

1
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 Executive Director
16 of Nonpublic and Nontraditional Education;
17 providing for an Education Governance
18 Reorganization Transition task force; 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 for
4 development of a staffing plan from the Board
5 of Regents; transferring \$100,000 from the
6 General Revenue Fund from the Board of Regents,
7 \$50,000 from the General Revenue Fund from the
8 Division of Community Colleges, and \$100,000
9 from the Department of Education, to the
10 Executive Office of the Governor; providing an
11 effective date.

12
13 WHEREAS, in the 1998 General Election, Floridians
14 considered a ballot summary statement that proposed changing
15 the composition of the State Board of Education from the
16 Governor and Cabinet to a board appointed by the Governor and
17 a board-appointed Commissioner of Education, and

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

21 "SECTION 2. State board of education.--The
22 state board of education shall be a body
23 corporate and have such supervision of the
24 system of free public education as is provided
25 by law. The state board of education shall
26 consist of seven members appointed by the
27 governor to staggered 4-year terms, subject to
28 confirmation by the senate. The state board of
29 education shall appoint the commissioner of
30 education.", and

31

1 WHEREAS, pursuant to legal precedent of the Florida
2 Supreme Court, including Whitaker v. Parsons, 86 So. 247 (Fla.
3 1920) and Amos v. Matthews, 126 So. 308 (Fla. 1930), it is
4 clearly within the prerogative of the Legislature to define
5 the purview of the new State Board of Education and the State
6 Constitution does not withhold from the Legislature the power
7 to prescribe additional powers and duties on constitutional,
8 statutory, and administrative officers so long as such powers
9 and duties are not inconsistent with their duties imposed by
10 the constitution, and

11 WHEREAS, the minutes and records of the 1998 State of
12 Florida Constitution Revision Commission re the proposal to
13 amend s. 2, Art. IX state as follows: "[This proposal] sets up
14 a State Board of Education and moves the function of the State
15 Board of Education from the Cabinet to an appointed board of
16 seven appointed by the Governor. That board then selects the
17 Commissioner of Education. This is not a Cabinet reform bill.
18 . . . This is an educational proposal. . . . [This is] a
19 proposal that allows us to put on the ballot the option to
20 have true systemic change in education. . . .", NOW,
21 THEREFORE,

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Short title.--This act may be cited as the
26 "Florida Education Governance Reorganization Act of 2000."

27 Section 2. Declaration of policy and guiding
28 principles.--

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

30 (a) To achieve within existing resources true systemic
31 change in education governance by establishing a seamless

1 academic educational system that fosters an integrated
2 continuum of kindergarten through graduate school education
3 for Florida's citizens.

4 (b) To promote enhanced academic success and funding
5 efficiency by centralizing the governance of educational
6 delivery systems and aligning responsibility with
7 accountability.

8 (c) To provide consistent education policy vertically
9 and horizontally across all educational delivery systems,
10 focusing on the needs of those receiving education, not those
11 providing education.

12 (d) To provide substantially improved vertical and
13 horizontal articulation across all educational delivery
14 systems while ensuring that nonpublic education institutions
15 and home education programs maintain their independence,
16 autonomy, and nongovernmental status.

17 (e) To provide for devolution of authority to the
18 schools, community colleges, universities, and other education
19 institutions that are the actual deliverers of educational
20 services in order to provide student-centered education
21 services within the clear parameters of the overarching
22 education policy established by the Legislature.

23 (2) The guiding principles for Florida's new education
24 governance are:

25 (a) A coordinated, seamless system for kindergarten
26 through graduate school education.

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

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

30 (d) A system that safeguards equity.

31

1 (e) A system that refuses to compromise academic
2 excellence.

3 Section 3. Florida Education Governance
4 Reorganization.--

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

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

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

13 (a) A Chancellor of K-12 Education appointed by the
14 Commissioner of Education.

15 (b) A Chancellor of State Universities, appointed by
16 the Commissioner of Education.

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

19 (d) An Executive Director of Nonpublic and
20 Nontraditional Education, appointed by the Commissioner of
21 Education.

22
23 Each chancellor and executive director shall be subject to
24 confirmation by the Florida Board of Education and shall serve
25 at the pleasure and under the authority of the Commissioner of
26 Education.

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

31

1 (5) Effective January 7, 2003, the Governor shall
2 appoint for each university in the State University System, a
3 nine-member board of trustees which shall be a body corporate
4 with all the powers of a body corporate. All members of the
5 board of trustees of Florida Atlantic University must reside
6 within the service area of the university; three must be
7 residents of Broward County, three must be residents of Palm
8 Beach County, and three may be residents of any county within
9 the service area.

10 (6) Effective January 7, 2003, the powers and duties
11 of the following entities are relocated to the Florida Board
12 of Education, which shall retain all related funding and
13 budget authority for purposes of a single, seamless
14 kindergarten through graduate school education system and
15 single or coordinated budget and may retain or redistribute
16 the powers and duties of each entity in accordance with the
17 policies and guiding principles of section 2 of this act, and
18 the entities shall cease to exist:

19 (a) The Board of Regents.

20 (b) The State Board of Community Colleges.

21 (c) The State Board of Independent Colleges and
22 Universities.

23 (d) The State Board of Nonpublic Career Education.

24 (e) The Division of Workforce Development of the
25 Department of Education.

26 (f) The Postsecondary Education Planning Commission.

27 (g) The Articulation Coordination Committee.

28 (h) The Division of Human Resource Development of the
29 Department of Education.

30 (i) The Division of Support Services of the Department
31 of Education.

1 (j) The Division of Administration of the Department
2 of Education.

3 (k) The Division of Financial Services of the
4 Department of Education.

5 (l) The Division of Technology of the Department of
6 Education.

7 (m) The Office of Student Financial Assistance of the
8 Department of Education.

9 (n) The Division of Universities of the Department of
10 Education.

11 (o) The Division of Community Colleges of the
12 Department of Education.

13 (7) Effective January 7, 2003, sections 20.15,
14 229.012, 229.053, 229.512, 229.551, 229.592, 229.601,
15 229.6058, 229.8341, 230.64, 235.014, subsection (3) of section
16 235.05, sections 235.057, 235.15, 235.195, 235.199, 235.41,
17 235.42, chapters 239 and 240, sections 241.002, 241.003,
18 241.004, 244.01, 244.02, 244.03, and chapter 246, Florida
19 Statutes, are repealed and shall be reviewed by the
20 Legislature prior to that date.

21 Section 4. Florida Board of Education.--

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

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

30 (2) The primary duties of the board shall be to
31 establish education goals and objectives consistent with the

1 policies and guiding principles of section 2 of this act and,
2 together with the Commissioner of Education, to oversee the
3 implementation of the education policies established by the
4 Legislature. The board, and the commissioner, shall establish,
5 operate, and maintain optimal efficiency of an Office of the
6 Board of Education.

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

9 (a) Ensure accountability and responsiveness to
10 Florida's citizens, including the establishment of a Citizen
11 Information Center that utilizes quick response and
12 customer-friendly methodologies.

13 (b) Establish and aggressively enforce efficient and
14 effective performance management objectives.

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

17 (d) Recommend one budget or a coordinated budget based
18 on consistent policies for a seamless kindergarten through
19 graduate school education.

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

23 (f) Ensure articulation and coordination within and
24 across the entire education delivery system.

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

28 (4) The board, with the Commissioner of Education,
29 shall:

30
31

1 (a) Work with the Chancellor of K-12 Education to
2 establish, and maintain optimal efficiency of, an Office of
3 K-12 Education.

4 (b) Work with the Chancellor of State Universities to
5 establish, and maintain optimal efficiency of, an Office of
6 State Universities.

7 (c) Work with the Chancellor of Community Colleges and
8 Career Preparation to establish, and maintain optimal
9 efficiency of, an Office of Community Colleges and Career
10 Preparation.

11 (d) Work with the Executive Director of Nonpublic and
12 Nontraditional Education to establish, and maintain optimal
13 efficiency of, an Office of Nonpublic and Nontraditional
14 Education Services.

15 Section 5. Florida Education Governance Officers.--

16 (1) COMMISSIONER OF EDUCATION.--The Commissioner of
17 Education shall be appointed by the Board of Education from
18 candidates of national caliber and respected and proven
19 organizational leadership with established experience in
20 administering broad-based policy. The commissioner shall be a
21 person who is eminently capable of focusing the entire
22 kindergarten through graduate school education system to
23 accomplish the policies and guiding principles of section 2 of
24 this act. The commissioner shall have the ability to
25 successfully provide education policy and planning direction,
26 program development, performance management, and funding
27 allocation recommendations across the spectrum of kindergarten
28 through graduate school education, and the ability to achieve
29 and safeguard the will of the people of Florida as expressed
30 in s. 1, Art. IX of the Florida Constitution, that "adequate
31 provision shall be made by law for a uniform, efficient, safe,

1 secure, and high quality system of free public schools that
2 allows students to obtain a high quality education and for the
3 establishment, maintenance, and operation of institutions of
4 higher learning and other public education programs that the
5 needs of the people may require."

6 (2) CHANCELLOR OF K-12 EDUCATION.--The Chancellor of
7 K-12 Education shall be appointed by the Commissioner of
8 Education based on his or her ability to comply with the
9 policies and guiding principles of section 2 of this act, to
10 enhance the quality of K-12 education in Florida, to maximize
11 the equity of K-12 education in Florida by moving the focus to
12 the school site and the individual student, and to achieve and
13 safeguard the will of the people of Florida as expressed in s.
14 1, Art. IX of the Florida Constitution, that "adequate
15 provision shall be made by law for a uniform, efficient, safe,
16 secure, and high quality system of free public schools that
17 allows students to obtain a high quality education. . . ."

18 (3) CHANCELLOR OF STATE UNIVERSITIES.--The Chancellor
19 of State Universities shall be appointed by the Commissioner
20 of Education based on his or her ability to comply with the
21 policies and guiding principles of section 2 of this act, to
22 enhance the national reputation and quality of education and
23 educational research in Florida's state universities, and to
24 work directly with each of the state university presidents and
25 boards of trustees in focusing on the education and
26 educational research needs of the individual university and
27 its students.

28 (4) CHANCELLOR OF COMMUNITY COLLEGES AND CAREER
29 PREPARATION.--The Chancellor of Community Colleges and Career
30 Preparation shall be appointed by the Commissioner of
31 Education based on his or her ability to comply with the

1 policies and guiding principles of section 2 of this act, to
2 enhance the quality of education in Florida's community
3 colleges, and to work directly with each of the community
4 college presidents and boards of trustees in focusing on the
5 education needs of the communities and students they serve.

6 (5) EXECUTIVE DIRECTOR OF NONPUBLIC AND NONTRADITIONAL
7 EDUCATION.--The Executive Director of Nonpublic and
8 Nontraditional Education shall be appointed by the
9 Commissioner of Education based on his or her ability to
10 comply with the policies and guiding principles of section 2
11 of this act, to enhance the quality and expand the offerings
12 and innovations of nonpublic and nontraditional education in
13 Florida, to establish partnerships with nonpublic education
14 providers at all levels to achieve these goals, and to work
15 directly with the Board of Trustees of the Florida On-Line
16 High School and with Florida's private school associations,
17 home education associations, nonpublic career education
18 institutions, and independent colleges and universities to
19 maximize educational choice and enhance the options,
20 educational alternatives, and student-focused delivery for
21 their students.

22 Section 6. Education Governance Reorganization
23 Transition Task Force.--

24 (1) In order to accomplish a smooth transition on
25 January 7, 2003, from the elected State Board of Education to
26 the appointed Florida Board of Education, there shall be
27 established the Education Governance Reorganization Transition
28 Task Force. All members of the task force shall be appointed
29 as soon as feasible but not later than October 1, 2000. The
30 task force shall be comprised of:

31 (a) Five members appointed by the Governor;

1 (b) Three members appointed by the President of the
2 Senate; and

3 (c) Three members appointed by the Speaker of the
4 House of Representatives.

5 The transition task force shall be charged with the duty to
6 identify issues, conduct research, develop the necessary
7 procedural and substantive framework, and make recommendations
8 to the Legislature for an orderly 3-year phase-in for a
9 seamless education continuum and a single or coordinated
10 kindergarten through graduate school budget in accordance with
11 the policies and guiding principles of section 2 of this act,
12 so that the Florida Board of Education may immediately begin
13 its work on January 7, 2003, with maximum effectiveness.

14 (2)(a) The members of the transition task force shall
15 serve without compensation, but shall be reimbursed for per
16 diem and travel expenses as provided in s. 112.061, Florida
17 Statutes.

18 (b) The task force shall be housed in the Governor's
19 Office of Planning and Budgeting, and the Governor's Office of
20 Planning and Budgeting shall contract with or employ an
21 executive director for the task force and shall provide the
22 commission with staff and a budget sufficient to accomplish
23 quality work in a timely manner.

24 (3) The transition task force may procure information
25 and assistance from any officer or agency of the state or any
26 subdivision thereof. All such officials and agencies shall
27 give the task force all relevant information and assistance on
28 any matter within their knowledge or control. The transition
29 task force may utilize consultants, studies, and other methods
30 of gathering information to assist in developing its
31 recommendations.

1 (4) By March 1, 2001, the transition task force shall
2 recommend to the Legislature:

3 (a) How best to achieve education system integration
4 by:

5 1. Combining appropriate education functions and
6 policies into or under the new Florida Board of Education.

7 2. Devolving the education delivery services and
8 operational decisions to the appropriate location of delivery
9 to students, specifically the schools, community colleges,
10 colleges, universities, area technical centers, and other
11 education institutions or places where the students receive
12 their education.

13 3. Providing for a single or coordinated kindergarten
14 through graduate school education budget.

15 (b) How best to achieve economies in education
16 services, including recommendations concerning consolidation
17 of information systems and integrated performance and
18 financial accounting systems, while maximizing effectiveness
19 within existing resources and staff.

20 (c)1. Which, if any, current education staff functions
21 and resources should be eliminated, transferred, or realigned
22 within the proposed new education organizational structure.

23 2. A recommended salary structure for the Commissioner
24 of Education and for the chancellors.

25 (d) Whether an Office of Policy Research should be
26 established to explore emerging issues, locate successful and
27 innovative educational programs, and make recommendations to
28 the Governor, the Florida Board of Education, and the
29 Legislature and, if so, its mission, staffing, and location.

30
31

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

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

6 (5) By March 1, 2002, the transition task force shall
7 recommend to the Legislature:

8 (a) Standards, definitions, and guidelines for
9 universities, colleges, community colleges, schools, and other
10 education institutions to ensure the quality of education,
11 systemwide coordination, and efficient progress toward
12 attainment of their appropriate missions.

13 (b) Rules and procedures as necessary to be followed
14 by university boards of trustees, community college boards of
15 trustees, and other boards of trustees, as determined
16 appropriate, for recruitment and selection of presidents,
17 procedures for annual evaluations of presidents, and
18 procedures for interaction between presidents, the boards of
19 trustees, and the new Florida Board of Education.

20 (c) A systemwide strategic plan for postsecondary
21 institutions that considers the role, in their respective
22 communities, of each of the institutions.

23 (d) Methodologies for degree program approval,
24 establishment of matriculation and tuition fees, and
25 coordination of colleges' and universities' budget requests.

26 (e) Any additional statutory changes needed during the
27 2002 legislative session to complete the education governance
28 reorganization transition.

29 (6) By March 1, 2003, the transition task force shall
30 recommend to the Legislature:

31

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

6 (b) Rulemaking authority for the new Florida Board of
7 Education and a plan and timetable for transition or
8 coordination of existing education sector agency rules and
9 rulemaking authority recommendations, if any, for education
10 agencies.

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

13 (7) By May 1, 2003, the transition task force shall
14 have completed its duties and shall make its final report to
15 the Governor, the President of the Senate, the Speaker of the
16 House of Representatives, and the minority leaders of each
17 chamber. The final report shall include, but is not limited
18 to:

19 (a) A summary of the work and recommendations of the
20 task force.

21 (b) The status of all pending and completed actions on
22 orders and rules, all enforcement matters, and all
23 delegations, interagency agreements, and contracts with
24 federal, state, regional, and local governments and private
25 entities.

26 (c) Identification of any remaining or potential
27 duplication in the administration of state education laws and
28 rules, with specific recommendations to eliminate such
29 duplication and promote more efficient administration.

30 Section 7. The Board of Regents shall be in
31 substantive compliance with the last paragraph preceding

1 specific appropriation 178 of House Bill 2145 by submitting to
2 the Executive Office of the Governor, President of the Senate
3 and the Speaker of the House of Representatives, a plan for
4 staffing and alignment of duties and functions consistent with
5 recommendations reported by the Task Force as provided for in
6 this act. The plan shall be completed within 30 days after the
7 first report due from the task force but no later than April
8 1, 2001.

9 Section 8. Effective July 1, 2000, the sum of \$100,000
10 from the General Revenue Fund is transferred from the Board of
11 Regents General Office, the sum of \$50,000 from the General
12 Revenue Fund is transferred from the Division of Community
13 Colleges, and the sum of \$100,000 from the General Revenue
14 Fund is transferred from the Department of Education, to the
15 Executive Office of the Governor, Office of Planning and
16 Budgeting, to implement this act.

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

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