

By the Committee on Governmental Operations and
Representatives Posey, Fasano and Littlefield

1 A bill to be entitled
2 An act relating to education governance;
3 creating the Florida Education Governance
4 Reorganization Act of 2000; providing a short
5 title; providing for legislative policy;
6 providing for Florida education governance
7 reorganization; establishing the Florida Board
8 of Education; providing for appointment,
9 powers, and duties; providing for Florida
10 education governance officers; providing for a
11 Commissioner of Education; providing for a
12 Chancellor of K-12 Education; providing for a
13 Chancellor of State Universities; providing for
14 a Chancellor of Community Colleges and Career
15 Preparation; providing for a Chancellor of
16 Nonpublic and Nontraditional Education;
17 providing for an Education Governance
18 Reorganization Transition Commission; providing
19 powers and duties; providing for the future
20 review and repeal of s. 20.15, F.S., relating
21 to the Department of Education, s. 229.012,
22 F.S., relating to the composition of the State
23 Board of Education, s. 229.053, F.S., relating
24 to the general powers of the state board, s.
25 229.512, F.S., relating to the Commissioner of
26 Education, s. 229.551, F.S., relating to
27 educational management, s. 229.592, F.S.,
28 relating to the implementation of the state
29 system of school improvement and education
30 accountability, s. 229.601, F.S., relating to
31 the career education program, s. 229.6058,

1 F.S., relating to the school readiness pilot
2 program, s. 229.8341, F.S., relating to
3 services for infants and preschool children, s.
4 230.64, F.S., relating to area technical
5 centers, s. 235.014, F.S., relating to
6 functions of the Department of Education, s.
7 235.05(3), F.S., relating to the power of the
8 Board of Regents to exercise the right of
9 eminent domain, s. 235.057, F.S., relating to
10 the purchase, conveyance, or encumbrance of
11 certain property interests and joint-occupancy
12 structures, s. 235.15, F.S., relating to the
13 educational plant survey and PECO project
14 funding, s. 235.195, F.S., relating to
15 cooperative development and the use of
16 facilities by two or more school boards, s.
17 235.199, F.S., relating to the cooperative
18 funding of vocational educational facilities,
19 s. 235.41, F.S., relating to legislative
20 capital outlay budget requests, s. 235.42,
21 F.S., relating to described educational funds,
22 ch. 239, F.S., relating to vocational, adult,
23 and community education, ch. 240, F.S.,
24 relating to postsecondary education, s.
25 241.002, F.S., relating to duties of the
26 Department of Education, s. 241.003, F.S.,
27 relating to the Florida Distance Learning
28 Network Advisory Council, s. 241.004, F.S.,
29 relating to the Educational Technology Grant
30 Program, s. 244.01, F.S., relating to regional
31 education, ss. 244.02 and 244.03, F.S.,

1 relating to the Southern Regional Compact, ch.
2 246, F.S., and relating to nonpublic
3 postsecondary institutions; providing an
4 effective date.

5
6 WHEREAS, in the 1998 General Election, Floridians
7 considered a ballot summary statement that proposed changing
8 the composition of the State Board of Education from the
9 Governor and Cabinet to a board appointed by the Governor and
10 a board-appointed Commissioner of Education, and

11 WHEREAS, at the 1998 General Election, Floridians
12 amended s. 2, Art. IX of the State Constitution, effective
13 January 7, 2003, in the following way:

14 "SECTION 2. State board of education.--The
15 state board of education shall be a body
16 corporate and have such supervision of the
17 system of free public education as is provided
18 by law. The state board of education shall
19 consist of seven members appointed by the
20 governor to staggered 4-year terms, subject to
21 confirmation by the senate. The state board of
22 education shall appoint the commissioner of
23 education.", and

24 WHEREAS, pursuant to legal precedent of the Florida
25 Supreme Court, including Whitaker v. Parsons, 86 So. 247 (Fla.
26 1920) and Amos v. Matthews, 126 So. 308 (Fla. 1930), it is
27 clearly within the prerogative of the Legislature to define
28 the purview of the new State Board of Education and the State
29 Constitution does not withhold from the Legislature the power
30 to prescribe additional powers and duties on constitutional,
31 statutory, and administrative officers so long as such powers

1 and duties are not inconsistent with their duties imposed by
2 the constitution, and
3 WHEREAS, the minutes and records of the 1998 State of
4 Florida Constitution Revision Commission re the proposal to
5 amend s. 2, Art. IX state as follows: "[This proposal] sets up
6 a State Board of Education and moves the function of the State
7 Board of Education from the Cabinet to an appointed board of
8 seven appointed by the Governor. That board then selects the
9 Commissioner of Education. This is not a Cabinet reform bill.
10 . . . This is an educational proposal. . . . [This is] a
11 proposal that allows us to put on the ballot the option to
12 have true systemic change in education. . . .", NOW,
13 THEREFORE,

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Short title.--This act may be cited as the
18 "Florida Education Governance Reorganization Act of 2000."

19 Section 2. Declaration of policy and guiding
20 principles.--

21 (1) It is the policy of the Legislature:

22 (a) To achieve within existing resources true systemic
23 change in education governance by establishing a seamless
24 academic educational system that fosters an integrated
25 continuum of kindergarten through graduate school education
26 for Florida's citizens.

27 (b) To promote enhanced academic success and funding
28 efficiency by centralizing the governance of educational
29 delivery systems and aligning responsibility with
30 accountability.

31

1 (c) To provide consistent education policy vertically
2 and horizontally across all educational delivery systems,
3 focusing on the needs of those receiving education, not those
4 providing education.

5 (d) To provide substantially improved vertical and
6 horizontal articulation across all educational delivery
7 systems.

8 (e) To provide for devolution of authority to the
9 schools, community colleges, universities, and other education
10 institutions that are the actual deliverers of educational
11 services in order to provide student-centered education
12 services within the clear parameters of the overarching
13 education policy established by the Legislature.

14 (2) The guiding principles for Florida's new education
15 governance are:

16 (a) A coordinated, seamless system for kindergarten
17 through graduate school education.

18 (b) A system that is student-centered in every facet.

19 (c) A system that maximizes education access and
20 academic success for all Floridians.

21 (d) A system that safeguards equity.

22 (e) A system that refuses to compromise academic
23 excellence.

24 Section 3. Florida Education Governance
25 Reorganization.--

26 (1) Effective January 7, 2003, the Florida Board of
27 Education, created pursuant to section 4 of this act, shall be
28 responsible for overseeing kindergarten through graduate
29 school education, in accordance with the policies and guiding
30 principles in section 2 of this act.

31

1 (2) Effective January 7, 2003, the Florida Board of
2 Education shall appoint the Commissioner of Education.

3 (3) Effective January 7, 2003, there is established:

4 (a) A Chancellor of K-12 Education appointed by the
5 Commissioner of Education.

6 (b) A Chancellor of State Universities, appointed by
7 the Commissioner of Education.

8 (c) A Chancellor of Community Colleges and Career
9 Preparation, appointed by the Commissioner of Education.

10 (d) A Chancellor of Nonpublic and Nontraditional
11 Education, appointed by the Commissioner of Education.

12
13 Each chancellor shall be subject to confirmation by the
14 Florida Board of Education and shall serve at the pleasure and
15 under the authority of the Commissioner of Education.

16 (4) Effective July 1, 2000, the Governor shall appoint
17 a seven-member board of trustees for the Florida On-Line High
18 School which shall be a body corporate with all the powers of
19 a body corporate.

20 (5) Effective January 7, 2003, the Governor shall
21 appoint for each university in the State University System, a
22 nine-member board of trustees which shall be a body corporate
23 with all the powers of a body corporate.

24 (6) Effective January 7, 2003, the powers and duties
25 of the following entities are relocated to the Florida Board
26 of Education, which shall retain all related funding and
27 budget authority for purposes of a single, seamless
28 kindergarten through graduate school education system and
29 single or coordinated budget and may retain or redistribute
30 the powers and duties of each entity in accordance with the
31

1 policies and guiding principles of section 2 of this act, and
2 the entities shall cease to exist:
3 (a) The Board of Regents.
4 (b) The State Board of Community Colleges.
5 (c) The State Board of Independent Colleges and
6 Universities.
7 (d) The State Board of Nonpublic Career Education.
8 (e) The Division of Workforce Development of the
9 Department of Education.
10 (f) The Postsecondary Education Planning Commission.
11 (g) The Articulation Coordination Committee.
12 (h) The Division of Human Resource Development of the
13 Department of Education.
14 (i) The Division of Support Services of the Department
15 of Education.
16 (j) The Division of Administration of the Department
17 of Education.
18 (k) The Division of Financial Services of the
19 Department of Education.
20 (l) The Division of Technology of the Department of
21 Education.
22 (m) The Office of Student Financial Assistance of the
23 Department of Education.
24 (n) The Division of Universities of the Department of
25 Education.
26 (o) The Division of Community Colleges of the
27 Department of Education.
28 (7) Effective January 7, 2003, sections 20.15,
29 229.012, 229.053, 229.512, 229.551, 229.592, 229.601,
30 229.6058, 229.8341, 230.64, 235.014, subsection (3) of section
31 235.05, sections 235.057, 235.15, 235.195, 235.199, 235.41,

1 235.42, chapters 239 and 240, sections 241.002, 241.003,
2 241.004, 244.01, 244.02, 244.03, and chapter 246, Florida
3 Statutes, are repealed and shall be reviewed by the
4 Legislature prior to that date.

5 Section 4. Florida Board of Education.--

6 (1)(a) Effective January 7, 2003, the Florida Board of
7 Education is established as a body corporate. The board shall
8 be a part-time citizen board consisting of seven members
9 appointed by the Governor to staggered 4-year terms, subject
10 to confirmation by the Senate. Members may be reappointed by
11 the Governor for additional terms.

12 (b) The Florida Board of Education shall have a
13 chairperson who shall be appointed by the Governor.

14 (2) The primary duties of the board shall be to
15 establish education goals and objectives consistent with the
16 policies and guiding principles of section 2 of this act and,
17 together with the Commissioner of Education, to oversee the
18 implementation of the education policies established by the
19 Legislature. The board, and the commissioner, shall establish,
20 operate, and maintain optimal efficiency of an Office of the
21 Board of Education.

22 (3) In performing its duties, the board, together with
23 the Commissioner of Education, shall:

24 (a) Ensure accountability and responsiveness to
25 Florida's citizens, including the establishment of a Citizen
26 Information Center that utilizes quick response and
27 customer-friendly methodologies.

28 (b) Establish and aggressively enforce efficient and
29 effective performance management objectives.

30 (c) Maximize the effectiveness of local, state, and
31 federal education linkages and funds.

1 (d) Recommend one budget or a coordinated budget based
2 on consistent policies for a seamless kindergarten through
3 graduate school education.

4 (e) Adopt cohesive rules, within statutory authority,
5 for education systemwide issues and ensure that rules adopted
6 for the various education delivery systems are compatible.

7 (f) Ensure articulation and coordination within and
8 across the entire education delivery system.

9 (g) Provide ongoing public information regarding
10 performance results for the entire kindergarten through
11 graduate school education system and each of its components.

12 (4) The board, with the Commissioner of Education,
13 shall:

14 (a) Work with the Chancellor of K-12 Education to
15 establish, and maintain optimal efficiency of, an Office of
16 K-12 Education.

17 (b) Work with the Chancellor of State Universities to
18 establish, and maintain optimal efficiency of, an Office of
19 State Universities.

20 (c) Work with the Chancellor of Community Colleges and
21 Career Preparation to establish, and maintain optimal
22 efficiency of, an Office of Community Colleges and Career
23 Preparation.

24 (d) Work with the Chancellor of Nonpublic and
25 Nontraditional Education to establish, and maintain optimal
26 efficiency of, an Office of Nonpublic and Nontraditional
27 Education Services.

28 Section 5. Florida Education Governance Officers.--

29 (1) COMMISSIONER OF EDUCATION.--The Commissioner of
30 Education shall be appointed by the Board of Education from
31 candidates of national caliber and respected and proven

1 organizational leadership with established experience in
2 administering broad-based policy. The commissioner shall be a
3 person who is eminently capable of focusing the entire
4 kindergarten through graduate school education system to
5 accomplish the policies and guiding principles of section 2 of
6 this act. The commissioner shall have the ability to
7 successfully provide education policy and planning direction,
8 program development, performance management, and funding
9 allocation recommendations across the spectrum of kindergarten
10 through graduate school education, and the ability to achieve
11 and safeguard the will of the people of Florida as expressed
12 in s. 1, Art. IX of the Florida Constitution, that "adequate
13 provision shall be made by law for a uniform, efficient, safe,
14 secure, and high quality system of free public schools that
15 allows students to obtain a high quality education and for the
16 establishment, maintenance, and operation of institutions of
17 higher learning and other public education programs that the
18 needs of the people may require."

19 (2) CHANCELLOR OF K-12 EDUCATION.--The Chancellor of
20 K-12 Education shall be appointed by the Commissioner of
21 Education based on his or her ability to comply with the
22 policies and guiding principles of section 2 of this act, to
23 enhance the quality of K-12 education in Florida, to maximize
24 the equity of K-12 education in Florida by moving the focus to
25 the school site and the individual student, and to achieve and
26 safeguard the will of the people of Florida as expressed in s.
27 1, Art. IX of the Florida Constitution, that "adequate
28 provision shall be made by law for a uniform, efficient, safe,
29 secure, and high quality system of free public schools that
30 allows students to obtain a high quality education. . . ."

31

1 (3) CHANCELLOR OF STATE UNIVERSITIES.--The Chancellor
2 of State Universities shall be appointed by the Commissioner
3 of Education based on his or her ability to comply with the
4 policies and guiding principles of section 2 of this act, to
5 enhance the national reputation and quality of education and
6 educational research in Florida's state universities, and to
7 work directly with each of the state university presidents and
8 boards of trustees in focusing on the education and
9 educational research needs of the individual university and
10 its students.

11 (4) CHANCELLOR OF COMMUNITY COLLEGES AND CAREER
12 PREPARATION.--The Chancellor of Community Colleges and Career
13 Preparation shall be appointed by the Commissioner of
14 Education based on his or her ability to comply with the
15 policies and guiding principles of section 2 of this act, to
16 enhance the quality of education in Florida's community
17 colleges, and to work directly with each of the community
18 college presidents and boards of trustees in focusing on the
19 education needs of the communities and students they serve.

20 (5) CHANCELLOR OF NONPUBLIC AND NONTRADITIONAL
21 EDUCATION.--The Chancellor of Nonpublic and Nontraditional
22 Education shall be appointed by the Commissioner of Education
23 based on his or her ability to comply with the policies and
24 guiding principles of section 2 of this act, to enhance the
25 quality and expand the offerings and innovations of nonpublic
26 and nontraditional education in Florida, to establish
27 partnerships with nonpublic education providers at all levels
28 to achieve these goals, and to work directly with the Board of
29 Trustees of the Florida On-Line High School and with Florida's
30 private school associations, home education associations,
31 nonpublic career education institutions, and independent

1 colleges and universities to maximize educational choice and
2 enhance the options, educational alternatives, and
3 student-focused delivery for their students.

4 Section 6. Education Governance Reorganization
5 Transition Commission.--

6 (1) In order to accomplish a smooth transition on
7 January 7, 2003, from the elected State Board of Education to
8 the appointed Florida Board of Education, the Governor shall
9 appoint, as soon as feasible but not later than October 1,
10 2000, a seven-member transition commission that represents the
11 highest level of professional capability to assess Florida's
12 current educational system and make recommendations to achieve
13 the true systemic changes demanded by this act. The transition
14 commission shall be charged with the duty to identify issues,
15 conduct research, develop the necessary procedural and
16 substantive framework, and make recommendations to the
17 Legislature for an orderly 3-year phase-in for a seamless
18 education continuum and a single or coordinated kindergarten
19 through graduate school budget in accordance with the policies
20 and guiding principles of section 2 of this act, so that the
21 Florida Board of Education may immediately begin its work on
22 January 7, 2003, with maximum effectiveness.

23 (2)(a) The members of the transition commission shall
24 serve without compensation, but shall be reimbursed for per
25 diem and travel expenses as provided in s. 112.061, Florida
26 Statutes.

27 (b) The commission shall be housed in the Governor's
28 Office of Planning and Budgeting, and the Governor's Office of
29 Planning and Budgeting shall contract with or employ an
30 executive director for the commission and shall provide the
31

1 commission with staff and a budget sufficient to accomplish
2 quality work in a timely manner.

3 (3) The transition commission may procure information
4 and assistance from any officer or agency of the state or any
5 subdivision thereof. All such officials and agencies shall
6 give the commission all relevant information and assistance on
7 any matter within their knowledge or control.

8 (4) By March 1, 2001, the transition commission shall
9 recommend to the Legislature:

10 (a) How best to achieve education system integration
11 by:

12 1. Combining into the new Florida Board of Education
13 the overarching policies of the administrative education
14 structures that have supported the separate education sector
15 missions.

16 2. Devolving the education delivery services and
17 operational decisions to the location of delivery to students,
18 specifically the schools, community colleges, colleges,
19 universities, area technical centers, and other education
20 institutions or places where the students receive their
21 education.

22 3. Providing for a single or coordinated kindergarten
23 through graduate school education budget.

24 (b) How best to achieve economies in education
25 services, including recommendations concerning unification of
26 information systems and integrated performance and financial
27 accounting systems, while maximizing effectiveness within
28 existing resources and staff.

29 (c)1. Which, if any, current staff functions and
30 resources of the Department of Education, the Board of
31 Regents, the State Board of Community Colleges, the State

1 Board of Independent Colleges and Universities, the
2 Postsecondary Education Planning Commission, and the
3 Articulation Coordinating Committee should be transferred to
4 the office of the Florida Board of Education, and which, if
5 any, should be consolidated in the offices under the
6 Chancellor of K-12 Education, the Chancellor of State
7 Universities, the Chancellor of Community Colleges and Career
8 Preparation, or the Chancellor of Nonpublic and Nontraditional
9 Education, and a time line and methodology for such transfers.

10 2. A recommended salary structure for the Commissioner
11 of Education and for the chancellors.

12 (d) Whether an Office of Policy Research should be
13 established to explore emerging issues, locate successful and
14 innovative educational programs, and make recommendations to
15 the Governor, the Florida Board of Education, and the
16 Legislature and, if so, its mission, staffing, and location.

17 (e) The optimal mission of the Florida On-Line High
18 School and a methodology for the operation and funding of the
19 school to achieve that mission.

20 (f) The optimal location and structure of the Florida
21 Partnership for School Readiness.

22 (5) By March 1, 2002, the transition commission shall
23 recommend to the Legislature:

24 (a) Standards, definitions, and guidelines for
25 universities to ensure the quality of education, systemwide
26 coordination, and efficient progress toward attainment of
27 their university missions.

28 (b) Rules and procedures to be followed by university
29 boards of trustees for recruitment and selection of university
30 presidents, procedures for annual evaluations of university
31

1 presidents, and procedures for interaction between university
2 presidents and boards of trustees.

3 (c) A systemwide strategic plan for postsecondary
4 institutions that considers the role, in their respective
5 communities, of each of the institutions.

6 (d) Methodologies for degree program approval,
7 establishment of matriculation and tuition fees, and
8 coordination of colleges' and universities' budget requests.

9 (e) Any additional statutory changes needed during the
10 2003 legislative session to complete the education governance
11 reorganization transition.

12 (6) By March 1, 2003, the transition commission shall
13 recommend to the Legislature:

14 (a) Statutory changes necessary to accomplish the
15 policies and guiding principles of section 2 of this act,
16 including, but not limited to, statutory changes necessitated
17 by the repeal and review provisions of subsection 3(8) of this
18 act.

19 (b) Rulemaking authority for the new Florida Board of
20 Education and a plan and timetable for transition or
21 coordination of existing education sector agency rules and
22 rulemaking authority recommendations, if any, for education
23 agencies.

24 (c) Waiver authority, if any, for the Commissioner of
25 Education or the Florida Board of Education.

26 (7) By May 1, 2003, the transition commission shall
27 have completed its duties and shall make its final report to
28 the Governor, the President of the Senate, the Speaker of the
29 House of Representatives, and the minority leaders of each
30 chamber. The final report shall include, but is not limited
31 to:

1 (a) A summary of the work and recommendations of the
2 commission.

3 (b) The status of all pending and completed actions on
4 orders and rules, all enforcement matters, and all
5 delegations, interagency agreements, and contracts with
6 federal, state, regional, and local governments and private
7 entities.

8 (c) Identification of any remaining or potential
9 duplication in the administration of state education laws and
10 rules, with specific recommendations to eliminate such
11 duplication and promote more efficient administration.

12 Section 7. Except as otherwise provided herein, this
13 act shall take effect upon becoming a law.

14
15 *****

16 HOUSE SUMMARY

17 Creates the Florida Education Governance Reorganization
18 Act of 2000 to provide for the reorganization of public
19 education in the State of Florida to:

20 1. Achieve within existing resources true systemic
21 change in education governance by establishing a seamless
22 academic educational system that fosters an integrated
23 continuum of kindergarten through graduate school
24 education for Florida's citizens.

25 2. Promote enhanced academic success and funding
26 efficiency by centralizing the governance of educational
27 delivery systems and aligning responsibility with
28 accountability.

29 3. Provide consistent education policy vertically
30 and horizontally across all educational delivery systems,
31 focusing on the needs of those receiving education, not
those providing education.

 4. Provide substantially improved vertical and
horizontal articulation across all educational delivery
systems.

 5. 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 of the Governor and the
Legislature as established in law by the Legislature.

See bill for details.