appointed by the Governor; a Commissioner of Education is appointed by the FBE; Chancellors of K-12 Education, State Universities, and Community Colleges and Career Preparation, and an Executive Director of Nonpublic and Nontraditional Education are appointed by the Commissioner; and 9-member boards of trustees for each state university are appointed by the Governor. Effective January 7, 2003, the powers and duties of the following entities are relocated to the FBE and these entities are abolished: Board of Regents; State Board of Community Colleges; State Board of Independent Colleges and Universities; State Board of Nonpublic Career Education; Postsecondary Education Planning Commission; Articulation Coordination Committee; and the Divisions of Workforce Development, Human Resource Development, Administration, Financial Services, Support Services, Technology, Universities, Community Colleges, and Student Financial Assistance of the Department of Education; together with all authorizing statutes and rules.

By October 1, 2000, the Governor, President and Speaker appoint a reorganization transition task force to accomplish an effective, orderly 3-year phase in, with timetable for recommendations: 3/1/2001 (system merger/devolution), 3/1/2002 (system wide coordination/boards of trustees), 3/1/2003 (statutes/rules revisions, waivers, contracts); and final report of commission due on 5/1/2003. Please see "Effect of Proposed Changes" section II. C., of the bill analysis, for details.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |   |                             |   |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |
| 5. <u>Family Empowerment</u>      | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Public education is basically a function and responsibility of the state. The responsibility for establishing standards and regulations to assure efficient operation of all schools and adequate educational opportunities for all children is retained by the state. s. 229.011, F.S.

The composition of the State Board of Education currently consists of the Governor, the Secretary of State, the Attorney General, the Comptroller, the Treasurer, the Commissioner of Agriculture, and the Commissioner of Education. The Governor is the chair of the board and the Commissioner of Education is its secretary and executive officer. In accordance with s. 2, Art. IX of the State Constitution, the State Board of Education is the chief policymaking body of public education in the state as specified in chapter 229, F.S. The current duties of the State Board of Education are found in s. 229.053, F.S.

There is a Department of Education created by s. 20.15, F.S. The head of the Department of Education is the Commissioner of Education who is elected by vote of the qualified electors of the state pursuant to s. 5, Art. IV of the State Constitution. The following divisions of the Department of Education are established: Division of Community Colleges; Division of Public Schools and Community Education; Division of Universities; Division of Workforce Development; Division of Human Resource Development; Division of Administration; Division of Financial Services; Division of Support Services; and the Division of Technology. The Board of Regents is the director of the Division of Universities, and the State Board of Community Colleges is the director of the Division of Community Colleges, pursuant to chapter 240, F.S. The directors of all other divisions shall be appointed by the commissioner subject to approval by the state board.

**District School System**

Each county shall constitute a school district and the district school system shall be considered as a part of the state system of public education. All actions of district school officials shall be consistent and in harmony with state laws and with rules and minimum standards of the state board and the commissioner. District school officials, however, shall have the authority to provide additional educational opportunities, as desired, which are authorized, but not required, by law or by the district school board. ch. 230 F.S.

In accordance with the provisions of s. 4(b) of Art. IX of the State Constitution, district school boards shall operate, control, and supervise all free public schools in their respective districts and may exercise any power except as expressly prohibited by the State Constitution or general law. Responsibility for the administration and management of the schools and for the supervision of instruction in the district shall be vested in the superintendent as the secretary and executive officer of the school board, as provided by law.

### **Postsecondary Education**

Postsecondary education is instruction above a high school diploma, or instruction for students above 21 years of age who have not earned a high school diploma. Types of instruction include: workforce development education (including adult education and postsecondary vocational certificate programs); associate degrees; baccalaureate degrees; graduate degrees (including law, medical, and other masters and doctoral programs); and, a wide variety of adult-level lifelong learning, continuing education, and community education courses.

There are 45 school district vocational-technical centers, 28 community colleges, 10 state universities, over 100 private colleges and universities, and over 500 private career schools. All together, nearly two million students are served: over 568,000 in the school district system; nearly 850,000 in the community college system; over 200,000 in the state university system; and, over 194,000 in private schools, colleges and universities.

Postsecondary education institutions in Florida are overseen by various entities within the Department of Education (DOE). School district vocational centers are governed by local school boards and overseen by the Commissioner of Education. Community colleges are governed by local boards of trustees which are coordinated by the State Board of Community Colleges. State universities are governed by the Board of Regents. Licensure activities related to private colleges and universities are overseen by the State Board of Independent Colleges and Universities, and licensure activities related to private career schools are overseen by the State Board of Nonpublic Career Education.

Florida's postsecondary education structure is unique in that it supports a "2+2" system of educational advancement. Generally, students study for two years at a community college to earn an associates degree, then transfer to one of the state universities to complete the last two years of their baccalaureate degree. The majority of graduates from Florida's state universities begin as students at one of the state's community colleges.

The Postsecondary Education Planning Commission (PEPC) was created by the Legislature in 1981 to serve as a citizen board to coordinate the efforts of postsecondary institutions in this state and provide independent policy analyses and recommendations to the State Board of Education and to the Legislature. Every 5 years, PEPC updates the State Master Plan for postsecondary education.

### **Workforce Development Education**

Workforce development education consists of two main components: adult education and vocational education. Adult education includes: adult basic education (grade levels 0 - 8); adult secondary education (high school and GED); classes in English for speakers of other languages (ESOL), and vocational preparatory education (which helps a person achieve literacy in order to pursue employment. Vocational education includes: vocational certificate programs (such as welding, auto mechanics, or cosmetology); Associate in

Science (AS) degrees (such as nursing); and continuing workforce education courses (such as a single course in Windows 95 to update skills). Also included in vocational education are some new credentials which are currently being implemented. These new credentials include an Associate in Applied Science (AAS) degree, and Applied Technology Diploma (ATD), and Occupational Completion Points (OCP).

Multiple economic development surveys have consistently cited workforce development education as one of the top three factors in attracting new business and retaining or expanding existing business. Both school district vocational-technical centers and community colleges can offer workforce development education, however, only community colleges can offer college-credit programs. Numerous sections of Chapter 239, Florida Statutes, pertain to workforce development education.

### **State Board of Nonpublic Career Education**

The Florida Legislature established the State Board of Nonpublic Career Education (SBNCE) to provide oversight over the system of private career schools in the state. Before its name was changed in 1998, the board was called the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools. Although assigned to the Department of Education (DOE), the SBNCE operates as an independent administrative body.

The SBNCE is comprised of nine members appointed by the Governor as follows: one from a business school; one from a technical school; one from a home study school; one from a Nonpublic school; four from business and industry; and an administrator of vocational-technical education from a public school district or community college. Subject to confirmation by the Senate, members serve staggered terms of 3 years.

The role of the SBNCE is to oversee the implementation of minimum educational standards and fair consumer practices for Nonpublic Postsecondary career education in the State. The board seeks to protect the health, education, and welfare of the citizens of Florida and facilitates and promotes the acquisition of minimum satisfactory career education by all citizens of Florida. Primary aspects of this role include: prescribing, recommending, and administering rules for the establishment and operation of Nonpublic postsecondary career schools; preparing annual reports on accountability measures that pertain to Nonpublic postsecondary career schools; establishing and administering licensure requirements; administering licensure and disciplinary procedures for noncompliance; and, serving as a central agency for collection and distribution of current information regarding institutions licensed by the board.

The executive director is appointed by the SBNCE to serve as executive officer and secretary to the board. The executive director is responsible for implementing the rules and policies established by the board, is in charge of the offices of the board, and is responsible for appointing and terminating the staff of the board. Numerous sections of Chapter 246, Florida Statutes pertain to the operations of the SBNCE.

### **State Board of Community Colleges**

The Florida Legislature established the State Board of Community Colleges (SBCC) in 1983 to coordinate activities and provide leadership to the Community College System. The SBCC serves as the director of the Division of Community Colleges in the Florida Department of Education (DOE).

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The SBCC is comprised of the Commissioner of Education, one student, and 11 lay citizens appointed by the Governor, approved by four members of the State Board of Education, and confirmed by the Senate. The Commissioner of Education may nominate two or more persons for each position, prior to appointment by the Governor. With the exception of the student member, the lay members must have been residents and citizens of Florida for at least 10 years prior to appointment. The student member must be a registered student in a community college and must have been a resident of Florida for at least 5 years. The lay members serve for 5 years, and the student member serves for one year.

The role of the SBCC is to coordinate and oversee the operation of the 28 locally-controlled community colleges. Primary aspects of this role include: developing statewide policy; approving legislative budget requests; reviewing and evaluating programs; information sharing; and advocating for community colleges. The SBCC provides general leadership to the system in all areas. The board is responsible for establishing and developing rules and policies that ensure the operation and maintenance of the Community College System in a coordinated, efficient, and effective manner. The SBCC also reviews and approves all budgets and related amendments for the community colleges. These duties and responsibilities are carried out for the system as a whole while being careful not to intrude on the authority of local community college boards of trustees.

The executive director of the Community College System is appointed by the SBCC to serve as executive officer and secretary to the board. The executive director is responsible for implementing the rules and policies established by the board, and is in charge of the offices of the board and is responsible for appointing and terminating staff of the Division of Community Colleges. Statutes specific to the Community College System are found in Part III of Chapter 240, Florida Statutes.

### **State University System/Board of Regents**

The State University System (SUS) consists of the ten state universities and the Board of Regents (BOR). The ten SUS institutions are: The University of Florida (UF), with a main campus in Alachua County; The Florida State University (FSU) with a main campus located in Leon County; The Florida Agricultural and Mechanical University (FAMU), with a main campus located in Leon County; The University of South Florida (USF), with a main campus located in Hillsborough County; The Florida Atlantic University (FAU), with partner campuses located in Palm Beach County and Broward County; The University of West Florida (UWF), with a main campus located in Escambia County; The University of Central Florida (UCF), with a main campus located in Orange County; The University of North Florida (UNF), with a main campus located in Duval County; The Florida International University (FIU), with a main campus located in Dade County; and, The Florida Gulf Coast University (FGCU), with a main campus located in Ft. Myers.

The mission of the State University System is to provide opportunities to the citizens of Florida to pursue baccalaureate and graduate education essential to the full development of human intellectual potential, to provide an educated citizenry fully qualified to perform, and through research and teaching, to promote the economic health and development of Florida.

The Board of Regents is the governing and coordinating authority for the ten public universities in the State University System of Florida. The BOR consists of 13 members, including one student regent and the Commissioner of Education. All members are appointed by the Governor except the Commissioner of Education. Regents serve four-year terms. The BOR appoints a Chancellor who serves as the chief administrative officer

and performs duties assigned to him or her by the BOR. The BOR is responsible for adopting system-wide rules and policies; planning the future needs of the State University System; planning the programmatic, financial, and physical development of the system; reviewing and evaluating the instructional, research, and service programs at the universities; coordinating program development among the universities; and monitoring the fiscal performance of the universities. Statutes governing the State University System are found in Part II of Chapter 240, Florida Statutes.

### **Postsecondary Education Planning Commission (PEPC)**

The Postsecondary Education Planning Commission (PEPC) serves as an advisory body to the State Board of Education (SBOE), the Legislature, and other entities on matters relating to postsecondary education. The commission is composed of 11 members of the general public and one full-time student. Members are appointed by the Governor with the approval of three members of the SBOE and subject to confirmation by the Senate. Each member serves a 4-year term except for the student member who serves a one-year term.

PEPC must prepare and update every five years a master plan for postsecondary education. The plan must include consideration of the promotion of quality, fundamental educational goals, programmatic access, needs for remedial education, regional and state economic development, international education programs, demographic patterns, student demand for programs, needs of particular subgroups of the population, implementation of innovative educational techniques and technology, and the requirements of the labor market. The capacity of existing programs, in both public and independent institutions, to respond to identified needs must be evaluated, and a plan must be developed to respond efficiently to unmet needs. PEPC must review implementation of the master plan and annually report the progress toward implementation.

PEPC also recommends to the SBOE contracts with independent institutions; advises the SBOE regarding the need for and location of new programs; institutions, campuses, and instructional centers of public postsecondary education; reviews public postsecondary education budget requests for compliance with the State master plan; periodically reviews the accountability processes and reports of the State University System, the State Community College System, and public and independent institutions; and conducts studies and planning activities related to the overall improvement and effectiveness of postsecondary education in Florida. Sections 240.145 and 240.147, F.S., relate to PEPC.

### **State Board of Independent Colleges and Universities**

The State Board of Independent Colleges and Universities (SBICU) is an independent rule-making board with responsibility for protecting the integrity of degrees conferred by independent colleges and universities and protecting students and consumers from fraudulent education. Oversight responsibilities include Nonpublic colleges and universities and branch campuses and centers of out-of-state institutions.

The SBICU is comprised of nine members appointed by the Governor and subject to confirmation by the Senate. Criteria requiring institutional representation on the SBICU are set forth in statute. The members serve 3-year terms.

The SBICU sets licensure standards, reviews applications for, and issues licenses for institutions under the jurisdiction of the SBICU. The SBICU monitors the consumer practices of Nonpublic colleges and serves as a central agency for collecting and

distributing information regarding independent colleges and universities. Sections 246.011 through 246.203, F.S., relate to the SBICU.

### **Florida Partnership For School Readiness (ch. 99-357, L.O.F.)**

Legislative intent of the school readiness program is to increase children's probability of achieving future educational success, provide elements necessary to prepare at-risk children for school and design a uniform instrument for measuring school readiness prior to enrollment in the public education K-12 system. The programs are to be locally designed and managed with the state readiness coalition approving and reviewing local school readiness plans.

The partnership is assigned to the Executive Office of the Governor and members shall include: the Lt. Governor or designee, Commissioner of Education, Secretary of Children and Family Services, Secretary of Health, Chairperson of the Child Care Executive Partnership Board, Chairperson of WAGES and ten members of the public, all to be appointed by the Governor. Members shall be appointed to four year terms. The Partnership shall appoint a chairperson annually and meet at least quarterly but as often as necessary. The Partnership will appoint an executive director who shall perform assigned duties and be responsible for hiring employees and staff.

The Florida Partnership for School Readiness is the principle organization responsible for the enhancement of school readiness and shall be responsible for the use of all funds public and private.

- By February 1, 2000, the Partnership shall present to the legislature, a plan for combining funding streams. An annual report of the program's activities shall be submitted to: the Governor, the President of the Senate, the Speaker of the House, the Director of the Florida Healthy Kids Corporation and the minority leaders of both houses.
- By July 1, 2000, the Partnership shall adopt a system for measuring school readiness that will provide data regarding expectations for school readiness.
- By July 1, 2000, the Partnership shall prepare and submit to the State Board of Education, a system for measuring school readiness. A uniform screening instrument will be administered to each child upon enrollment in the public school kindergarten program.
- By December 1, 2000, the Partnership will adopt a system for evaluating the performance of students through third grade, comparing performance to those students who did not participate in school readiness programs.

### **Constitutional Amendment**

At the 1998 General Election, Floridians adopted Revision 8, which amended s. 2, Art. IX of the State Constitution, effective January 7, 2003, as follows:

Section 2. State board of education. -- The state board of education shall be a body corporate and have such supervision of the system of free public education as is provided by law. The state board of education shall consist of seven members appointed by the governor to staggered 4-year terms, subject to confirmation by the senate. The state board of education shall appoint the commissioner of education.

Minutes and records of the 1998 State of Florida Constitution Revision Commission regarding the above proposal are being interpreted as an educational proposal rather than a Cabinet reform bill, therefore, this bill proposes systemic education governance reform.

**C. EFFECT OF PROPOSED CHANGES:**

Section 1. Creates an unnumbered section of the Florida Statutes; providing that this may be cited as the "Florida Education Governance Reorganization Act of 2000.

Section 2. Creates an unnumbered section of the Florida Statutes; setting forth a declaration of policy and guiding principles and providing it is the policy of the Legislature to:

- Achieve within existing resources true systemic change in education governance by establishing a seamless academic educational system that fosters an integrated continuum of kindergarten through graduate school education for Florida's citizens.
- Promote enhanced academic success and funding efficiency by centralizing the governance of educational delivery systems and aligning responsibility with accountability.
- Provide consistent education policy vertically and horizontally across all educational delivery systems, focusing on the needs of those receiving education, not those providing education.
- Provide substantially improved vertical and horizontal articulation across all educational delivery systems, while ensuring that Nonpublic education institutions and home education programs maintain their independence, autonomy, and nongovernmental status.
- Provide for devolution of authority to the schools, community colleges, universities, and other education institutions that are the actual deliverers of educational services in order to provide student-centered education services within the clear parameters of the overarching education policy as established by the Legislature.

Establishing that the guiding principles for Florida's new education governance are: a coordinated, seamless system for kindergarten through graduate school education; a system that is student-centered in every facet; a system that maximizes education access and academic success for all Floridians; a system that safeguards equity; and a system that refuses to compromise academic excellence.

Section 3. Creates an unnumbered section of the Florida Statutes; providing that effective January 7, 2003, the Florida Board of Education, created pursuant to section 4 of this bill, shall be responsible for overseeing kindergarten through graduate school education, in accordance with the policies and guiding principles contained in section 2 of this bill.

Providing, effective January 7, 2003, the Florida Board of Education (FBE) shall appoint the Commissioner of Education; establishing, effective January 7, 2003, a Chancellor of K-12 Education; a Chancellor of State Universities, a



Chancellor of Community Colleges and Career Preparation, and an Executive Director of Nonpublic and Nontraditional Education, appointed by the Commissioner of Education; and providing that each Chancellor and Executive Director appointed by the Commissioner shall be subject to confirmation by the FBE and shall serve at the pleasure and under the authority of the Commissioner.

Providing, effective July 1, 2000, the Governor shall appoint a seven-member board of trustees for the Florida On-Line High School which shall be a body corporate with all the powers of a body corporate.

Providing, effective January 7, 2003, the Governor shall appoint for each university in the State University System, a nine-member board of trustees which shall be a body corporate with all the powers of a body corporate. All members of the board of trustees of Florida Atlantic University must reside within the service area of the university, including three each from Palm Beach and Broward counties.

Providing, effective January 7, 2003, that the powers and duties of the following entities are relocated to the Florida Board of Education, which shall retain all related funding and budget authority of these entities for the purpose of providing a single, seamless kindergarten through graduate school education system and for the purpose of providing a single or coordinated budget; providing that the FBE may retain or redistribute the powers and duties of each entity in accordance with the policies and guiding principles of section 2 of this bill; and providing on this date the following entities shall cease to exist:

1. The Board of Regents.
2. The State Board of Community Colleges.
3. The State Board of Independent Colleges and Universities.
4. The State Board of Nonpublic Career Education.
5. The Division of Workforce Development of the Department of Education.
6. The Postsecondary Education Planning Commission.
7. The Articulation Coordination Committee.
8. The Division of Human Resource Development of the Department of Education.
9. The Division of Support Services of the Department of Education.
10. The Division of Administration of the Department of Education.
11. The Division of Financial Services of the Department of Education.
12. The Division of Technology of the Department of Education.
13. The Office of Student Financial Assistance of the Department of Education.
14. The Division of Universities of the Department of Education.
15. The Division of Community Colleges of the Department of Education.

Providing, effective January 7, 2003, the following sections and chapters of the Florida Statutes are repealed and shall be reviewed by the Legislature prior to that date:

- s. 20.15, F.S., related to the creation of the Department of Education;
- s. 229.012, F.S., related to the composition of the State Board of Education;
- s. 229.053, F.S., related to the general powers of the State Board of Education;

s. 229.512, F.S., related to the general powers and duties; Commissioner of Education;

s. 229.551, F.S., related to educational management;

s. 229.592, F.S., related to implementation of state system of school improvement and education accountability;

s. 229.601, F.S., related to career education program;

s. 229.6058, F.S., related to school readiness pilot program;

s. 229.8341, F.S., related to services for infants and preschool children;

s. 230.64, F.S., related to area technical center part of district school system; minimum standards;

s. 235.014, F.S., related to functions of the Department of Education with regard to educational facilities;

s. 235.05(3), F.S., related to the right of eminent domain for school boards, community college boards of trustees, and the Board of Regents;

s. 235.057, F.S., related to purchase, conveyance, or encumbrance of property interests above surface of land; joint occupancy structures;

s. 235.15, F.S., related to educational plant survey; localized need assessment; PECO project funding;

s. 235.195, F.S., related to cooperative development and use of facilities by two or more boards;

s. 235.199, F.S., related to cooperative funding of vocational educational facilities;

s. 235.41, F.S., related to legislative capital outlay budget request;

s. 235.42, F.S., related to educational and ancillary plant construction funds; public education capital outlay and debt service trust fund; allocation of funds;

ch. 239, F.S., related to vocational, adult, and community education;

ch. 240, F.S., related to postsecondary education;

s. 241.002, F.S., related to duties of the Department of Education regarding distance learning;

s. 241.003, F.S., related to the Florida Distance Learning Network Advisory Council; creation; membership; organization; meetings;

s. 241.004, F.S., related to the educational technology grant program;

s. 244.01, F.S., related to regional education; state policy;

s. 244.02, F.S., related to regional compact;

s. 244.03, F.S., related to furnishing copies to other states in compact; and

ch. 246, F.S., related to Nonpublic postsecondary institutions.

Section 4. Creates an unnumbered section of the Florida Statutes, providing, effective January 7, 2003, the Florida Board of Education is established as a body corporate; providing the board shall be a part-time citizen board consisting of seven members appointed by the Governor to staggered 4-year terms, subject to confirmation by the Senate; providing members may be reappointed by the Governor for additional terms; and providing the FBE shall have a chairperson, who shall be appointed by the Governor.

Providing the primary duties of the board shall be: to establish education goals and objectives consistent with the policies and guiding principles of section 2 of this bill; together with the Commissioner of Education, to oversee the implementation of the education policies established by the Legislature; and, the board and the commissioner shall establish, operate, and maintain optimal efficiency of, an Office of the Board of Education.

Providing that in performing its duties the board, together with the Commissioner of Education, shall: ensure accountability and responsiveness to Florida's citizens, including the establishment of a Citizen Information Center that utilizes quick response and customer-friendly methodologies; establish and aggressively enforce efficient and effective performance management objectives; maximize the effectiveness of local, state, and federal education linkages and funds; recommend one budget or a coordinated budget based on consistent policies for a seamless kindergarten through graduate school education; adopt cohesive rules, within statutory authority, for education system wide issues and ensure that rules adopted for the various education delivery systems are compatible; ensure articulation and coordination within and across the entire education delivery system; and provide ongoing public information regarding performance results for the entire kindergarten through graduate school education system and each of its components.

Providing the board, with the Commissioner of Education, shall: work with the Chancellor of K-12 Education to establish, and maintain optimal efficiency of, an Office of K-12 Education; work with the Chancellor of State Universities to establish, and maintain optimal efficiency of, an Office of State Universities; work with the Chancellor of Community Colleges and Career Preparation to establish, and maintain optimal efficiency of, an Office of Community Colleges and Career Preparation; and work with the Executive Director of Nonpublic and Nontraditional Education to establish, and maintain optimal efficiency of, an Office of Nonpublic and Nontraditional Education Services.

- Section 5. Creates an unnumbered section of the Florida Statutes; providing the Commissioner of Education shall be appointed by the Florida Board of Education from candidates of national caliber and respected and proven organizational leadership with established experience in administering broad-based policy; providing the Commissioner shall be a person who is eminently capable of focusing the entire kindergarten through graduate school education system to accomplish the policies and guiding principles of section 2 of this bill; providing the commissioner shall have: the ability to successfully provide education policy and planning direction, program development, performance management, and funding allocation recommendations across the spectrum of kindergarten through graduate school education; and the ability to achieve and safeguard the will of the people of Florida as expressed in s. 1, Art. IX of the Florida Constitution, that "adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require."

Providing the Chancellor of K-12 Education shall be appointed by the Commissioner of Education based on his or her ability to comply with the policies and guiding principles of section 2 of this bill, to enhance the quality of K-12 education in Florida, to maximize the equity of K-12 education in Florida by moving the focus to the school site and the individual student, and to achieve and safeguard the will of the people of Florida as expressed in s. 1, Art. IX of the Florida Constitution.

Providing the Chancellor of State Universities shall be appointed by the Commissioner of Education based on his or her ability to comply with the

policies and guiding principles of section 2 of this bill, to enhance the national reputation and quality of education and educational research in Florida's state universities and to work directly with each of the state university presidents and boards of trustees in focusing on the education and educational research needs of the individual university and its students.

Providing the Chancellor of Community Colleges and Career Preparation shall be appointed by the Commissioner of Education based on his or her ability to comply with the policies and guiding principles of section 2 of this bill, to enhance the quality of education in Florida's community colleges, and to work directly with each of the community college presidents and boards of trustees in focusing on the education needs of the communities and students they serve.

Providing the Executive Director of Nonpublic and Nontraditional Education shall be appointed by the Commissioner of Education based on his or her ability to comply with the policies and guiding principles of section 2 of this bill, to enhance the quality and expand the offerings and innovations of Nonpublic and nontraditional education in Florida, to establish partnerships with Nonpublic education providers at all levels to achieve these goals, and to work directly with the Board of Trustees of the Florida On-Line High School and with Florida's private school associations, home education associations, Nonpublic career education institutions, and independent colleges and universities to maximize educational choice and enhance the options, educational alternatives, and student-focused delivery for their students.

- Section 6. Creates an unnumbered section of the Florida Statutes; providing, as soon as feasible, but not later than October 1, 2000, for an eleven-member Education Governance Reorganization Transition Task Force, five members appointed by the Governor, three members appointed by the President and three by the Speaker, to effect a smooth transition from the elected State Board of Education to the appointed Florida Board of Education; providing duties for the task force to identify issues, conduct research, develop the necessary procedural and substantive framework, and make recommendations to the Legislature for an orderly 3-year phase-in for a seamless education continuum and single or coordinated budget so that the FBE may maximize its effectiveness when it begins work on January 7, 2003.

Providing for reimbursement of per diem and travel expenses to transition task force members as provided in s. 112.061, F.S., since they serve without compensation; providing the transition task force shall be housed in the Governor's Office of Planning and Budgeting (OPB) and OPB shall contract with or employ an executive director for the transition task force and shall provide the task force with staff and a budget sufficient to accomplish quality work in a timely manner; providing the transition task force may procure information and assistance from any officer or agency of the state or any subdivision thereof; and further providing that all such officials and agencies shall give the task force all relevant information and assistance on any matter within their knowledge or control.

Providing, by March 1, 2001, the transition task force shall recommend to the Legislature:

- How best to achieve education system integration by: combining into or under the new FBE appropriate education functions; devolving the education delivery services and operational decisions to the appropriate location of delivery to students, specifically the schools, community colleges, colleges, universities, area technical centers, and other education institutions or places where the students receive their education; and by providing for a single or coordinated kindergarten through graduate school education budget.
- How best to achieve economies in education services, including recommendations concerning consolidation of information systems and integrated performance and financial accounting systems, while maximizing effectiveness within existing resources and staff.
- Which, if any, current education staff functions and resources should be transferred, eliminated, or realigned within the proposed new education structure.
- A recommended salary structure for the Commissioner of Education and for the Chancellors.
- Whether an Office of Policy Research should be established to explore emerging issues, locate successful and innovative educational programs, and make recommendations to the Governor, the FBE, and the Legislature and, if so, its mission, staffing, and location.
- The optimal mission of the Florida On-Line High School and a methodology for the operation and funding of the school to achieve that mission.

Providing, by March 1, 2002, the transition task force shall recommend to the Legislature:

- Standards, definitions, and guidelines for universities, colleges, community colleges, schools, and other education institutions to ensure the quality of education, system wide coordination, and efficient progress toward attainment of their appropriate missions.
- Rules and procedures as necessary to be followed by university boards of trustees, community college boards of trustees, and other boards of trustees, as determined appropriate, for recruitment and selection of university presidents, procedures for annual evaluations of university presidents, and procedures for interaction between presidents, the boards of trustees, and the new Florida Board of Education.
- A system wide strategic plan for postsecondary institutions that considers the role, in their respective communities, of each of the institutions.
- Methodologies for degree program approval, establishment of matriculation and tuition fees, and coordination of colleges' and universities' budget requests.
- Any additional statutory changes needed during the 2002 legislative session to complete the education governance transition.

Providing, by March 1, 2003, the transition task force shall recommend to the Legislature:

- Statutory changes necessary to accomplish the policies and guiding principles of section 2 of this bill, including, but not limited to, statutory changes necessitated by the repeal and review provisions of this bill.
- Rulemaking authority for the new FBE and a plan and timetable for transition or coordination of existing education sector agency rules and rulemaking authority recommendations, if any, for education agencies.
- Waiver authority, if any, for the Commissioner of Education or the FBE.

Providing, by May 1, 2003, the transition task force shall have completed its duties and shall make a final report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of each chamber; providing that the final report shall include but is not limited to:

- A summary of the work and recommendations of the task force.
- The status of all pending and completed actions on orders and rules, all enforcement matters, and all delegations, interagency agreements, and contracts with federal, state, regional, and local governments and private entities.
- Identification of any remaining or potential duplication in the administration of state education laws and rules, with specific recommendations to eliminate such duplication and promote more efficient administration.

Section 7. Consistent with task force recommendations, the Board of Regents must submit, by April 1, 2001, a plan for staffing and alignment of duties and functions.

Section 8. Effective July 1, 2000, \$250,000 from General Revenue is transferred to the Executive Office of the Governor, Office of Planning and Budgeting, to implement this act, of which: \$100,000 transferred from the Board of Regents General Office, \$50,000 from the Division of Community Colleges, and \$100,000 from the Department of Education.

Section 9. Except as otherwise provided herein, this bill shall take effect upon becoming a law.

**D. SECTION-BY-SECTION ANALYSIS:**

Please refer to the section-by-section analysis under "Effects of Proposed Changes."

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

This bill proposes to make systemic changes in education governance within existing resources. It proposes to relocate the powers and duties of existing education entities to the FBE, which shall retain all related funding and budget authority for the purposes of a single or coordinated budget. The transition task force will make recommendations regarding the allocation of staff and resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require municipalities or counties to spend funds or take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of municipalities or counties to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the amount of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

Prior legal precedent of the Florida Supreme Court, including Whitaker v. Parsons, 86 So. 247 (Fla. 1920), and Amos v. Matthews, 126 So. 308 (Fla. 1930), indicates that it is within the prerogative of the Legislature to define the purview of the new Florida Board of Education, and the State Constitution does not withhold from the Legislature the power to prescribe additional powers and duties on constitutional, statutory, and administrative officers so long as such powers and duties are not inconsistent with their duties imposed by the constitution. Therefore, under Art. IX, sec. 2, Fla. Const., while the new State Board of Education shall supervise the system of free public education, it is not prohibited from also supervising the state university system, community colleges or nonpublic educational institutions as provided by law.

B. RULE-MAKING AUTHORITY:

This bill provides that the transition task force, by March 1, 2003, shall recommend to the Legislature rulemaking authority for the new Florida Board of Education and a plan and timetable for transition or coordination of existing education sector agency rules and rulemaking authority recommendations, if any, for education agencies.

C. OTHER COMMENTS:

As provided in s. 20.04, F.S., the department is the principal administrative unit of the executive branch. The principal unit of the department is the "division." Each division is headed by a "director." The principal unit of the division is the "bureau." Each bureau is headed by a "chief." The principal unit of the bureau is the "section." Each section is headed by an "administrator." Exceptions have been made in this section of the statutes for the Departments of Transportation, Corrections, and Children and Family Services which have organizational units called "offices" or "program offices." The program offices in Children and Family Services are headed by "assistant secretaries." The offices in Transportation and Corrections are headed by "directors."

This bill provides for an Office of the Board of Education and Offices of K-12 Education, State Universities, Community Colleges and Career Preparation, and Nonpublic and Nontraditional Education Services.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The House passed HB 2263 on April 19, 2000, by a vote of 81-29; the Senate adopted amendments on May 4, 2000, and passed the bill as amended on May 5, 2000, by a vote of 32-7. The House concurred in the Senate amendments and passed the bill as amended on May 5, 2000, by a vote of 86-23. HB 2263 was signed into law on June 19, 2000, as Chapter 2000-321, Laws of Florida.



**STORAGE NAME:** h2263z.go

**DATE:** June 5, 2000

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VII. SIGNATURES:

**COMMITTEE ON GOVERNMENTAL OPERATIONS:**

Prepared by:

Staff Director:

Jimmy O. Helms

Jimmy O. Helms

**AS REVISED BY THE COMMITTEE ON EDUCATION APPROPRIATIONS:**

Prepared by:

Staff Director:

Robert S. Cox

John Newman

**FINAL ANALYSIS PREPARED BY THE COMMITTEE ON GOVERNMENTAL OPERATIONS:**

Prepared by:

Staff Director:

Douglas Pile

Russell J. Cyphers, Jr.