

Bill No. SB 1162, 1st Eng.

Amendment No. Barcode 020712

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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11 Senator Pruitt moved the following amendment to amendment
 12 (464641):

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14 **Senate Amendment (with title amendment)**

15 On page 1, line 18, through

16 page 77, line 9, delete those lines

17

18 and insert:

19 Section 1. Section 229.001, Florida Statutes, is

20 amended to read:

21 229.001 Short title.--This act may be cited as the

22 "Florida Education Governance Reorganization Implementation

23 Act ~~of 2000~~."

24 Section 2. Section 229.002, Florida Statutes, is

25 amended to read:

26 229.002 Declaration of policy and guiding

27 principles.--

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

29 (a) To achieve within existing resources true systemic

30 change in education governance by establishing a seamless

31 academic educational system that fosters an integrated

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1 continuum of kindergarten through graduate school education
2 for Florida's citizens.

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

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

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

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

22 (f) To ensure that independent education institutions
23 and home education programs maintain their independence,
24 autonomy, and nongovernmental status.

25 (2) The guiding principles for Florida's new education
26 governance are:

27 (a) A coordinated, seamless system for kindergarten
28 through graduate school education.

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

30 (c) A system that maximizes education access and
31 provides the opportunity for a high-quality education ~~academic~~

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1 ~~success~~ for all Floridians.

2 (d) A system that safeguards equity and supports
3 academic excellence.

4 (e) A system that provides for local operational
5 flexibility while promoting accountability for student
6 achievement and improvement ~~refuses to compromise academic~~
7 ~~excellence~~.

8 Section 3. Section 229.003, Florida Statutes, is
9 amended to read:

10 229.003 Florida education governance reorganization.--

11 (1) ~~Effective January 7, 2003,~~The Florida Board of
12 Education, created pursuant to s. 229.004, shall be
13 responsible for overseeing kindergarten through graduate
14 school education, in accordance with the implementation
15 process in s. 229.0072 and the policies and guiding principles
16 in s. 229.002 and the mission and goals of s. 229.007.

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

19 ~~(2)(3) Effective January 7, 2003,~~There are is
20 established the following education governance officers in
21 addition to the Commissioner of Education:

22 (a) ~~A Chancellor of Public Schools K-12 Education~~
23 ~~appointed by the Commissioner of Education.~~

24 (b) ~~A Chancellor of Colleges and State Universities,~~
25 ~~appointed by the Commissioner of Education.~~

26 (c) ~~A Chancellor of Community Colleges and Career~~
27 ~~Preparation, appointed by the Commissioner of Education.~~

28 (d) ~~An Executive Director of Independent Nonpublic and~~
29 ~~Nontraditional Education, appointed by the Commissioner of~~
30 ~~Education.~~

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1 Each chancellor and the executive director shall be appointed
2 ~~subject to confirmation~~ by the Florida Board of Education and
3 shall serve at the pleasure and under the authority of the
4 Secretary of the Florida Board of Education ~~Commissioner of~~
5 ~~Education.~~

6 ~~(3)(4) Effective July 1, 2000,~~The Governor shall
7 appoint a seven-member board of trustees for the Florida
8 Virtual On-Line High School, which shall be a body corporate
9 with all the powers of a body corporate.

10 ~~(4)(5) Effective January 7, 2003,~~The Governor shall
11 appoint for each university in the State University System, a
12 12-member ~~nine-member~~ board of trustees, which shall be a body
13 corporate with all the powers of a body corporate. In addition
14 to the 12 members, a student body president shall serve as a
15 voting member of the board of trustees. There shall be no
16 state residency requirement for university board members, but
17 the Governor shall consider diversity and regional
18 representation. Each appointee is subject to confirmation by
19 the Senate in the regular legislative session immediately
20 following his or her appointment ~~All members of the board of~~
21 ~~trustees of Florida Atlantic University must reside within the~~
22 ~~service area of the university; three must be residents of~~
23 ~~Broward County, three must be residents of Palm Beach County,~~
24 ~~and three may be residents of any county within the service~~
25 ~~area.~~

26 (5) Effective July 1, 2001:

27 (a) The Board of Regents is abolished.

28 (b) All of the powers, duties, functions, records,
29 personnel, and property; unexpended balances of
30 appropriations, allocations, and other funds; administrative
31 authority; administrative rules; pending issues; and existing

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1 contracts of the Board of Regents are transferred by a type
2 two transfer, pursuant to s. 20.06(2), to the Florida Board of
3 Education.

4 (c) The State Board of Community Colleges is
5 abolished.

6 (d) All of the powers, duties, functions, records,
7 personnel, and property; unexpended balances of
8 appropriations, allocations, and other funds; administrative
9 authority; administrative rules; pending issues; and existing
10 contracts of the State Board of Community Colleges are
11 transferred by a type two transfer, pursuant to s. 20.06(2),
12 from the Department of Education to the Florida Board of
13 Education.

14 (e) The Postsecondary Education Planning Commission is
15 abolished.

16 (f) The Council for Education Policy Research and
17 Improvement is created as an independent office under the
18 Office of Legislative Services.

19 (g) All personnel, unexpended balances of
20 appropriations, and allocations of the Postsecondary Education
21 Planning Commission are transferred to the Council for
22 Education Policy Research and Improvement.

23 (h) The Articulation Coordinating Committee and the
24 Education Standards Commission are transferred by a type two
25 transfer, pursuant to s. 20.06(2), from the Department of
26 Education to the Florida Board of Education.

27 (i) Notwithstanding the provisions of s. 20.15, the
28 Commissioner of Education and the Secretary of the Florida
29 Board of Education shall work together to commence the
30 reorganization of the Department of Education in accordance
31 with s. 229.0073, which shall include an Office of the

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1 Commissioner of Education comprised of the general areas of
2 operation that are common to all delivery sectors and, in
3 addition, shall include:

4 1. The creation of an Office of Technology and
5 Information Services, an Office of Workforce and Economic
6 Development, an Office of Educational Facilities and SMART
7 Schools Clearinghouse, and an Office of Student Financial
8 Assistance.

9 2. The creation of a Division of Colleges and
10 Universities.

11 3. The creation of a Division of Community Colleges.

12 4. The creation of a Division of Public Schools.

13 5. The creation of a Division of Independent
14 Education.

15 6. The merger of the powers, duties, and staffs of the
16 State Board of Independent Colleges and Universities and the
17 State Board of Nonpublic Career Education, except as relating
18 to any independent nonprofit college or university whose
19 students are eligible to receive the William L. Boyd, IV,
20 Florida resident access grants pursuant to s. 240.605, into a
21 single Commission for Independent Education administratively
22 housed within the Division of Independent Education.

23 ~~(6) Effective January 7, 2003, the powers and duties~~
24 ~~of the following entities are relocated to the Florida Board~~
25 ~~of Education, which shall retain all related funding and~~
26 ~~budget authority for purposes of a single, seamless~~
27 ~~kindergarten through graduate school education system and~~
28 ~~single or coordinated budget and may retain or redistribute~~
29 ~~the powers and duties of each entity in accordance with the~~
30 ~~policies and guiding principles of s. 229.002, and the~~
31 ~~entities shall cease to exist:~~

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- 1 ~~(a) The Board of Regents.~~
2 ~~(b) The State Board of Community Colleges.~~
3 ~~(c) The State Board of Independent Colleges and~~
4 ~~Universities.~~
5 ~~(d) The State Board of Nonpublic Career Education.~~
6 ~~(e) The Division of Workforce Development of the~~
7 ~~Department of Education.~~
8 ~~(f) The Postsecondary Education Planning Commission.~~
9 ~~(g) The Articulation Coordination Committee.~~
10 ~~(h) The Division of Human Resource Development of the~~
11 ~~Department of Education.~~
12 ~~(i) The Division of Support Services of the Department~~
13 ~~of Education.~~
14 ~~(j) The Division of Administration of the Department~~
15 ~~of Education.~~
16 ~~(k) The Division of Financial Services of the~~
17 ~~Department of Education.~~
18 ~~(l) The Division of Technology of the Department of~~
19 ~~Education.~~
20 ~~(m) The Office of Student Financial Assistance of the~~
21 ~~Department of Education.~~
22 ~~(n) The Division of Universities of the Department of~~
23 ~~Education.~~
24 ~~(o) The Division of Community Colleges of the~~
25 ~~Department of Education.~~

26 Section 4. Section 229.0031, Florida Statutes, is
27 created to read:

28 229.0031 Council for Education Policy Research and
29 Improvement.--Effective July 1, 2001, the Council for
30 Education Policy Research and Improvement is created as an
31 independent office under the Office of Legislative Services,

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1 pursuant to s. 11.147. The council shall conduct and review
2 education research, provide independent analysis on education
3 progress, and provide independent evaluation of education
4 issues of statewide concern. The Office of Legislative
5 Services shall provide administrative functions of the
6 council, pursuant to joint policies of the Legislature.

7 (1) The council shall serve as a citizen board for
8 independent policy research and analysis. The council shall be
9 composed of five members appointed by the Governor, two
10 members appointed by the Speaker of the House of
11 Representatives, and two members appointed by the President of
12 the Senate. Each member shall be appointed for a term of 6
13 years. However, for purposes of continuity, the Governor shall
14 appoint two members, the Speaker of the House of
15 Representatives shall appoint one member, and the President of
16 the Senate shall appoint one member for a first term of 4
17 years. Members appointed for 4 years may be reappointed to one
18 additional term. Members shall not include elected officials
19 or employees of public or independent education entities.
20 Members who miss two consecutive meetings may be replaced by
21 the appointing officer.

22 (2) The council shall meet as often as it considers
23 necessary to carry out its duties and responsibilities.
24 Members shall be paid travel and per diem expenses as provided
25 in s. 112.061 while performing their duties under this
26 section.

27 (3) The council shall appoint an executive director,
28 who shall serve at the pleasure of the council and shall
29 perform the duties assigned to him or her by the council. The
30 executive director is the chief administrative officer of the
31 council and shall appoint all employees and staff members of

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1 the council, who shall serve under the executive director's
2 direction and control.

3 (4) The council shall:

4 (a) Provide state policymakers, educators, and the
5 public with objective and timely information that supports the
6 seamless K-20 education system and the K-20 education
7 accountability process designed to provide all students an
8 opportunity for a high-quality education, in accordance with
9 the policies and guiding principles of s. 229.002 and the
10 performance accountability system in s. 229.007.

11 (b) Explore national and state emerging educational
12 issues and examine how these issues should be addressed by
13 education institutions in Florida.

14 (c) Prepare and submit to the Florida Board of
15 Education a long-range master plan for education. The plan
16 must include consideration of the promotion of quality,
17 fundamental educational goals, programmatic access, needs for
18 remedial education, regional and state economic development,
19 international education programs, demographic patterns,
20 student demand for programs, needs of particular subgroups of
21 the population, implementation of innovative educational
22 techniques and technology, and requirements of the labor
23 market. The plan must evaluate the capacity of existing
24 programs in public and independent institutions to respond to
25 identified needs, and the council shall recommend efficient
26 alternatives to address unmet needs. The council shall update
27 the master plan at least every 5 years.

28 (d) Prepare and submit for approval by the Florida
29 Board of Education a long-range performance plan for K-20
30 education in Florida, and annually review and recommend
31 improvement in the implementation of the plan.

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- 1 (e) Annually report on the progress of public schools
- 2 and postsecondary education institutions toward meeting
- 3 educational goals and standards as defined by s. 229.007.
- 4 (f) Recommend to the Legislature and the Florida Board
- 5 of Education legislation and rules for the educational
- 6 accountability system that support the policies and guiding
- 7 principles of s. 229.002.
- 8 (g) Recommend to the Florida Board of Education
- 9 revisions and new initiatives to further improve the K-20
- 10 education accountability system.
- 11 (h) Provide public education institutions and the
- 12 public with information on the K-20 education accountability
- 13 system, recommend refinements and improvements, and evaluate
- 14 issues pertaining to student learning gains.
- 15 (i) On its own initiative or in response to the
- 16 Governor, the Legislature, the Florida Board of Education, or
- 17 the Commissioner of Education, issue reports and
- 18 recommendations on matters relating to any education sector.
- 19 (j) By January 1, 2003, and on a 3-year cycle
- 20 thereafter, review and make recommendations to the Legislature
- 21 regarding the activities of research centers and institutes
- 22 supported with state funds to assess the return on the state's
- 23 investment in research conducted by public postsecondary
- 24 education institutions, in coordination with the Leadership
- 25 Board for Applied Research and Public Service, created
- 26 pursuant to s. 240.706.
- 27 (k) Apply for and receive grants for the study of K-20
- 28 education system improvement consistent with its
- 29 responsibilities.
- 30 (l) Assist the Florida Board of Education in the
- 31 conduct of its educational responsibilities in such capacities

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1 as the board considers appropriate.

2 Section 5. Section 229.004, Florida Statutes, is
3 amended to read:

4 229.004 Florida Board of Education.--

5 (1)(a) In accordance with the implementation process
6 in s. 229.0072 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 who
9 are residents of the state appointed by the Governor to
10 staggered 4-year terms, subject to confirmation by the Senate,
11 provided, however, that Senate confirmation is not required
12 for the members of the Florida Board of Education to perform
13 the duties as prescribed in this education governance
14 reorganization implementation act. Members of the board shall
15 serve without compensation, but shall be entitled to
16 reimbursement of travel and per diem expenses in accordance
17 with s. 112.061. Members may be reappointed by the Governor
18 for additional terms not to exceed 8 years of consecutive
19 service.

20 (b) The Governor shall appoint the first chair of the
21 Florida Board of Education who shall serve for 2 years. After
22 expiration of the 2-year term and at the first regular meeting
23 of the board after July 1, the Florida Board of Education
24 shall select a chair and a vice chair from its appointed
25 members. The chair shall serve a 2-year term and may be
26 reselected for one additional consecutive term.~~The Florida~~
27 ~~Board of Education shall have a chairperson who shall be~~
28 ~~appointed by the Governor.~~

29 (2) The primary duties of the board shall be to
30 establish education goals and objectives consistent with the
31 policies and guiding principles of s. 229.002 and the mission

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1 and goals of s. 229.007 and, together with the Commissioner of
2 Education, to oversee the implementation of and enforce
3 compliance with the education policies established by the
4 Legislature. The board, through its secretary,and the
5 commissioner, shall establish, operate, and maintain optimal
6 efficiency of an Office of the Commissioner of Education
7 pursuant to s. 229.0061(2)(c) in accordance with the
8 guidelines of ss. 229.0061 and 229.0073 ~~Board of Education.~~

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

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

15 (b) Establish and aggressively enforce efficient and
16 effective performance management objectives.

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

19 (d) Issue guidelines for the development of
20 legislative budget requests for operations and fixed capital
21 outlay for the coordinated K-20 system.

22 (e)~~(d)~~ Recommend ~~one budget or~~ a coordinated budget
23 and long-range program plans based on consistent policies for
24 a seamless kindergarten through graduate school education.

25 (f)~~(e)~~ Adopt cohesive rules, within statutory
26 authority, for education systemwide issues, including rules
27 governing systemwide access to educational opportunities,and
28 ensure that rules adopted for the various education delivery
29 systems are compatible.

30 (g)~~(f)~~ Ensure articulation and coordination within and
31 across the entire education delivery system.

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1 ~~(h)(g)~~ Provide ongoing public information regarding
 2 performance results for the entire kindergarten through
 3 graduate school education system and each of its components.

4 (4) The board, through its secretary, with the
 5 Commissioner of Education, shall be responsible for:

6 (a) The work of ~~with~~ the Chancellor of Public Schools
 7 ~~K-12 Education~~ to establish, and maintain optimal efficiency
 8 of, a Division an Office of Public Schools, within the
 9 guidelines of ss. 229.0061 and 229.0073, and to achieve the
 10 mission and goals of s. 229.007 ~~K-12 Education~~.

11 (b) The work of ~~with~~ the Chancellor of Colleges and
 12 ~~State~~ Universities to establish, and maintain optimal
 13 efficiency of, a Division an Office of Colleges and State
 14 Universities, within the guidelines of ss. 229.0061 and
 15 229.0073, and to achieve the mission and goals of s. 229.007.

16 (c) The work of ~~with~~ the Chancellor of Community
 17 ~~Colleges and Career Preparation~~ to establish, and maintain
 18 optimal efficiency of, a Division an Office of Community
 19 Colleges, within the guidelines of ss. 229.0061 and 229.0073,
 20 and to achieve the mission and goals of s. 229.007 ~~and Career~~
 21 ~~Preparation~~.

22 (d) The work of ~~with~~ the Executive Director of
 23 Independent Nonpublic and Nontraditional Education to
 24 establish, and maintain optimal efficiency of, a Division an
 25 Office of Independent Nonpublic and Nontraditional Education,
 26 within the guidelines of ss. 229.0061 and 229.0073 ~~Services~~.

27 Section 6. Section 229.005, Florida Statutes, is
 28 amended to read:

29 229.005 Florida education governance officers.--

30 (1) COMMISSIONER OF EDUCATION.--The Commissioner of
 31 Education shall work with the Florida Board of Education and

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1 its secretary to oversee the other education governance
2 officers and focus be appointed by the Board of Education from
3 candidates of national caliber and respected and proven
4 organizational leadership with established experience in
5 administering broad-based policy. The commissioner shall be a
6 person who is eminently capable of focusing the entire
7 kindergarten through graduate school education system on
8 accomplishing to accomplish the policies and guiding
9 principles of s. 229.002 and achieving the mission and goals
10 of s. 229.007. The commissioner shall serve as chief executive
11 officer and, in cooperation with the Secretary of the Florida
12 Board of Education, shall have the ability to successfully
13 provide education policy and planning direction, program
14 development, performance management, and funding allocation
15 recommendations across the spectrum of kindergarten through
16 graduate school education., and the ability to achieve and
17 safeguard the will of the people of Florida as expressed in s.
18 1, Art. IX of the Florida Constitution, that "adequate
19 provision shall be made by law for a uniform, efficient, safe,
20 secure, and high quality system of free public schools that
21 allows students to obtain a high quality education and for the
22 establishment, maintenance, and operation of institutions of
23 higher learning and other public education programs that the
24 needs of the people may require."

25 (2) CHANCELLOR OF PUBLIC SCHOOLS K-12 EDUCATION.--The
26 Chancellor of Public Schools K-12 Education shall be appointed
27 by the Florida Board of Education Commissioner of Education
28 based on his or her ability to work as a division vice
29 president of the seamless K-20 education system with the
30 Florida Board of Education and the other education governance
31 officers to comply with the policies and guiding principles of

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1 s. 229.002, to achieve the mission and goals of s. 229.007, to
 2 enhance the quality of public K-12 education in Florida, and
 3 to maximize the equity of public K-12 education in Florida by
 4 moving the focus to the school site and the individual
 5 student, and to achieve and safeguard the will of the people
 6 of Florida as expressed in s. 1, Art. IX of the Florida
 7 Constitution, that "adequate provision shall be made by law
 8 for a uniform, efficient, safe, secure, and high quality
 9 system of free public schools that allows students to obtain a
 10 high quality education. . . ."

11 (3) CHANCELLOR OF COLLEGES AND STATE
 12 UNIVERSITIES.--The Chancellor of Colleges and State
 13 Universities shall be appointed by the Florida Board of
 14 Education Commissioner of Education based on his or her
 15 ability to work as a division vice president of the seamless
 16 K-20 education system with the Florida Board of Education and
 17 the other education governance officers to comply with the
 18 policies and guiding principles of s. 229.002, to achieve the
 19 mission and goals of s. 229.007, to enhance the national
 20 reputation and quality of education and educational research
 21 in Florida's colleges and state universities, and to work
 22 directly with each of the college and state university
 23 presidents and boards of trustees in focusing on the education
 24 and educational research needs of the individual college or
 25 university and its students.

26 (4) CHANCELLOR OF COMMUNITY COLLEGES ~~AND CAREER~~
 27 ~~PREPARATION.--The Chancellor of Community Colleges and Career~~
 28 ~~Preparation shall be appointed by the Florida Board of~~
 29 ~~Education Commissioner of Education based on his or her~~
 30 ~~ability to work as a division vice president of the seamless~~
 31 ~~K-20 education system with the Florida Board of Education and~~

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1 the other education governance officers to comply with the
2 policies and guiding principles of s. 229.002, to achieve the
3 mission and goals of s. 229.007, to enhance the quality of
4 education in Florida's community colleges, and to work
5 directly with each of the community college presidents and
6 boards of trustees in focusing on the education needs of the
7 communities and students they serve.

8 (5) EXECUTIVE DIRECTOR OF INDEPENDENT ~~NONPUBLIC AND~~
9 ~~NONTRADITIONAL~~ EDUCATION.--The Executive Director of
10 Independent Nonpublic and Nontraditional Education shall be
11 appointed by the Florida Board of Education ~~Commissioner of~~
12 ~~Education~~ based on his or her ability to work as a division
13 vice president of the seamless K-20 education system with the
14 Florida Board of Education and the other education governance
15 officers to comply with the policies and guiding principles of
16 s. 229.002, to protect the independence, autonomy, and
17 nongovernmental status of independent education in Florida, to
18 enhance the quality and expand the offerings and innovations
19 of independent nonpublic and nontraditional education in
20 Florida, to establish partnerships with independent nonpublic
21 education providers at all levels to achieve these goals, and
22 to work directly with the Board of Trustees of the Florida
23 Virtual On-Line High School and with Florida's private school
24 associations, home education associations, independent
25 ~~nonpublic~~ career education institutions, and independent
26 colleges and universities to maximize educational choice and
27 enhance the options, educational alternatives, and
28 student-focused delivery for their students.

29 Section 7. Subsections (1), (4), (5), (6), and (7) of
30 section 229.006, Florida Statutes, are amended to read:

31 229.006 Education Governance Reorganization Transition

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1 Task Force.--

2 (1) In order to accomplish a smooth transition ~~on~~
3 ~~January 7, 2003,~~ from the elected State Board of Education to
4 the appointed Florida Board of Education, there shall be
5 established the Education Governance Reorganization Transition
6 Task Force. ~~All members of the task force shall be appointed~~
7 ~~as soon as feasible but not later than October 1, 2000.~~ The
8 task force shall be comprised of:

9 (a) Five members appointed by the Governor;

10 (b) Three members appointed by the President of the
11 Senate; and

12 (c) Three members appointed by the Speaker of the
13 House of Representatives.

14
15 The transition task force shall ~~be charged with the duty to~~
16 ~~identify issues, conduct research, develop the necessary~~
17 ~~procedural and substantive framework, and~~ make recommendations
18 to the Legislature for an orderly ~~3-year~~ phase-in for a
19 seamless education continuum and a ~~single or~~ coordinated
20 kindergarten through graduate school budget in accordance with
21 the policies and guiding principles of s. 229.002, ~~so that the~~
22 ~~Florida Board of Education may immediately begin its work on~~
23 ~~January 7, 2003, with maximum effectiveness.~~

24 (4) Having completed its recommendations to the
25 Legislature by March 1, 2007, the transition task force shall
26 redirect its focus to provide guidance and monitoring of the
27 implementation process pursuant to s. 229.0072 and to
28 regularly report to the Governor, the Legislature, the
29 Secretary of the Florida Board of Education, and the public on
30 the progress of the reorganization implementation process. If
31 any implementation activity is determined by a majority vote

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1 of the task force to be inconsistent with the intent of this
2 act, the chair of the task force shall report such activity
3 directly to the State Board of Education, and the State Board
4 of Education shall act immediately to resolve the dispute.
5 ~~recommend to the Legislature+~~

6 ~~(a) How best to achieve education system integration~~
7 ~~by+~~

8 ~~1. Combining appropriate education functions and~~
9 ~~policies into or under the new Florida Board of Education.~~

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

16 ~~3. Providing for a single or coordinated kindergarten~~
17 ~~through graduate school education budget.~~

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

23 ~~(c)1. Which, if any, current education staff functions~~
24 ~~and resources should be eliminated, transferred, or realigned~~
25 ~~within the proposed new education organizational structure.~~

26 ~~2. A recommended salary structure for the Commissioner~~
27 ~~of Education and for the chancellors.~~

28 ~~(d) Whether an Office of Policy Research should be~~
29 ~~established to explore emerging issues, locate successful and~~
30 ~~innovative educational programs, and make recommendations to~~
31 ~~the Governor, the Florida Board of Education, and the~~

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1 ~~Legislature and, if so, its mission, staffing, and location.~~

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

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

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

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

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

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

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

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

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

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1 ~~(a) Statutory changes necessary to accomplish the~~
2 ~~policies and guiding principles of s. 229.002, including, but~~
3 ~~not limited to, statutory changes necessitated by the repeal~~
4 ~~and review provisions of subsection 3(8) of this act.~~

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

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

12 (5)(7) By March May 1, 2003, the transition task force
13 shall have completed its duties and shall make its final
14 report to the Governor, the Florida Board of Education, the
15 Commissioner of Education, the President of the Senate, the
16 Speaker of the House of Representatives, and the minority
17 leaders of each chamber. The final report shall include, but
18 is not limited to:

19 (a) A summary of the work and recommendations of the
20 task force and the status of full implementation of the K-20
21 education system.

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

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

31 Section 8. Section 229.0061, Florida Statutes, is

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1 created to read:

2 229.0061 Florida's K-20 education system; guidelines
3 for implementation; guidelines for structure, functions, and
4 organization.--

5 (1) GUIDELINES FOR IMPLEMENTATION.--

6 (a) Florida's seamless K-20 education system shall be
7 a decentralized system in which as many commissions, boards,
8 councils, and other excess layers of bureaucracy as possible
9 are eliminated.

10 (b) Florida's K-20 education system shall rely on a
11 single entity, the Florida Board of Education, as its single
12 strategic voice. If the board desires assistance on matters of
13 policy research or other issues, the board shall be authorized
14 to appoint on an ad hoc basis a committee or committees to
15 assist it on any and all issues within the K-20 education
16 system.

17 (c) Members of the Florida Board of Education shall
18 focus on high-level policy decisions.

19 (d) It is essential to the success of Florida's
20 seamless K-20 education system to have a fully operational
21 systemwide technology plan based on a common set of data
22 definitions.

23 (2) GUIDELINES FOR STRUCTURE, FUNCTIONS, AND
24 ORGANIZATION.--

25 (a) Roles of the Legislature, the Florida Board of
26 Education, the education governance officers, and the
27 institutional boards of trustees and school boards.--The
28 Legislature shall establish education policy, enact education
29 laws, and appropriate and allocate education resources. The
30 Florida Board of Education shall enforce all laws, rules, and
31 guidelines and shall timely provide direction, resources,

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1 assistance, intervention when needed, and strong incentives
2 and disincentives to force accountability for results. In
3 terms of major areas of responsibility, the Legislature, the
4 Florida Board of Education, the education governance officers,
5 and the institutional boards of trustees and school boards
6 shall each perform essential constituent roles.

7 (b) Florida Board of Education.--The Florida Board of
8 Education shall serve as the body corporate for Florida's
9 seamless K-20 education system; implement the coordinated
10 education vision; and, together with the Secretary of the
11 Florida Board of Education, the commissioner, the chancellors,
12 and the executive director, oversee the success of that
13 vision. The Florida Board of Education shall:

- 14 1. Enforce systemwide education policies and goals.
- 15 2. Recommend annually the coordinated education budget
16 and authorize the allocation of resources in accordance with
17 law and rule. Any program recommended by the Florida Board of
18 Education which requires state funding for more than 1 year
19 must be presented in a multiyear budget plan.
- 20 3. Adopt long-term and short-term education plans,
21 including a coordinated 5-year plan for postsecondary
22 enrollment which the board shall submit annually to the
23 Legislature and shall review periodically for adjustment.
- 24 4. Adopt university plans designed to achieve
25 continued student diversity in undergraduate, graduate, and
26 professional programs.
- 27 5. Enforce education accountability standards and
28 measures of all components of the K-20 education system.
- 29 6. Accurately and continuously assess data and monitor
30 and report performance.
- 31 7. Provide high-quality assistance and intervention

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1 when and where needed.

2 8. Provide timely and accurate information on all
3 public and independent education services.

4 9. Recommend to the Legislature the missions of the
5 public colleges and universities and community colleges.

6 (c) Commissioner of Education.--The Commissioner of
7 Education shall serve as chief executive officer of the
8 seamless K-20 education system. The commissioner shall propose
9 action on all issues that the Florida Board of Education
10 brings before the State Board of Education and shall be
11 responsible for enforcing compliance with the mission and
12 goals of the seamless K-20 education system by all education
13 delivery sectors. The commissioner's office shall operate all
14 statewide functions necessary to support the Florida Board of
15 Education and the seamless K-20 education system, including
16 the following areas:

17 1. Legal.

18 2. Communications, including a Citizen Information
19 Center that provides quick response and uses customer-friendly
20 methods.

21 3. Strategic planning and budget development.

22 4. General administration.

23 5. Assessment and accountability.

24 6. Data management, education technology, and an
25 education data warehouse.

26 7. Access and opportunity.

27 8. Policy research and development, except the Council
28 for Education Policy Research and Improvement.

29 9. Florida Board of Education personnel.

30 10. Workforce and economic development.

31 11. Educational facilities.

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1 12. Technology and information services.
2 13. Student financial assistance.
3 14. Inspector General.
4 (d) Chancellors and executive director.--The
5 Chancellor of Public Schools, the Chancellor of Community
6 Colleges, the Chancellor of Colleges and Universities, and the
7 Executive Director of Independent Education shall serve the
8 Florida Board of Education, the Secretary of the Florida Board
9 of Education, and the Commissioner of Education in the role of
10 division vice presidents of the K-20 education system and as
11 governance officers and critical members of the state-level
12 education leadership team. They shall each be held responsible
13 for providing leadership, administering programs, resolving
14 disputes, providing technical assistance, and timely
15 recommending action plans to the commissioner for sanctions or
16 intervention when needed, as well as making recommendations to
17 the board, the secretary, and the commissioner for strategic
18 planning and budget development for their respective education
19 delivery sectors. They shall support the governing policies
20 and responsibilities of the board, the secretary, and the
21 commissioner and bear primary responsibility for the
22 achievement of the mission and goals of the K-20 education
23 system by their education delivery sectors, as applicable to
24 their sectors. They shall reinforce the policies and
25 principles of the seamless K-20 education system in every
26 venue and at every opportunity, and work together to
27 facilitate horizontal communications and interactions between
28 the education delivery sectors. Specifically, as applicable,
29 each education governance officer shall:
30 1. Serve as the head of the division.
31 2. Supervise all employees and work of the division.

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1 3. Properly and timely inform education institutions
2 and the public as to legislative action, including funding,
3 grant opportunities, and substantive policy changes affecting
4 the division.

5 4. Direct the review of expenditures of public funds
6 in accordance with legislative intent.

7 5. Evaluate the performance of each education
8 institution under the division and report performance results
9 to the public, the Legislature, the Commissioner of Education,
10 the Florida Board of Education, and the institution and its
11 governing board.

12 6. Direct institutional governing boards to take
13 corrective action to improve unsatisfactory performance
14 pursuant to law and rules of the Florida Board of Education.

15 7. Direct and oversee the development of the
16 division's accountability system and recommend changes to the
17 Commissioner of Education and the Florida Board of Education.

18 8. Direct the division's activities in order to
19 coordinate with other divisions to provide a seamless
20 education system.

21 9. Direct the provision of state services to
22 institutions under the division.

23 10. Direct the development of the division's
24 legislative budget request and work cooperatively with the
25 commissioner and other governance officers to develop a
26 coordinated budget request.

27 11. Serve as the primary point of contact and
28 communication for the division.

29 (e) Institutional boards of trustees and school
30 boards.--Each institutional board of trustees and school board
31 shall:

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- 1 1. Provide strategic planning and budget development
2 for their institution or school district.
- 3 2. Implement and maintain high-quality education
4 programs within law and rules of the Florida Board of
5 Education.
- 6 3. Measure and enforce performance.
- 7 4. Provide timely and accurate reporting of
8 information.
- 9 5. Provide direct input on education issues to the
10 education governance officers.
- 11 6. Have broad latitude within law and rules of the
12 Florida Board of Education in developing local policies and
13 local programs to meet the needs of their students, their
14 communities, and area employers.
- 15 7. Hold presidents and appointed superintendents
16 responsible for institution and school performance.
- 17 8. Be responsible for the fiscal accountability of
18 their institution or school district.
- 19 9. Be responsible for compliance with all laws, rules
20 of the Florida Board of Education, and performance
21 accountability requirements.
- 22 (f) Presidents and superintendents.--Each
23 institutional president and school district superintendent
24 shall:
- 25 1. Be responsible for efficient and effective budget
26 and program administration.
- 27 2. Provide strong leadership to accomplish their
28 education missions and goals.
- 29 3. Closely monitor education performance.
- 30 4. Provide timely and accurate financial and
31 performance data.

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1 5. Link instructional staff evaluations to student
2 performance.

3 (g) Ad hoc advisory committees.--Advisory bodies shall
4 be appointed on an ad hoc basis by the Florida Board of
5 Education to serve the board, commissioner, and chancellors
6 when and as needed by studying and recommending action on
7 major issues that affect the direction and quality of
8 education, providing public forums for debate, and
9 safeguarding a coordinated systemwide approach to education
10 policy decisions.

11 Section 9. Section 229.007, Florida Statutes, is
12 created to read:

13 229.007 Florida's K-20 education performance
14 accountability system; legislative intent; performance-based
15 funding; mission, goals, and systemwide measures.--

16 (1) LEGISLATIVE INTENT.--It is the intent of the
17 Legislature that:

18 (a) The performance accountability system implemented
19 to assess the effectiveness of Florida's seamless K-20
20 education delivery system provide answers to the following
21 questions in relation to its mission and goals:

22 1. What is the public getting in return for funds it
23 invests in education?

24 2. How is Florida's K-20 education system performing
25 in terms of educating its students?

26 3. How are the major delivery sectors performing to
27 promote student achievement?

28 4. How are individual schools and postsecondary
29 education institutions performing their responsibility to
30 educate their students as measured by how students are
31 performing and how much they are learning?

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1 (b) The Florida Board of Education recommend to the
2 Legislature systemwide performance standards; the Legislature
3 establish systemwide performance measures and standards; and
4 the systemwide measures and standards provide Floridians with
5 information on what the public is getting in return for the
6 funds it invests in education and how well the K-20 system
7 educates its students.

8 (c) The Florida Board of Education establish
9 performance measures and set performance standards for
10 individual components of the public education system,
11 including individual schools and postsecondary education
12 institutions, which measures and standards are based primarily
13 on student achievement.

14 (2) PERFORMANCE-BASED FUNDING--The Florida Board of
15 Education shall work with the chancellors and each delivery
16 system to develop proposals for performance-based funding,
17 using performance measures established by the Legislature. The
18 proposals must provide that at least 10 percent of the state
19 funds appropriated for the K-20 education system are
20 conditional upon meeting or exceeding established performance
21 standards. The Florida Board of Education must submit the
22 recommendations to the Legislature in the following sequence:

23 (a) By December 1, 2002, recommendations for state
24 universities, for consideration by the 2003 Legislature and
25 implementation in the 2003-2004 fiscal year.

26 (b) By December 1, 2003, recommendations for public
27 schools and workforce education, for consideration by the 2004
28 Legislature and implementation in the 2004-2005 fiscal year.

29 (c) By December 1, 2004, recommendations for community
30 colleges, for consideration by the 2005 Legislature and
31 implementation in the 2005-2006 fiscal year.

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1 (d) By December 1, 2005, recommendations for all other
2 programs that receive state funds within the Department of
3 Education.

4 (3) MISSION, GOALS, AND SYSTEMWIDE MEASURES.--The
5 mission of Florida's K-20 education system, when it becomes
6 fully operational, shall be to increase the proficiency of all
7 students within one seamless, efficient system, by providing
8 them with the opportunity to expand their knowledge and skills
9 through learning opportunities and research valued by
10 students, parents, and communities, and to maintain an
11 accountability system that measures student progress toward
12 the following goals:

13 (a) Highest student achievement, as measured by:
14 student FCAT performance and annual learning gains; the number
15 and percentage of schools that improve at least one school
16 performance grade designation or maintain a school performance
17 grade designation of "A" pursuant to s. 229.57; graduation or
18 completion rates at all learning levels; and other measures
19 identified in law or rule.

20 (b) Seamless articulation and maximum access, as
21 measured by: the percentage of students who demonstrate
22 readiness for the educational level they are entering, from
23 kindergarten through postsecondary education and into the
24 workforce; the number and percentage of students needing
25 remediation; the percentage of Floridians who complete
26 associate, baccalaureate, professional, and postgraduate
27 degrees; the number and percentage of credits that articulate;
28 the extent to which each set of exit-point requirements
29 matches the next set of entrance-point requirements; and other
30 measures identified in law or rule.

31 (c) Skilled workforce and economic development, as

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1 measured by: the number and percentage of graduates employed
2 in their areas of preparation; the percentage of Floridians
3 with high school diplomas and postsecondary education
4 credentials; the percentage of business and community members
5 who find that Florida's graduates possess the skills they
6 need; and other measures identified in law or rule.

7 (d) Quality efficient services, as measured by: cost
8 per completer or graduate; average cost per noncompleter at
9 each educational level; cost disparity across institutions
10 offering the same degrees; the percentage of education
11 customers at each educational level who are satisfied with the
12 education provided; and other measures identified in law or
13 rule.

14 Section 10. Section 229.0072, Florida Statutes, is
15 created to read:

16 229.0072 Reorganization implementation process.--In
17 order to best achieve the legislative purpose of the Florida
18 Education Governance Reorganization Implementation Act:

19 (1) The Governor shall appoint the members of the
20 boards of trustees of the state universities in accordance
21 with s. 229.008.

22 (2) Effective July 1, 2001, the Governor shall appoint
23 a seven-member Florida Board of Education and a Secretary of
24 the Florida Board of Education. The Florida Board of Education
25 shall be housed within, and operate under the direction of,
26 the State Board of Education. The Secretary of the Florida
27 Board of Education shall possess proven organizational
28 leadership and knowledge of broad-based education policy. The
29 secretary shall be confirmed by the Senate during the 2002
30 regular legislative session, but may perform all duties in the
31 interim. The secretary shall serve as secretary to the board

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1 and as the board's primary liaison with all entities involved
2 in the reorganization of education. The secretary shall be
3 responsible directly to the Florida Board of Education and
4 shall serve as staff to the board on all action items relating
5 to the reorganization. During the reorganization
6 implementation period, the secretary shall:

7 (a) Be responsible for proposing actions regarding all
8 education governance reorganization implementation issues.

9 (b) Be responsible for integration of the Department
10 of Education as it is reorganized into an agency of the
11 Governor.

12 (c) Serve as the head of the Education Reorganization
13 Workgroup.

14 (d) Serve as the head of the K-20 education leadership
15 team.

16 (3) The Florida Board of Education shall establish a
17 detailed procedure for the implementation of a systemwide K-20
18 technology plan which includes a month-by-month timeline with
19 monthly progress reports to the board.

20 (4) Subject to review and approval of the State Board
21 of Education, the Florida Board of Education shall:

22 (a) Adopt rules pursuant to ss. 120.536(1) and 120.54
23 to implement provisions of law conferring duties upon it. The
24 rules shall be submitted to the State Board of Education. If
25 any rule is not disapproved by the State Board of Education
26 within 45 days after its receipt, the rule shall be filed
27 immediately with the Department of State.

28 (b) Prepare and submit a coordinated K-20 education
29 budget to the Governor and Legislature that clearly defines
30 the individual needs of the divisions within the Department of
31 Education. No school district shall use public funds to

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1 support activities of an employee organization. The Florida
2 Board of Education shall adopt rules implementing this
3 restriction on the use of public funds and shall not allow
4 such use of public funds to be included in its recommended
5 budget, except for collective bargaining negotiations.

6 (c) Establish a work plan and timeline for the orderly
7 implementation of the transition, including a fully detailed
8 plan and timeline for the devolution of duties, as
9 appropriate, to the university boards of trustees.

10 (d) Establish accountability standards for existing
11 legislative performance goals, standards, and measures, and
12 order the development of mechanisms to implement new
13 legislative goals, standards, and measures.

14 (e) Supervise the coordination of institutions and
15 delivery sectors.

16 (f) Establish policies for university and community
17 college boards of trustees to follow in selecting presidents.

18 (g) Approve plans and reports, and take other
19 necessary actions pertaining to the supervision of education.

20 (h) Effectuate the timely implementation of the
21 seamless K-20 education system.

22 (i) Establish advisory boards on an ad hoc basis to
23 provide the support needed to address issues such as public
24 education facilities planning; student issues; instructional
25 issues; distance learning and technology; academic quality,
26 freedom, and responsibility; and research.

27 (j) Develop and review recommendations on issues of
28 statewide importance, such as technology systems and
29 facilities.

30 (k) Adopt criteria and implementation plans for future
31 growth issues, such as new colleges and universities and

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1 campus mergers; and provide for cooperative agreements between
2 and within public and private education sectors.

3 (l) Advise the State Board of Education regarding the
4 issuance of bonds.

5 (m) Develop, and periodically review for adjustment, a
6 coordinated 5-year plan for postsecondary enrollment and
7 annually submit the plan to the Legislature.

8 (n) Develop and recommend to the Education Governance
9 Reorganization Transition Task Force, the Governor, the
10 Secretary of the Florida Board of Education, the Commissioner
11 of Education, and the Legislature, no later than January 1,
12 2002, for adoption during 2002, a clear, concise new School
13 Code, comprised of the revision of chapters 228-246, to
14 accomplish the implementation, administration, and operation
15 of Florida's seamless K-20 education system in accordance with
16 the guidelines included in s. 229.0061.

17 (o) Receive, review, and make decisions regarding
18 charter school appeals, which decisions shall be binding.

19 (p) Serve as the successor for all collective
20 bargaining agreements currently in effect with the Board of
21 Regents.

22 (5) Effective July 1, 2001, the Commissioner of
23 Education shall:

24 (a) Work with the Florida Board of Education and its
25 secretary to achieve full implementation of the seamless K-20
26 education system.

27 (b) Commence reorganization of the Department of
28 Education as a state agency of the Governor in accordance with
29 legislative guidelines pursuant to s. 229.0073, the
30 requirements of s. 229.003(5), and requests of the Florida
31 Board of Education as approved by the State Board of

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1 Education.

2 (c) As Secretary of the State Board of Education,
3 assist the Secretary of the Florida Board of Education in
4 determining the agenda for the Florida Board of Education and
5 provide the Florida Board of Education and the State Board of
6 Education the full support of the reorganized Department of
7 Education.

8 Section 11. Section 229.0073, Florida Statutes, is
9 created to read:

10 229.0073 Reorganization of the Department of
11 Education.--Effective July 1, 2001, notwithstanding the
12 provisions of s. 20.15, the secretary's Education
13 Reorganization Workgroup is established to direct and provide
14 oversight for the reorganization of Florida's K-20 Department
15 of Education. The workgroup shall be comprised of the
16 Secretary of the Florida Board of Education, the Commissioner
17 of Education, the Governor or his designee, the Chancellor of
18 Colleges and Universities, the Chancellor of Community
19 Colleges, the Chancellor of Public Schools, and the Executive
20 Director of Independent Education, who shall consult with the
21 legislative members of the Education Governance Reorganization
22 Transition Task Force. The reorganization shall:

23 (1) Eliminate duplication across divisions; achieve
24 greater efficiencies in financial and human resources and
25 education services; and identify functions, resources, and
26 services that should be eliminated, transferred, or realigned.

27 (2) Include a review and assessment of all bureaus,
28 offices, divisions, and functions of the department
29 reorganized pursuant to this section.

30 (3) Establish an Office of the Commissioner of
31 Education that includes the general areas of operation that

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1 are common to all delivery sectors, such as administration,
2 communication, legal services, financial aid, and government
3 and public relations, in order to increase efficiency, improve
4 service delivery to students, and fully support the
5 operational needs of the Florida Board of Education.

6 (4) Establish the following divisions within the
7 department:

8 (a) Division of Public Schools (K-12).--The state's
9 public elementary, middle, junior high, and high schools, as
10 well as combination schools, charter schools, district magnet
11 programs, and area technical centers.

12 (b) Division of Community Colleges.--The state's 28
13 public community colleges.

14 (c) Division of Colleges and Universities.--The
15 state's public universities and colleges and the 4-year
16 independent colleges and universities whose students are
17 eligible to receive the William L. Boyd, IV, Florida resident
18 access grants pursuant to s. 240.605, to enable more effective
19 articulation between these public and private institutions.
20 The division chancellor shall administer those provisions of
21 chapter 246 that apply to the independent colleges and
22 universities within the division and shall establish a liaison
23 responsible for partnerships that enhance articulation between
24 and communication with Florida's 4-year independent colleges
25 and universities.

26 (d) Division of Independent Education.--The
27 independent education providers within the state, including
28 home education programs that meet the requirements of s.
29 232.0201, private K-12 institutions as described in s.
30 229.808, independent colleges and universities, except those
31 identified under paragraph (c), and private postsecondary

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1 career preparation and vocational training institutions.

2 1. The division shall be under an executive director
3 and shall house a new commission, appointed by the Governor,
4 to oversee licensing of independent postsecondary
5 institutions, consumer protection, and program improvement.
6 The commission shall have the powers and duties of the State
7 Board of Independent Colleges and Universities specified in
8 chapter 246, except the powers and duties relating to those
9 institutions identified under paragraph (c), and of the State
10 Board of Nonpublic Career Education.

11 2. The division shall serve as the advocate for and
12 liaison to the independent education providers identified in
13 this paragraph.

14 3. The executive director of the division shall
15 establish a mechanism for regular interaction and input from
16 independent education providers in the development of policies
17 that provide seamless articulation for all students.

18 4. The division shall afford students and parents
19 educational options apart from the public K-20 system.

20 (5) Establish the following offices within the Office
21 of the Commissioner of Education which shall coordinate their
22 activities with all other divisions and offices:

23 (a) Office of Technology and Information Services.--In
24 conjunction with the Chancellor of Public Schools, the
25 Chancellor of Community Colleges, and the Chancellor of
26 Colleges and Universities, the office shall be responsible for
27 developing a systemwide technology plan, making budget
28 recommendations to the commissioner, providing data collection
29 and management for the system, and coordinating services with
30 other state, local, and private agencies. The office shall
31 develop a method to address the need for a statewide approach

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1 to planning and operations of library and information services
2 to achieve a single K-20 education system library information
3 portal and a unified higher education library management
4 system. The Florida Virtual High School shall be
5 administratively housed within the office.

6 (b) Office of Workforce and Economic Development.--The
7 office shall evaluate the role of each sector of education in
8 Florida's workforce and economic development, assess the
9 specific work skills and variety of careers provided, and
10 report to the Florida Board of Education the effectiveness of
11 each sector.

12 (c) Office of Educational Facilities and SMART Schools
13 Clearinghouse.--The office shall validate all educational
14 plant surveys and verify Florida Inventory of School Houses
15 (FISH) data. The office shall provide technical assistance to
16 public school districts when requested. The office, staff,
17 property, and functions of the SMART Schools Clearinghouse are
18 transferred by a type two transfer, pursuant to s. 20.06(2),
19 from the Department of Management Services to the Office of
20 Educational Facilities and SMART Schools Clearinghouse within
21 the Office of the Commissioner of Education.

22 (d) Office of Student Financial Assistance.--The
23 office shall provide access to and administer state and
24 federal grants, scholarships, and loans to those students
25 seeking financial assistance for postsecondary study pursuant
26 to program criteria and eligibility requirements.

27 (6) Establish a K-20 education leadership team,
28 including, but not limited to, the Secretary of the Florida
29 Board of Education and the education governance officers. The
30 leadership team shall be responsible for systemwide horizontal
31 and vertical communication, and assisting the achievement of

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1 the seamless K-20 education system.

2 Section 12. Section 229.0074, Florida Statutes, is
3 created to read:

4 229.0074 Division of Independent Education.--

5 (1) The mission of the Division of Independent
6 Education is to enhance the opportunity to raise the
7 educational attainment levels of students pursuing their
8 education in nongovernment settings by representing their
9 interests, and those of the institutions that serve them, in
10 the Department of Education. The Division of Independent
11 Education has no authority over the institutions or students
12 in Florida's independent education sector. The Commission for
13 Independent Education, administratively housed within the
14 division, shall have such authority as specified in chapter
15 246 relating to independent postsecondary education, except
16 regarding those institutions described in s. 229.0073(4)(c).
17 The division shall serve as the advocate for, and liaison to,
18 independent education providers and institutions, including
19 home education programs that meet the requirements of s.
20 232.0201, private K-12 institutions as described in s.
21 229.808, independent colleges and universities except as
22 otherwise provided in s. 229.0073(4)(c), and private
23 postsecondary career preparation/vocational training
24 institutions.

25 (2) The executive director of the division shall
26 establish a mechanism for regular interaction and input from
27 independent education providers in the development of policies
28 that provide seamless articulation for all students. The
29 executive director shall:

30 (a) Learn the interests and concerns of the students
31 and providers of independent education at all levels in order

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1 to strongly represent them in the Department of Education.

2 (b) Articulate the interests and concerns of the
3 students and providers of independent education at all levels
4 in all relevant government settings, accurately reflecting the
5 consensus or differences in opinion among those represented.

6 (c) Participate with the other division heads in key
7 education decisionmaking processes.

8 (d) Monitor and participate in rulemaking and other
9 activities relevant to the interests of the independent
10 education sector.

11 (e) Serve as a key spokesperson for the independent
12 education sector.

13 (f) Advocate for any necessary educational services
14 and funds for independent education sector families and
15 schools.

16 (g) Establish a clearinghouse of information.

17 (h) Foster a collaborative spirit and working
18 relationship among the institutions of the private and public
19 sectors.

20 (i) Identify and convey the best practices of the
21 independent education sector for the benefit of the other
22 education delivery sectors, and vice versa.

23 (j) Augment, where appropriate, the efforts of groups
24 representing the students and providers of independent
25 education to communicate their concerns to government.

26 (k) Facilitate the administration of education
27 services provided by the Department of Education to the
28 independent education sector, such as those relating to
29 teacher certification and background checks.

30 (l) Encourage student-centered funding and the
31 expansion of family choice in education.

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1 (m) Develop and propose courses of action to the
2 representatives of the independent education sector.

3 (n) Communicate relevant decisions to the independent
4 education sector.

5 (o) Establish and oversee the division staff necessary
6 to carry out the division's functions in the most economical
7 and effective manner.

8 (p) Evaluate pending policies to ensure they do not
9 place additional regulation or mandates on the independent
10 education community.

11 (3) The powers and duties of the State Board of
12 Independent Colleges and Universities and the State Board of
13 Nonpublic Career Education, except as relating to any
14 independent nonprofit college or university whose students are
15 eligible to receive the William L. Boyd, IV, Florida resident
16 access grants pursuant to s. 240.605, shall be combined and
17 transferred to a single board named the Commission for
18 Independent Education, which shall be administratively housed
19 within the division. This single board shall authorize
20 granting of certificates, diplomas, and degrees for
21 independent postsecondary education institutions through
22 exemption, registration, authorization, and licensing.

23 (4) The Commission for Independent Education shall
24 consist of six citizens who are residents of this state. The
25 commission shall function in matters relating to independent
26 postsecondary education institutions in consumer protection,
27 program improvement, registration, authorization, licensure,
28 and certificate of exemption from licensure for institutions
29 under its purview, in keeping with the stated goals of the
30 seamless K-20 education system. The commission shall appoint
31 an executive director to serve as secretary of the commission

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1 and shall elect a chair and other officers as needed from
2 among its membership. Members of the commission shall be
3 appointed by the Governor and confirmed by the Senate. The
4 commission shall be composed of six members, as follows:

5 (a) One member from an independent college or
6 university that enrolls students who receive state or federal
7 financial aid.

8 (b) One member from an independent college or
9 university that does not enroll students who receive state or
10 federal financial aid excluding veteran's benefits.

11 (c) One member from an independent nondegree granting
12 school that enrolls students who receive state or federal
13 financial aid.

14 (d) One member from a public school district or
15 community college who is an administrator of
16 vocational-technical education.

17 (e) Two lay members who are not affiliated with an
18 independent postsecondary education institution.

19 (5) The establishment of the Division of Independent
20 Education shall not be construed to advance the extension or
21 expansion of government regulation of independent or home
22 education programs and nothing contained in this act shall
23 authorize the state or any school district to further
24 regulate, control, or interfere with the autonomy of
25 independent K-12 schools or home education programs, or their
26 governance, curriculum, accreditation, testing, or other
27 practices.

28 Section 13. Section 229.008, Florida Statutes, is
29 created to read:

30 229.008 Boards of trustees of the state
31 universities.--

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1 (1)(a) Effective July 1, 2001, and no later than
2 November 1, 2001, the Governor shall appoint a 13-member board
3 of trustees for each university in the State University
4 System, each member to be confirmed by the Senate in the
5 regular legislative session immediately following his or her
6 appointment. In addition, a student body president shall serve
7 as a voting member of his or her university board of trustees.
8 There shall be no state residency requirement for university
9 board members, but the Governor shall consider diversity and
10 regional representation. Members of the boards of trustees
11 shall receive no compensation but may be reimbursed for travel
12 and per diem expenses as provided in s. 112.061.

13 (b) The Governor may remove a trustee upon the
14 recommendation of the Florida Board of Education, or for
15 cause.

16 (2) Each board of trustees shall be a public body
17 corporate by the name of "The (name of university) Board of
18 Trustees," with all the powers of a body corporate, including
19 a corporate seal, the power to contract and be contracted
20 with, to sue and be sued, to plead and be impleaded in all
21 courts of law or equity, and to give and receive donations. In
22 all suits against a board of trustees, service of process
23 shall be made on the chair of the board or, in the absence of
24 the chair, on the corporate secretary or designee.

25 (3) Boards of trustees' members shall be appointed for
26 staggered 4-year terms, and may be reappointed for additional
27 terms not to exceed 8 years of service.

28 (4) Each board of trustees shall select its chair and
29 vice chair from the appointed members at its first regular
30 meeting after July 1. The chair shall serve for 2 years and
31 may be reselected for one additional consecutive term. The

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1 duties of the chair shall include presiding at all meetings of
2 the board, calling special meetings of the board, attesting to
3 actions of the board, and notifying the Governor in writing
4 whenever a board member fails to attend three consecutive
5 regular board meetings in any fiscal year, which failure may
6 be grounds for removal. The duty of the vice chair is to act
7 as chair during the absence or disability of the chair.

8 (5) The university president shall serve as executive
9 officer and corporate secretary of the board of trustees and
10 shall be responsible to the board for all operations of the
11 university and for setting the agenda for meetings of the
12 board in consultation with the chair.

13 (6) Upon appointment, each board of trustees shall
14 commence professional orientation, training, and board
15 development activities, and shall begin setting direction for
16 its university in keeping with accountability and performance
17 expectations of the seamless K-20 education system. Each board
18 of trustees shall submit to the Florida Board of Education
19 action plans and timelines for devolution of duties and
20 responsibilities to the board of trustees.

21 (7) The boards of trustees shall be responsible for
22 cost-effective policy decisions appropriate to the
23 university's mission, the implementation and maintenance of
24 high-quality education programs within law and rules of the
25 Florida Board of Education, the measurement of performance,
26 the reporting of information, and the provision of input
27 regarding state policy, budgeting, and education standards.

28 (8) Whenever any civil action has been brought against
29 any member of a university board of trustees or employee for
30 any act or omission arising out of and in the course of the
31 performance of his or her duties and responsibilities, the

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1 university board of trustees may defray all costs of defending
2 such action, including reasonable attorney's fees and expenses
3 together with costs of appeal, and may save harmless and
4 protect such person from any financial loss resulting from the
5 lawful performance of his or her duties and responsibilities.
6 Claims based on such actions or omissions may, in the
7 discretion of the university board of trustees, be settled
8 prior to or after the filing of suit thereon. The board of
9 trustees may arrange for and pay the premium for appropriate
10 insurance to cover all such losses and expenses.

11 (9) University boards of trustees shall be
12 "corporations primarily acting as instrumentalities or
13 agencies of the state," pursuant to s. 768.28(2), for purposes
14 of sovereign immunity.

15 Section 14. Section 229.0081, Florida Statutes, is
16 created to read:

17 229.0081 Powers and duties of university boards of
18 trustees.--

19 (1) Notwithstanding the provisions of chapter 240,
20 each university board of trustees is vested with the authority
21 to govern and set policy for its university, as necessary to
22 provide proper governance and improvement of the university in
23 accordance with law and with rules of the Florida Board of
24 Education. Each board of trustees shall perform all duties
25 assigned by law or by rule of the Florida Board of Education
26 or the Commissioner of Education.

27 (2) Notwithstanding the provisions of chapter 240,
28 each university board of trustees may adopt rules and policies
29 consistent with the university mission, with law, and with
30 rule of the Florida Board of Education, including rules and
31 policies for the following:

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1 (a) Selecting the president to serve at the pleasure
2 of the board and perform such duties as are assigned by the
3 board or otherwise provided by law or by rule.

4 (b) Fixing the compensation and other conditions of
5 employment of the president.

6 (c) Conducting periodic evaluations of the president,
7 submitting such evaluations to the Chancellor for review, and
8 suspending or removing the president in accordance with
9 guidelines established by the Chancellor.

10 (d) Appointing a presidential search committee to make
11 recommendations to the full board of trustees, from which the
12 board shall select a candidate for reference to the Chancellor
13 and ratification by the Florida Board of Education.

14 (e) In consultation with the university president,
15 defining and developing a strategic plan for the university
16 for recommendation to the Chancellor, the Commissioner of
17 Education, and the Florida Board of Education, as provided by
18 law, specifying institutional goals and objectives.

19 (f) In consultation with the university president,
20 providing for academic freedom and academic responsibility at
21 the university.

22 (g) In consultation with the university president,
23 submitting an institutional budget request, including a
24 request for fixed capital outlay, to the Chancellor in
25 accordance with guidelines established by the Florida Board of
26 Education.

27 (h) Approving new, and terminating existing,
28 undergraduate and graduate degree programs up to and including
29 the master's degree level, based on criteria established by
30 the Florida Board of Education.

31 (i) Purchasing, acquiring, receiving, holding, owning,

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1 managing, leasing, selling, disposing of, and conveying title
2 to real property, in accordance with rules and guidelines of
3 the Florida Board of Education.

4 (j) Entering into agreements for and accepting credit
5 card, charge card, and debit card payments as compensation for
6 goods, services, tuition, and fees.

7 (k) Establishing codes of conduct and appropriate
8 penalties for violations of university rules by students and
9 student organizations, including rules governing student
10 academic honesty.

11 (l) Establishing a committee, at least one-half of the
12 members of which shall be students appointed by the student
13 body president, to periodically review and evaluate the
14 student judicial system.

15 (m) Administering the personnel program for all
16 employees of the university in accordance with law and with
17 rules and guidelines of the Florida Board of Education,
18 including: compensation and other conditions of employment,
19 recruitment and selection, nonreappointment, standards for
20 performance and conduct, evaluation, benefits and hours of
21 work, recognition, inventions and works, travel, learning
22 opportunities, academic freedom and responsibility, promotion,
23 assignment, demotion, transfer, tenure and permanent status,
24 ethical obligations and conflicts of interest, restrictive
25 covenants, disciplinary actions, complaints, appeals and
26 grievance procedures, and separation and termination from
27 employment.

28 (n) Establishing and maintaining a personnel exchange
29 program.

30 (o) Governing admission of students subject to the
31 rules of the Florida Board of Education.

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1 (p) Considering the past actions of any person
2 applying for admission, enrollment, or employment, and
3 establishing policies to deny admission, enrollment, or
4 employment to an applicant because of misconduct if determined
5 to be in the best interest of the university.

6 (q) Ensuring compliance with federal laws,
7 regulations, and requirements.

8 (r) Using, maintaining, protecting, and controlling
9 university-owned or university-controlled buildings and
10 grounds, property and equipment, name, trademarks and other
11 proprietary marks, and the financial and other resources of
12 the university. Such authority may include placing
13 restrictions on activities and on access to facilities,
14 firearms, food, tobacco, alcoholic beverages, distribution of
15 printed materials, human subjects, animals, and sound.

16 (s) Providing and coordinating policies relating to
17 credit and noncredit educational offerings by the university.

18 (t) Administering a procurement program for the
19 purchase, lease, or acquisition in any manner (including
20 purchase by installment or lease-purchase contract which may
21 provide for the payment of interest on the unpaid portion of
22 the purchase price and for the granting of a security interest
23 in the items purchased) of goods, materials, equipment, and
24 services required by the university.

25 (u) Supervising faculty practice plans for the
26 academic health science centers.

27 (v) Prescribing conditions for university health
28 services support organizations to be certified and to use
29 university property and services.

30 (w) Prescribing conditions, which include audit review
31 and oversight by the board of trustees, for university

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1 direct-support organizations to use university property and
2 services.

3 (3) Each board of trustees shall actively implement a
4 plan, in accordance with guidelines of the Florida Board of
5 Education, for working on a regular basis with the other
6 university boards of trustees, representatives of the
7 community college boards of trustees, and representatives of
8 the district school boards, to achieve the goals of the
9 seamless education system.

10 (4) Notwithstanding the provisions of s. 216.351, a
11 state university board of trustees may authorize the rent or
12 lease of parking facilities, provided that such facilities are
13 funded through parking fees or parking fines imposed by a
14 university. A board of trustees may authorize a university to
15 charge fees for parking at such rented or leased parking
16 facilities.

17 (5) Effective July 1, 2002, within proviso in the
18 General Appropriations Act and law, each board of trustees
19 shall set university tuition and fees. The sum of the activity
20 and service, health, and athletic fees a student is required
21 to pay to register for a course shall not exceed 40 percent of
22 the matriculation fee established in law or in the General
23 Appropriations Act. No university shall be required to lower
24 any fee in effect on the effective date of this act in order
25 to comply with this subsection. Within the 40 percent cap,
26 universities may not increase the aggregate sum of activity
27 and service, health, and athletic fees more than 5 percent per
28 year unless specifically authorized in law or in the General
29 Appropriations Act. This subsection does not prohibit a
30 university from increasing or assessing optional fees related
31 to specific activities that are not required as a part of

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1 registration for courses.

2 (6) Effective July 1, 2002, each board of trustees
3 shall implement the university facilities plan in accordance
4 with law and guidelines of the Commissioner of Education's
5 Office of Educational Facilities and SMART Schools
6 Clearinghouse.

7 (7) A board of trustees shall perform such other
8 duties as are provided by law or rule of the Florida Board of
9 Education.

10 Section 15. Section 229.0082, Florida Statutes, is
11 created to read:

12 229.0082 University presidents; powers and
13 duties.--The president is the chief executive officer of the
14 university, shall be corporate secretary of the state
15 university board of trustees, and is responsible for the
16 operation and administration of the university. Each
17 university president shall:

18 (1) Recommend the adoption of rules, as appropriate,
19 to the state university board of trustees to implement
20 provisions of law governing the operation and administration
21 of the university, which shall include the specific powers and
22 duties enumerated in this section. Such rules shall be
23 consistent with the mission of the university and the rules
24 and policies of the Florida Board of Education.

25 (2) Prepare a budget request and an operating budget
26 for approval by the university board of trustees.

27 (3) Establish and implement policies and procedures to
28 recruit, appoint, transfer, promote, compensate, evaluate,
29 reward, demote, discipline, and remove personnel, within law
30 and rules of the Florida Board of Education and in accordance
31 with rules or policies approved by the university board of

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1 trustees.

2 (4) Govern admissions, subject to law and rules or
3 policies of the university board of trustees and the Florida
4 Board of Education.

5 (5) Approve, execute, and administer contracts for and
6 on behalf of the university board of trustees for the
7 acquisition of commodities, goods, equipment, services, leases
8 of real and personal property, and planning and construction
9 to be rendered to or by the university, provided such
10 contracts are within law and guidelines of the Florida Board
11 of Education and in conformance with policies of the
12 university board of trustees, and are for the implementation
13 of approved programs of the university.

14 (6) Act for the university board of trustees as
15 custodian of all university property. The authority vested in
16 the university president under this subsection includes the
17 authority to prioritize the use of university space, property,
18 equipment, and resources and the authority to impose charges
19 for the use of those items.

20 (7) Establish the internal academic calendar of the
21 university within general guidelines of the Florida Board of
22 Education.

23 (8) Administer the university's program of
24 intercollegiate athletics.

25 (9) Recommend to the board of trustees the
26 establishment and termination of undergraduate and
27 master's-level degree programs within the approved role and
28 scope of the university.

29 (10) Award degrees.

30 (11) Recommend to the board of trustees a schedule of
31 tuition and fees to be charged by the university, within law

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1 and rules of the Florida Board of Education.

2 (12) Organize the university to efficiently and
3 effectively achieve the goals of the university.

4 (13) Review periodically the operations of the
5 university in order to determine how effectively and
6 efficiently the university is being administered and whether
7 it is meeting the goals of its strategic plan adopted by the
8 Florida Board of Education.

9 (14) Enter into agreements for student exchange
10 programs which involve students at the university and students
11 in other institutions of higher learning.

12 (15) Approve the internal procedures of student
13 government organizations and provide purchasing, contracting,
14 and budgetary review processes for these organizations.

15 (16) Ensure compliance with federal and state laws,
16 regulations, and other requirements that are applicable to the
17 university.

18 (17) Maintain all data and information pertaining to
19 the operation of the university, and report on the attainment
20 by the university of institutional and statewide performance
21 accountability goals.

22 (18) Adjust property records and dispose of
23 state-owned tangible personal property in the university's
24 custody in accordance with procedures established by the
25 university board of trustees. Notwithstanding the provisions
26 of s. 273.055(5), all moneys received from the disposition of
27 state-owned tangible personal property shall be retained by
28 the university and disbursed for the acquisition of tangible
29 personal property and for all necessary operating
30 expenditures. The university shall maintain records of the
31 accounts into which such moneys are deposited.

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1 Section 16. Effective July 1, 2001, the Florida
2 Partnership for School Readiness is transferred by a type two
3 transfer, pursuant to s. 20.06(2), Florida Statutes, from the
4 Executive Office of the Governor to the Agency for Workforce
5 Innovation.

6 Section 17. Effective July 1, 2001, the Child Care
7 Executive Partnership Program, child care and early childhood
8 resource and referral, and the subsidized child care program,
9 including but not limited to statewide staff as referenced in
10 the interagency agreement between the Department of Children
11 and Family Services and the Florida Partnership for School
12 Readiness signed on March 15, 2001, are transferred by a type
13 two transfer, pursuant to s. 20.06(2), Florida Statutes, to
14 the Agency for Workforce Innovation.

15 Section 18. Effective July 1, 2001, the
16 prekindergarten early intervention, migrant prekindergarten,
17 and Florida First Start programs, including but not limited to
18 statewide staff as referenced in the interagency agreement
19 between the Department of Education and the Florida
20 Partnership for School Readiness, are transferred by a type
21 two transfer, pursuant to s. 20.06(2), Florida Statutes, to
22 the Agency for Workforce Innovation.

23 Section 19. For purposes of administration of the
24 Early Learning Opportunities Act and the Even Start Family
25 Literacy Programs, pursuant to Pub. L. No. 106-554, the Agency
26 for Workforce Innovation is designated as the lead agency and
27 must comply with lead agency responsibilities pursuant to
28 federal law.

29 Section 20. Section 411.01, Florida Statutes, is
30 amended to read:

31 411.01 Florida Partnership for School Readiness;

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1 school readiness coalitions.--

2 (1) SHORT TITLE.--This section may be cited as the
3 "School Readiness Act."

4 (2) LEGISLATIVE INTENT.--

5 (a) The Legislature recognizes that school readiness
6 programs increase children's chances of achieving future
7 educational success and becoming productive members of
8 society. It is the intent of the Legislature that such
9 programs be developmentally appropriate, research-based,
10 involve parents as their child's first teacher, serve as
11 preventive measures for children at risk of future school
12 failure, enhance the educational readiness of eligible
13 children, and support family education. Each school readiness
14 program shall provide the elements necessary to prepare
15 at-risk children for school, including health screening and
16 referral and an appropriate educational program.

17 (b) It is the intent of the Legislature that school
18 readiness programs be operated on a full-day, year-round basis
19 to the maximum extent possible to enable parents to work and
20 become financially self-sufficient.

21 (c) It is the intent of the Legislature that school
22 readiness programs not exist as isolated programs, but build
23 upon existing services and work in cooperation with other
24 programs for young children, and that school readiness
25 programs be coordinated and funding integrated to achieve full
26 effectiveness.

27 (d) It is the intent of the Legislature that the
28 administrative staff at the state level for school readiness
29 programs be kept to the minimum necessary to carry out the
30 duties of the Florida Partnership for School Readiness, as the
31 school readiness programs are to be locally designed,

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1 operated, and managed, with the Florida Partnership for School
2 Readiness adopting a system for measuring school readiness;
3 developing school readiness program performance standards,
4 outcome measurements, and data design and review; and
5 approving and reviewing local school readiness coalitions and
6 plans.

7 (e) It is the intent of the Legislature that
8 appropriations for combined school readiness programs shall
9 not be less than the programs would receive in any fiscal year
10 on an uncombined basis.

11 (f) It is the intent of the Legislature that the
12 school readiness program coordinate and operate in conjunction
13 with the district school systems. However, it is also the
14 intent of the Legislature that the school readiness program
15 not be construed as part of the system of free public schools
16 but rather as a separate program for children under the age of
17 kindergarten eligibility, funded separately from the system of
18 free public schools, utilizing a mandatory sliding fee scale,
19 and providing an integrated and seamless system of school
20 readiness services for the state's birth-to-kindergarten
21 population.

22 (g) It is the intent of the Legislature that the
23 federal child care income tax credit be preserved for school
24 readiness programs.

25 (h) It is the intent of the Legislature that school
26 readiness services shall be an integrated and seamless system
27 of services with a developmentally appropriate education
28 component for the state's eligible birth-to-kindergarten
29 population described in subsection (6) and shall not be
30 construed as part of the seamless K-20 education system except
31 for the administration of the uniform screening system upon

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1 entry into kindergarten.

2 (3) SCHOOL READINESS PROGRAM.--

3 (a) The school readiness program shall be phased in on
4 a coalition-by-coalition basis. Each coalition's school
5 readiness program shall have available to it funding from all
6 the coalition's early education and child care programs that
7 are funded with state, federal, lottery, or local funds,
8 including but not limited to Florida First Start programs,
9 Even-Start literacy programs, prekindergarten early
10 intervention programs, Head Start programs, programs offered
11 by public and private providers of child care, migrant
12 prekindergarten programs, Title I programs, subsidized child
13 care programs, and teen parent programs, together with any
14 additional funds appropriated or obtained for purposes of this
15 section. These programs and their funding streams shall be
16 components of the coalition's integrated school readiness
17 program, with the goal of preparing children for success in
18 school.

19 (b) Nothing contained in this act is intended to:

20 1. Relieve parents and guardians of their own

21 obligations to ready their children for school; or

22 2. Create any obligation to provide publicly funded
23 school readiness programs or services beyond those authorized
24 by the Legislature.

25 (4) FLORIDA PARTNERSHIP FOR SCHOOL READINESS.--

26 (a) ~~There is created~~ The Florida Partnership for
27 School Readiness was created to fulfill three major purposes:
28 to administer school readiness program services that help
29 parents prepare eligible children for school; to coordinate
30 the provision of school readiness services on a full-day,
31 full-year, full-choice basis to the extent possible in order

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1 to enable parents to work and be financially self-sufficient;
2 and to establish a uniform screening instrument to be
3 implemented by the Department of Education and administered by
4 the school districts upon entry into kindergarten to assess
5 the readiness for school of all children. Readiness for
6 kindergarten is the outcome measure of the success of each
7 school readiness program that receives state or federal funds.
8 ~~with responsibility for adopting and maintaining coordinated~~
9 ~~programmatic, administrative, and fiscal policies and~~
10 ~~standards for all school readiness programs, while allowing a~~
11 ~~wide range of programmatic flexibility and differentiation.~~
12 The partnership is assigned to the Agency for Workforce
13 Innovation ~~Executive Office of the Governor~~ for administrative
14 purposes.

15 (b) The Florida Partnership for School Readiness
16 shall:

17 1. Coordinate the birth-to-kindergarten services for
18 children who are eligible pursuant to subsection (6) and the
19 programmatic, administrative, and fiscal standards pursuant to
20 this section for all public providers of school readiness
21 programs.

22 2. Continue to provide unified leadership for school
23 readiness through local school readiness coalitions.

24 3. Focus on improving the educational quality of all
25 publicly funded school readiness programs.

26 (c)(b)1. The Florida Partnership for School Readiness
27 shall include the Lieutenant Governor, the Commissioner of
28 Education, the Secretary of Children and Family Services, and
29 the Secretary of Health, or their designees, and the chair of
30 the Child Care Executive Partnership Board, and the
31 chairperson of the Board of Directors of Workforce Florida,

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1 Inc. When the Lieutenant Governor or an agency head appoints a
2 designee, the designee must be an individual who attends
3 consistently, and, in the event that the Lieutenant Governor
4 or agency head and his or her designee both attend a meeting,
5 only one of them may vote.

6 2. The partnership shall also include 14 ~~10~~ members of
7 the public who shall be business, community, and civic leaders
8 in the state who are not elected to public office. These
9 members and their families must not have a direct contract
10 with any local coalition to provide school readiness services
11 ~~be providers in the early education and child care industry.~~
12 The members must be geographically and demographically
13 representative of the state. Each member shall be appointed by
14 the Governor. ~~Eight of the members shall be appointed from a~~
15 ~~list of 10 nominees, of which five must be submitted by the~~
16 ~~President of the Senate and five must be submitted by the~~
17 ~~Speaker of the House of Representatives. By July 1, 2001, four~~
18 ~~members shall be appointed as follows: two members shall be~~
19 ~~from the child care industry, one representing the private~~
20 ~~for-profit sector appointed by the Governor from a list of two~~
21 ~~nominees submitted by the President of the Senate and one~~
22 ~~representing faith-based providers appointed by the Governor~~
23 ~~from a list of two nominees submitted by the Speaker of the~~
24 ~~House of Representatives; and two members shall be from the~~
25 ~~business community, one appointed by the Governor from a list~~
26 ~~of two nominees submitted by the President of the Senate and~~
27 ~~one appointed by the Governor from a list of two nominees~~
28 ~~submitted by the Speaker of the House of Representatives.~~
29 Members shall be appointed to 4-year terms of office. ~~However,~~
30 ~~of the initial appointees, two shall be appointed to 1-year~~
31 ~~terms, two shall be appointed to 2-year terms, three shall be~~

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1 ~~appointed to 3-year terms, and three shall be appointed to~~
2 ~~4-year terms.~~ The members of the partnership shall elect a
3 chairperson annually from the nongovernmental members of the
4 partnership. Any vacancy on the partnership shall be filled in
5 the same manner as the original appointment.

6 (d)~~(c)~~ The partnership shall meet at least quarterly
7 but may meet as often as it deems necessary to carry out its
8 duties and responsibilities. Members of the partnership shall
9 participate without proxy at the quarterly meetings. The
10 partnership may take official action by a majority vote of the
11 members present at any meeting at which a quorum is present.
12 ~~The partnership shall hold its first meeting by October 1,~~
13 ~~1999.~~

14 (e)~~(d)~~ Members of the partnership are subject to the
15 ethics provisions in part III of chapter 112, and no member
16 may derive any financial benefit from the funds administered
17 by the Florida Partnership for School Readiness.

18 (f)~~(e)~~ Members of the partnership shall serve without
19 compensation but are entitled to reimbursement for per diem
20 and travel expenses incurred in the performance of their
21 duties as provided in s. 112.061, and reimbursement for other
22 reasonable, necessary, and actual expenses.

23 (g)~~(f)~~ For the purposes of tort liability, the members
24 of the partnership and its employees shall be governed by s.
25 768.28.

26 (h)~~(g)~~ The partnership shall appoint an executive
27 director who shall ~~to~~ serve at the ~~its~~ pleasure of the
28 Governor. The executive director ~~who~~ shall perform the duties
29 assigned to him or her by the partnership. The executive
30 director shall be responsible for hiring, subject to the
31 approval of the partnership, all employees and staff members,

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1 who shall serve under his or her direction and control.

2 (i)~~(h)~~ For purposes of administration of the federal
3 Child Care and Development Fund, 45 C.F.R. parts 98 and 99,
4 the partnership may be designated by the Governor as the lead
5 agency, and if so designated shall comply with the lead agency
6 responsibilities pursuant to federal law.

7 (j)~~(i)~~ The Florida Partnership for School Readiness is
8 the principal organization responsible for the enhancement of
9 school readiness for the state's children, and shall:

10 1. Be responsible for the prudent use of all public
11 and private funds in accordance with all legal and contractual
12 requirements.

13 2. Provide final approval and periodic review of
14 coalitions and plans.

15 3. Provide leadership for enhancement of school
16 readiness in this state by aggressively establishing a unified
17 approach to the state's efforts toward enhancement of school
18 readiness. In support of this effort, the partnership may
19 develop and implement specific strategies that address the
20 state's school readiness programs.

21 4. Safeguard the effective use of federal, state,
22 local, and private resources to achieve the highest possible
23 level of school readiness for the state's children.

24 5. Provide technical assistance to coalitions.

25 6. Assess gaps in service.

26 7. Provide technical assistance to counties that form
27 a multicounty coalition.

28 8.a. ~~By July 1, 2000,~~ Adopt a system for measuring
29 school readiness that provides objective data regarding the
30 expectations for school readiness, and establish a method for
31 collecting the data and guidelines for using the data. The

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1 measurement, the data collection, and the use of the data must
2 serve the statewide school readiness goal. The criteria for
3 determining which data to collect should be the usefulness of
4 the data to state policymakers and local program
5 administrators in administering programs and allocating state
6 funds, and must include the tracking of school readiness
7 system information back to individual school readiness
8 programs to assist in determining program effectiveness.

9 b. ~~By December 31, 2000, the partnership shall also~~
10 Adopt a system for evaluating the performance of students
11 through the third grade to compare the performance of those
12 who participated in school readiness programs with the
13 performance of students who did not participate in school
14 readiness programs in order to identify strategies for
15 continued successful student performance.

16 9. ~~By June 1, 2000,~~Develop and adopt performance
17 standards and outcome measures.

18 10. ~~In consultation with the Postsecondary Education~~
19 ~~Planning Commission and the Education Standards Commission,~~
20 ~~assess the expertise of public and private Florida~~
21 ~~postsecondary institutions in the areas of infant and toddler~~
22 ~~developmental research; the related curriculum of training,~~
23 ~~career, and academic programs; and the status of articulation~~
24 ~~among those programs. Based on this assessment, the~~
25 ~~partnership shall provide recommendations to the Governor and~~
26 ~~the Legislature for postsecondary program improvements to~~
27 ~~enhance school readiness initiatives.~~

28 (k)(j) The partnership may adopt rules necessary to
29 administer the provisions of this section which relate to
30 preparing and implementing the system for school readiness,
31 collecting data, approving local school readiness coalitions

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1 and plans, providing a method whereby a coalition can serve
2 two or more counties, awarding incentives to coalitions, and
3 issuing waivers.

4 (l)~~(k)~~ The Florida Partnership for School Readiness
5 shall have all powers necessary to carry out the purposes of
6 this section, including, but not limited to, the power to
7 receive and accept grants, loans, or advances of funds from
8 any public or private agency and to receive and accept from
9 any source contributions of money, property, labor, or any
10 other thing of value, to be held, used, and applied for the
11 purposes of this section.

12 ~~(l) The Florida Partnership for School Readiness shall~~
13 ~~be an independent, nonpartisan body and shall not be~~
14 ~~identified or affiliated with any one agency, program, or~~
15 ~~group.~~

16 (m) The Florida Partnership for School Readiness shall
17 have a budget, shall be financed through an annual
18 appropriation made for this purpose in the General
19 Appropriations Act, and shall be subject to compliance audits
20 and annual financial audits by the Auditor General.

21 (n) The partnership shall coordinate the efforts
22 toward school readiness in this state and provide independent
23 policy analyses and recommendations to the Governor, the
24 Florida State Board of Education, and the Legislature.

25 (o) ~~By July 1, 2000,~~The partnership shall prepare and
26 submit to the Florida State Board of Education a system for
27 measuring school readiness. The system must include a uniform
28 screening, which shall provide objective data regarding the
29 following expectations for school readiness which shall
30 include, at a minimum:

31 1. The child's immunizations and other health

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- 1 requirements as necessary, including appropriate vision and
2 hearing screening and examinations.
- 3 2. The child's physical development.
- 4 3. The child's compliance with rules, limitations, and
5 routines.
- 6 4. The child's ability to perform tasks.
- 7 5. The child's interactions with adults.
- 8 6. The child's interactions with peers.
- 9 7. The child's ability to cope with challenges.
- 10 8. The child's self-help skills.
- 11 9. The child's ability to express his or her needs.
- 12 10. The child's verbal communication skills.
- 13 11. The child's problem-solving skills.
- 14 12. The child's following of verbal directions.
- 15 13. The child's demonstration of curiosity,
16 persistence, and exploratory behavior.
- 17 14. The child's interest in books and other printed
18 materials.
- 19 15. The child's paying attention to stories.
- 20 16. The child's participation in art and music
21 activities.
- 22 17. The child's ability to identify colors, geometric
23 shapes, letters of the alphabet, numbers, and spatial and
24 temporal relationships.
- 25 (p) The partnership shall prepare a plan for
26 implementing the system for measuring school readiness in such
27 a way that all children in this state will undergo the uniform
28 screening established by the partnership when they enter
29 kindergarten. Children who enter public school for the first
30 time in first grade must undergo a uniform screening approved
31 by the partnership for use in first grade. Because children

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1 with disabilities may not be able to meet all of the
2 identified expectations for school readiness, the plan for
3 measuring school readiness shall incorporate mechanisms for
4 recognizing the potential variations in expectations for
5 school readiness when serving children with disabilities and
6 shall provide for communities to serve children with
7 disabilities.

8 ~~(q) The partnership shall recommend to the Governor,~~
9 ~~the Commissioner of Education, and the State Board of~~
10 ~~Education rules, and revisions or repeal of rules, which would~~
11 ~~increase the effectiveness of programs that prepare children~~
12 ~~for school.~~

13 ~~(q)(r)~~ The partnership shall conduct studies and
14 planning activities related to the overall improvement and
15 effectiveness of school readiness measures.

16 ~~(s) By February 1, 2000, the partnership shall work~~
17 ~~with the Office of the Comptroller for electronic funds~~
18 ~~transfer.~~

19 ~~(t) By February 1, 2000, the partnership shall present~~
20 ~~to the Legislature a plan for combining funding streams for~~
21 ~~school readiness programs into a School Readiness Trust Fund.~~

22 ~~(r)(u)~~ The partnership shall establish procedures for
23 performance-based budgeting in school readiness programs.

24 ~~(s)(v)~~ The partnership shall submit an annual report
25 of its activities to the Governor, the executive director of
26 the Florida Healthy Kids Corporation, the President of the
27 Senate, the Speaker of the House of Representatives, and the
28 minority leaders of both houses of the Legislature. In
29 addition, the partnership's reports and recommendations shall
30 be made available to the Florida State Board of Education,
31 other appropriate state agencies and entities, district school

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1 boards, central agencies for child care, and county health
2 departments. The annual report must provide an analysis of
3 school readiness activities across the state, including the
4 number of children who were served in the programs and the
5 number of children who were ready for school.

6 ~~(t)(w)~~ The partnership shall work with school
7 readiness coalitions to increase parents' training for and
8 involvement in their children's preschool education and to
9 provide family literacy activities and programs.

10

11 To ensure that the system for measuring school readiness is
12 comprehensive and appropriate statewide, as the system is
13 developed and implemented, the partnership must consult with
14 representatives of district school systems, providers of
15 public and private child care, health care providers, large
16 and small employers, experts in education for children with
17 disabilities, and experts in child development.

18 (5) CREATION OF SCHOOL READINESS COALITIONS.--

19 (a) School readiness coalitions.--

20 1. If a coalition's plan would serve less than 400
21 birth-to-kindergarten age children, the coalition must either
22 join with another county to form a multicounty coalition,
23 enter an agreement with a fiscal agent to serve more than one
24 coalition, or demonstrate to the partnership its ability to
25 effectively and efficiently implement its plan as a
26 single-county coalition and meet all required performance
27 standards and outcome measures.

28 2. Each coalition shall have at least 18 but not more
29 than 25 members and such members must include the following:

30 a. A Department of Children and Family Services
31 district administrator or his or her designee who is

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- 1 authorized to make decisions on behalf of the department.
2 b. A district superintendent of schools or his or her
3 designee who is authorized to make decisions on behalf of the
4 district.
5 c. A regional workforce development board chair or
6 director, where applicable.
7 d. A county health department director or his or her
8 designee.
9 e. A children's services council or juvenile welfare
10 board chair or executive director, if applicable.
11 f. A child care licensing agency head.
12 g. One member appointed by a Department of Children
13 and Family Services district administrator.
14 h. One member appointed by a board of county
15 commissioners.
16 i. One member appointed by a district school board.
17 j. A central child care agency administrator.
18 k. A Head Start director.
19 l. A representative of private child care providers.
20 m. A representative of faith-based child care
21 providers.

22
23 More than one-third of the coalition members must be from the
24 private sector, and neither they nor their families may earn
25 an income from the early education and child care industry. To
26 meet this requirement a coalition must appoint additional
27 members from a list of nominees presented to the coalition by
28 a chamber of commerce or economic development council within
29 the geographic area of the coalition.

30 3. No member of a coalition may appoint a designee to
31 act in his or her place. A member may send a representative to

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1 coalition meetings, but that representative will have no
2 voting privileges. When a district superintendent of schools
3 or a district administrator for the Department of Children and
4 Family Services appoints a designee to a school readiness
5 coalition, the designee will be the voting member of the
6 coalition, and any individual attending in his or her place,
7 including the district administrator or superintendent, will
8 have no voting privileges.

9 ~~4. The school readiness coalition shall replace the~~
10 ~~district interagency coordinating council required under s.~~
11 ~~230.2305.~~

12 ~~4.5.~~ Members of the coalition are subject to the
13 ethics provisions in part III of chapter 112.

14 ~~5.6.~~ For the purposes of tort liability, the members
15 of the school readiness coalition and its employees shall be
16 governed by s. 768.28.

17 ~~6.7.~~ Multicounty coalitions shall include
18 representation from each county.

19 ~~7.8.~~ The terms of all appointed members of the
20 coalition must be staggered. Appointed members may serve a
21 maximum of two terms. When a vacancy occurs in an appointed
22 position, the coalition must advertise the vacancy.

23 (b) Program participation.--The school readiness
24 program shall be established for children from birth to 5
25 years of age or until the child enters kindergarten. The
26 program shall be administered by the school readiness
27 coalition. Within funding limitations, the school readiness
28 coalition, along with all providers, shall make reasonable
29 efforts to accommodate the needs of children for extended-day
30 and extended-year services without compromising the quality of
31 the program.

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1 (c) Program expectations.--

2 1. The school readiness program must meet the
3 following expectations:

4 a. The program must prepare preschool children to
5 enter kindergarten ready to learn, as measured by criteria
6 established by the Florida Partnership for School Readiness.

7 b. The program must provide extended-day and
8 extended-year services to the maximum extent possible to meet
9 the needs of parents who work.

10 c. There must be coordinated staff development and
11 teaching opportunities.

12 d. There must be expanded access to community services
13 and resources for families to help achieve economic
14 self-sufficiency.

15 e. There must be a single point of entry and unified
16 waiting list.

17 f. As long as funding or eligible populations do not
18 decrease, the program must serve at least as many children as
19 were served prior to implementation of the program.

20 g. There must be a community plan to address the needs
21 of all eligible children.

22 h. The program must meet all state licensing
23 guidelines, where applicable.

24 2. The school readiness coalition must implement a
25 comprehensive program of readiness services that enhance the
26 cognitive, social, and physical development of children to
27 achieve the performance standards and outcome measures
28 specified by the partnership. At a minimum, these programs
29 must contain the following elements:

30 a. Developmentally appropriate curriculum.

31 b. A character development program to develop basic

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1 values.

2 c. An age-appropriate assessment of each child's
3 development.

4 d. A pretest administered to children when they enter
5 a program and a posttest administered to children when they
6 leave the program.

7 e. An appropriate staff-to-child ratio.

8 f. A healthful and safe environment.

9 g. A resource and referral network to assist parents
10 in making an informed choice.

11 (d) Implementation.--

12 1. The school readiness program is to be phased in.
13 Until the coalition implements its plan, the county shall
14 continue to receive the services identified in subsection (3)
15 through the various agencies that would be responsible for
16 delivering those services under current law. Plan
17 implementation is subject to approval of the coalition and the
18 plan by the Florida Partnership for School Readiness.

19 2. Each school readiness coalition shall develop a
20 plan for implementing the school readiness program to meet the
21 requirements of this section and the performance standards and
22 outcome measures established by the partnership. The plan must
23 include a written description of the role of the program in
24 the coalition's effort to meet the first state education goal,
25 readiness to start school, including a description of the plan
26 to involve the prekindergarten early intervention programs,
27 Head Start Programs, programs offered by public or private
28 providers of child care, preschool programs for children with
29 disabilities, programs for migrant children, Title I programs,
30 subsidized child care programs, and teen parent programs. The
31 plan must also demonstrate how the program will ensure that

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1 each 3-year-old and 4-year-old child in a publicly funded
2 school readiness program receives scheduled activities and
3 instruction designed to prepare children to enter kindergarten
4 ready to learn. Prior to implementation of the program, the
5 school readiness coalition must submit the plan to the
6 partnership for approval. The partnership may approve the
7 plan, reject the plan, or approve the plan with conditions.
8 The Florida Partnership for School Readiness shall review
9 coalition plans at least annually.~~plan shall be reviewed,~~
10 ~~revised, and approved biennially.~~

11 3. The plan for the school readiness program must
12 include the following minimum standards and provisions:

13 a. A sliding fee scale establishing a copayment for
14 parents based upon their ability to pay, which is the same for
15 all program providers, to be implemented and reflected in each
16 program's budget.

17 b. A choice of settings and locations in licensed,
18 registered, religious-exempt, or school-based programs to be
19 provided to parents.

20 c. Instructional staff who have completed the training
21 course as required in s. 402.305(2)(d)1., as well as staff who
22 have additional training or credentials as required by the
23 partnership ~~respective program provider~~. The plan must provide
24 a method for assuring the qualifications of all personnel in
25 all program settings.

26 d. Specific eligibility priorities for children within
27 the coalition's county pursuant to subsection (6).

28 e. Performance standards and outcome measures
29 established by the partnership or alternatively, standards and
30 outcome measures to be used until such time as the partnership
31 adopts such standards and outcome measures.

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1 f. Reimbursement rates that have been developed by the
2 coalition. Reimbursement rates shall not have the effect of
3 limiting parental choice or creating standards or levels of
4 services that have not been authorized by the Legislature.

5 g. Systems support services, including a central
6 agency, child care resource and referral, eligibility
7 determinations, training of providers, and parent support and
8 involvement.

9 h. Direct enhancement services to families and
10 children. System support and direct enhancement services shall
11 be in addition to payments for the placement of children in
12 school readiness programs.

13 i. A business plan, which must include the contract
14 with a school readiness agent if the coalition is not a
15 legally established corporate entity. Coalitions may contract
16 with other coalitions to achieve efficiency in multiple-county
17 services, and such contracts may be part of the coalition's
18 business plan.

19 j. Strategies to meet the needs of unique populations,
20 such as migrant workers.

21
22 As part of the plan, the coalition may request the Governor to
23 apply for a waiver to allow the coalition to administer the
24 Head Start Program to accomplish the purposes of the school
25 readiness program. If any school readiness plan can
26 demonstrate that specific statutory goals can be achieved more
27 effectively by using procedures that require modification of
28 existing rules, policies, or procedures, a request for a
29 waiver to the partnership may be made as part of the plan.
30 Upon review, the partnership may grant the proposed
31 modification.

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1 4. Persons with an early childhood teaching
2 certificate may provide support and supervision to other staff
3 in the school readiness program.

4 5. The coalition may not implement its plan until it
5 submits the plan to and receives approval from the
6 partnership. Once the plan has been approved, the plan and the
7 services provided under the plan shall be controlled by the
8 coalition rather than by the state agencies or departments.
9 The plan shall be reviewed and revised as necessary, but at
10 least biennially.

11 6. The following statutes will not apply to local
12 coalitions with approved plans: ss. 125.901(2)(a)3.,
13 ~~228.061(1) and (2), 230.2306, 411.221, 411.222, and 411.232.~~
14 To facilitate innovative practices and to allow local
15 establishment of school readiness programs, a school readiness
16 coalition may apply to the Governor and Cabinet for a waiver
17 of, and the Governor and Cabinet may waive, any of the
18 provisions of ss. ~~230.2303, 230.2305, 230.23166, 402.3015,~~
19 ~~411.223, and 411.232,~~ if the waiver is necessary for
20 implementation of the coalition's school readiness plan.

21 7. Two or more counties may join for the purpose of
22 planning and implementing a school readiness program.

23 8. A coalition may, subject to approval of the
24 partnership as part of the coalition's plan, receive
25 subsidized child care funds for all children eligible for any
26 federal subsidized child care program and be the provider of
27 the program services.

28 9. Coalitions are authorized to enter into multiparty
29 contracts with multicounty service providers in order to meet
30 the needs of unique populations such as migrant workers.

31 (e) Requests for proposals; payment schedule.--

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1 1. At least once every 3 years, beginning July 1,
2 2001, each coalition must follow the competitive procurement
3 requirements of s. 287.057 for school readiness programs.

4 2. Each coalition shall develop a payment schedule
5 that encompasses all programs funded by that coalition. The
6 payment schedule must take into consideration the relevant
7 market rate, must include the projected number of children to
8 be served, and must be submitted to the partnership for
9 information. Informal child care arrangements shall be
10 reimbursed at not more than 50 percent of the rate developed
11 for family childcare.

12 (f) Requirements relating to fiscal agents.--If the
13 local coalition is not a legally established corporate entity,
14 the coalition must designate a fiscal agent, which may be a
15 public entity or a private nonprofit organization. The fiscal
16 agent shall be required to provide financial and
17 administrative services pursuant to a contract or agreement
18 with the school readiness coalition. The fiscal agent may not
19 provide direct early education or child care services;
20 however, a fiscal agent may provide such services upon written
21 request of the coalition to the partnership and upon the
22 approval of such request by the partnership. The cost of the
23 financial and administrative services shall be negotiated
24 between the fiscal agent and the school readiness coalition.
25 If the fiscal agent is a provider of early education and care
26 programs, the contract must specify that the fiscal agent will
27 act on policy direction from the coalition and will not
28 receive policy direction from its own corporate board
29 regarding disbursement of coalition funds. The fiscal agent shall
30 disburse funds in accordance with the approved coalition
31 school readiness plan and based on billing and disbursement

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1 procedures approved by the partnership. The fiscal agent must
2 conform to all data-reporting requirements established by the
3 partnership.

4 ~~(g) Coalition initiation grants; incentive bonuses.~~

5 ~~1. School readiness coalitions that are approved by~~
6 ~~the Florida Partnership for School Readiness by January 1,~~
7 ~~2000, shall be eligible for a \$50,000 initiation grant to~~
8 ~~support the school readiness coalition in developing its~~
9 ~~school readiness plan.~~

10 ~~2. School readiness coalitions that are approved by~~
11 ~~the Florida Partnership for School Readiness by March 1, 2000,~~
12 ~~shall be eligible for a \$25,000 initiation grant to support~~
13 ~~the school readiness coalition in developing its school~~
14 ~~readiness plan.~~

15 ~~3. School readiness coalitions that have their plans~~
16 ~~approved by July 1, 2000, shall receive funding from the~~
17 ~~Florida Partnership for School Readiness in fiscal year~~
18 ~~2000-2001, and each year thereafter.~~

19 ~~4. Upon approval by the Florida Partnership for School~~
20 ~~Readiness of any coalition's plan that clearly shows~~
21 ~~enhancement in the quality and standards of the school~~
22 ~~readiness program without diminishing the number of children~~
23 ~~served in the program, the partnership shall award the~~
24 ~~coalition an incentive bonus, subject to appropriation.~~

25 ~~5. In fiscal year 2000-2001, and each year thereafter,~~
26 ~~any increases in funding for school readiness programs shall~~
27 ~~be administered through school readiness coalitions.~~

28 ~~6. In fiscal year 2001-2002, the Florida Partnership~~
29 ~~for School Readiness shall request proposals from government~~
30 ~~agencies and nonprofit corporations for the development and~~
31 ~~operation of a school readiness coalition in each county that~~

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1 ~~does not have an approved coalition by March 1, 2001.~~

2 (g)~~(h)~~ Evaluation and annual report.--Each school
3 readiness coalition shall conduct an evaluation of the
4 effectiveness of the school readiness program, including
5 performance standards and outcome measures, and shall provide
6 an annual report and fiscal statement to the Florida
7 Partnership for School Readiness. This report must conform to
8 the content and format specifications set by the Florida
9 Partnership for School Readiness. The partnership must include
10 an analysis of the coalition reports in its annual report.

11 (6) PROGRAM ELIGIBILITY.--The school readiness program
12 shall be established for children under the age of
13 kindergarten eligibility. Priority for participation in the
14 school readiness program shall be given to children who meet
15 one or more of the following criteria:

16 (a) Children under the age of kindergarten eligibility
17 who are:

18 1. Children determined to be at risk of abuse,
19 neglect, or exploitation and who are currently clients of the
20 Family Safety Program Office of the Department of Children and
21 Family Services.

22 2. Children at risk of welfare dependency, including
23 economically disadvantaged children, children of participants
24 in the welfare transition program, children of migrant
25 farmworkers, and children of teen parents.

26 3. Children of working families whose family income
27 does not exceed 150 percent of the federal poverty level.

28 (b) Three-year-old children and 4-year-old children
29 who may not be economically disadvantaged but who have
30 disabilities, have been served in a specific part-time or
31 combination of part-time exceptional education programs with

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1 required special services, aids, or equipment, and were
2 previously reported for funding part time with the Florida
3 Education Finance Program as exceptional students.

4 (c) Economically disadvantaged children, children with
5 disabilities, and children at risk of future school failure,
6 from birth to 4 years of age, who are served at home through
7 home visitor programs and intensive parent education programs
8 such as the Florida First Start Program.

9 (d) Children who meet federal and state requirements
10 for eligibility for the migrant preschool program but who do
11 not meet the criteria of economically disadvantaged.

12

13 An "economically disadvantaged" child means a child whose
14 family income is below 150 percent of the federal poverty
15 level. Notwithstanding any change in a family's economic
16 status, but subject to additional family contributions in
17 accordance with the sliding fee scale, a child who meets the
18 eligibility requirements upon initial registration for the
19 program shall be considered eligible until the child reaches
20 kindergarten age.

21 (7) PARENTAL CHOICE.--

22 (a) The school readiness program shall provide
23 parental choice pursuant to a purchase service order that
24 ensures, to the maximum extent possible, flexibility in school
25 readiness programs and payment arrangements. According to
26 federal regulations requiring parental choice, a parent may
27 choose an informal child care arrangement. The purchase order
28 must bear the name of the beneficiary and the program provider
29 and, when redeemed, must bear the signature of both the
30 beneficiary and an authorized representative of the provider.

31 (b) If it is determined that a provider has provided

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1 any cash to the beneficiary in return for receiving the
2 purchase order, the coalition or its fiscal agent shall refer
3 the matter to the Division of Public Assistance Fraud for
4 investigation.

5 (c) The Office of the Comptroller shall establish an
6 electronic transfer system for the disbursement of funds in
7 accordance with this subsection. School readiness coalitions
8 shall fully implement the electronic funds transfer system
9 within 2 years after plan approval unless a waiver is obtained
10 from the partnership.

11 (8) STANDARDS; OUTCOME MEASURES.--All publicly funded
12 school readiness programs shall be required to meet the
13 performance standards and outcome measures developed and
14 approved by the partnership. The Office of Program Policy
15 Analysis and Government Accountability shall provide
16 consultation to the partnership in the development of the
17 measures and standards. These performance standards and
18 outcome measures shall ~~be adopted by June 1, 2000, and shall~~
19 be applicable on a statewide basis.

20 (9) FUNDING; SCHOOL READINESS PROGRAM.--

21 (a) It is the intent of this section to establish an
22 integrated and quality seamless service delivery system for
23 all publicly funded early education and child care programs
24 operating in this state.

25 (b) Notwithstanding s. 20.50:

26 1. The Agency for Workforce Innovation shall
27 administer school readiness funds, plans, and policies
28 pursuant to contract with the Florida Partnership for School
29 Readiness and shall prepare and submit a unified budget
30 request for the school readiness program in accordance with
31 chapter 216.

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1 2. All instructions to local school readiness
2 coalitions shall emanate from the Agency for Workforce
3 Innovation pursuant to policies of the Legislature, plans of
4 the Florida Partnership for School Readiness, and the contract
5 between the Florida Partnership for School Readiness and the
6 agency.

7 (c) The Agency for Workforce Innovation shall prepare
8 a plan that provides for the distribution and expenditure of
9 all state and federal school readiness funds for children
10 participating in public or private school readiness programs
11 based upon an equity and performance funding formula. The plan
12 shall be submitted to the Governor and the Legislative Budget
13 Commission. Upon approval, the Legislative Budget Commission
14 shall authorize the transfer of funds to the Agency for
15 Workforce Innovation for distribution in accordance with the
16 provisions of the formula.

17 (d)~~(b)~~ All state funds budgeted for a county for the
18 programs specified in subsection (3), along with the pro rata
19 share of the state administrative costs of those programs in
20 the amount as determined by the partnership, all federal funds
21 and required local matching funds for a county for programs
22 specified in subsection (3), and any additional funds
23 appropriated or obtained for purposes of this section, shall
24 be transferred for the benefit of the coalition for
25 implementation of its plan, including the hiring of staff to
26 effectively operate the coalition's school readiness program.
27 As part of plan approval and periodic plan review, the
28 partnership shall require that administrative costs be kept to
29 the minimum necessary for efficient and effective
30 administration of the plan, but total administrative
31 expenditures shall not exceed 5 percent unless specifically

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1 waived by the partnership. The partnership shall annually
2 report to the Legislature any problems relating to
3 administrative costs.

4 ~~(c) By February 15, 2000, the partnership shall~~
5 ~~present to the Legislature recommendations for combining~~
6 ~~funding streams for school readiness programs into a School~~
7 ~~Readiness Trust Fund. These recommendations must include~~
8 ~~recommendations for the inclusion or noninclusion of~~
9 ~~prekindergarten disabilities programs and funding.~~

10 (e)~~(d)~~ The partnership shall annually distribute all
11 eligible funds as block grants to assist coalitions in
12 integrating services and funding to develop a quality service
13 delivery system. Subject to appropriation, the partnership may
14 also provide financial awards to coalitions demonstrating
15 success in merging and integrating funding streams to serve
16 children and school readiness programs.

17 (f)~~(e)~~ State funds appropriated for the school
18 readiness program may not be used for the construction of new
19 facilities or the purchase of buses. ~~By February 15, 2000,~~The
20 partnership shall present to the Legislature recommendations
21 for providing necessary transportation services for school
22 readiness programs.

23 (g)~~(f)~~ All cost savings and all revenues received
24 through a mandatory sliding fee scale shall be used to help
25 fund the local school readiness program.

26 (10) SCHOOL READINESS UNIFORM SCREENING.--The
27 Department of Education shall implement a school readiness
28 uniform screening, including a pilot program during the
29 2001-2002 school year, to validate the system recommended by
30 the Florida Partnership for School Readiness as part of a
31 comprehensive evaluation design. Beginning with the 2002-2003

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1 school year, the department shall require that all school
2 districts administer the school readiness uniform screening to
3 each kindergarten student in the district school system upon
4 the student's entry into kindergarten. Children who enter
5 public school for the first time in first grade must undergo a
6 uniform screening adopted for use in first grade. The
7 department shall incorporate school readiness data into the
8 K-20 data warehouse for longitudinal tracking. Notwithstanding
9 s. 228.093, the department shall provide the partnership and
10 the Agency for Workforce Innovation with complete and full
11 access to kindergarten uniform screening data at the student,
12 school, district, and state levels in a format that will
13 enable the partnership and the agency to prepare reports
14 needed by state policymakers and local school readiness
15 coalitions to access progress toward school readiness goals
16 and provide input for continuous improvement of local school
17 readiness services and programs.

18 (11)(10) REPORTS.--The Office of Program Policy
19 Analysis and Government Accountability shall assess the
20 implementation, efficiency, and outcomes of the school
21 readiness program and report its findings to the President of
22 the Senate and the Speaker of the House of Representatives by
23 January 1, 2002. Subsequent reviews shall be conducted at the
24 direction of the Joint Legislative Auditing Committee.

25 (12)(11) CONFLICTING PROVISIONS.--In the event of a
26 conflict between the provisions of this section and federal
27 requirements, the federal requirements shall control.

28 Section 21. Notwithstanding any other provision of law
29 to the contrary, minimum child care licensing standards shall
30 be developed to provide for reasonable, affordable, and safe
31 before-school and after-school care. Standards, at a minimum,

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1 shall allow for a credentialed director to supervise multiple
2 before-school and after-school sites.

3 Section 22. Effective January 1, 2002, paragraph (a)
4 of subsection (6) and subsection (10) of section 216.136,
5 Florida Statutes, are amended to read:

6 216.136 Consensus estimating conferences; duties and
7 principals.--

8 (6) SOCIAL SERVICES ESTIMATING CONFERENCE.--

9 (a) Duties.--

10 1. The Social Services Estimating Conference shall
11 develop such official information relating to the social
12 services system of the state, including forecasts of social
13 services caseloads, as the conference determines is needed for
14 the state planning and budgeting system. Such official
15 information shall include, but not be limited to, subsidized
16 child care caseloads mandated by the Family Support Act of
17 1988.

18 ~~2. In addition, the Social Services Estimating~~
19 ~~Conference shall develop estimates and forecasts of the~~
20 ~~unduplicated count of children eligible for subsidized child~~
21 ~~care as defined in s. 402.3015(1). These estimates and~~
22 ~~forecasts shall not include children enrolled in the~~
23 ~~prekindergarten early intervention program established in s.~~
24 ~~230.2305.~~

25 ~~3. The Department of Children and Family Services and~~
26 ~~the Department of Education shall provide information on~~
27 ~~caseloads and waiting lists for the subsidized child care and~~
28 ~~prekindergarten early intervention programs requested by the~~
29 ~~Social Services Estimating Conference or individual conference~~
30 ~~principals, in a timely manner.~~

31 2.4. The Social Services Estimating Conference shall

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1 develop information relating to the Florida Kidcare program,
 2 including, but not limited to, outreach impacts, enrollment,
 3 caseload, utilization, and expenditure information that the
 4 conference determines is needed to plan for and project future
 5 budgets and the drawdown of federal matching funds. The
 6 agencies required to collect and analyze Florida Kidcare
 7 program data under s. 409.8134 shall be participants in the
 8 Social Services Estimating Conference for purposes of
 9 developing information relating to the Florida Kidcare
 10 program.

11 (10) SCHOOL READINESS PROGRAM ESTIMATING CONFERENCE.--

12 (a) Duties.--

13 1. The School Readiness Program Estimating Conference
 14 shall develop ~~such~~ estimates and forecasts of the unduplicated
 15 count of children ~~number of individuals~~ eligible for school
 16 readiness programs in accordance with the standards of
 17 eligibility established in s. 411.01(6) ~~by state or federal~~
 18 ~~statute or administrative rule~~ as the conference determines
 19 are needed to support the state planning, budgeting, and
 20 appropriations processes.

21 ~~2. In addition, the School Readiness Program~~
 22 ~~Estimating Conference shall estimate the unduplicated count of~~
 23 ~~children who are eligible for services under the school~~
 24 ~~readiness program.~~

25 2.3. The Florida Partnership for School Readiness
 26 shall provide information on needs and waiting lists for
 27 school readiness program services requested by the School
 28 Readiness Program Estimating Conference or individual
 29 conference principals in a timely manner.

30 (b) Principals.--The Executive Office of the Governor,
 31 the Director of Economic and Demographic Research, and

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1 professional staff who have forecasting expertise from the
2 Florida Partnership for School Readiness, the Agency for
3 Workforce Innovation, the Department of Children and Family
4 Services, the Department of Education, the Senate, and the
5 House of Representatives, or their designees, are the
6 principals of the School Readiness Program Estimating
7 Conference. The principal representing the Executive Office of
8 the Governor shall preside over sessions of the conference.

9 Section 23. Effective January 1, 2002, paragraph (a)
10 of subsection (1) of section 232.01, Florida Statutes, is
11 amended to read:

12 232.01 School attendance.--

13 (1)(a)1. All children who have attained the age of 6
14 years or who will have attained the age of 6 years by February
15 1 of any school year or who are older than 6 years of age but
16 who have not attained the age of 16 years, except as
17 hereinafter provided, are required to attend school regularly
18 during the entire school term.

19 2. Children who will have attained the age of 5 years
20 on or before September 1 of the school year are eligible for
21 admission to public kindergartens during that school year
22 under rules prescribed by the school board.

23 ~~3. Children who will have attained the age of 3 years~~
24 ~~on or before September 1 of the school year are eligible for~~
25 ~~admission to prekindergarten early intervention programs~~
26 ~~during that school year as provided in s. 230.2305 or a~~
27 ~~preschool program as provided in s. 228.061.~~

28 Section 24. Effective January 1, 2002, paragraphs (b)
29 and (c) of subsection (1) and subsection (4) of section
30 445.023, Florida Statutes, are amended to read:

31 445.023 Program for dependent care for families with

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1 children with special needs.--

2 (1) There is created the program for dependent care
3 for families with children with special needs. This program
4 is intended to provide assistance to families with children
5 who meet the following requirements:

6 (b) The child or children are considered to be
7 children with special needs ~~as defined by the subsidized child~~
8 ~~care program authorized under s. 402.3015.~~

9 (c) The family meets the income guidelines established
10 under s. ~~411.01(6)402.3015. Financial eligibility for this~~
11 ~~program shall be based solely on the guidelines used for~~
12 ~~subsidized child care, notwithstanding any financial~~
13 eligibility criteria to the contrary in s. 414.075, s.
14 414.085, or s. 414.095.

15 (4) In addition to school readiness ~~child care~~
16 services provided under s. 411.01 ~~402.3015~~, dependent care may
17 be provided for children age 13 years and older who are in
18 need of care due to disability and where such care is needed
19 for the parent to accept or continue employment or otherwise
20 participate in work activities. The amount of subsidy shall be
21 consistent with the rates for special needs child care
22 established by the department. Dependent care needed for
23 employment may be provided as transitional services for up to
24 2 years after eligibility for temporary cash assistance ends.

25 Section 25. Effective January 1, 2002, subsections (1)
26 and (2) of section 228.061, paragraph (o) of subsection (4) of
27 section 230.23, sections 230.2303, 230.2305, and 230.2306,
28 Florida Statutes, are repealed.

29 Section 26. Effective January 1, 2002, section 402.28,
30 subsection (1) of section 402.281, sections 402.3015,
31 402.3027, and 402.3028, subsection (18) of section 402.305,

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1 section 402.3052, paragraph (c) of subsection (2) of section
2 402.3135, and subsections (2) and (6) of section 402.45,
3 Florida Statutes, are repealed.

4 Section 27. Effective January 1, 2002, paragraph (a)
5 of subsection (1) of section 391.304 and section 411.222,
6 Florida Statutes, are repealed.

7 Section 28. Section 228.082, Florida Statutes, is
8 amended to read:

9 228.082 The Florida Virtual On-Line High School.--

10 (1)(a) The Florida Virtual On-Line High School is
11 established for the development and delivery of on-line and
12 distance learning education and shall be administratively
13 housed within the Commissioner of Education's Office of
14 Technology and Information Services. The Commissioner of
15 Education shall monitor the school's performance and report
16 its performance to the Florida Board of Education and the
17 Legislature.

18 (b) The mission of the Florida Virtual High School is
19 to provide students with high-quality technology-based
20 educational opportunities to gain the knowledge and skills
21 necessary to succeed in the 21st century. The school shall
22 serve any student in the state who meets the profile for
23 success in this educational delivery context and shall give
24 priority to:

25 1. Students who need expanded access to courses in
26 order to meet their educational goals, such as home education
27 students and students in inner-city and rural high schools who
28 do not have access to higher-level courses.

29 2. Students seeking accelerated access in order to
30 obtain a high school diploma at least one semester early.

31 (c) To ensure students are informed of the

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1 opportunities offered by the Florida Virtual High School, the
2 commissioner shall provide the board of trustees access to the
3 records of public school students in a format prescribed by
4 the board of trustees.

5
6 The board of trustees of the Florida Virtual High School shall
7 identify appropriate performance measures and standards based
8 on student achievement that reflect the school's statutory
9 mission and priorities, and shall implement an accountability
10 system for the school that includes assessment of its
11 effectiveness and efficiency in providing quality services
12 that encourage high student achievement, seamless
13 articulation, and maximum access.

14 (2) The Florida Virtual ~~On-Line~~ High School shall be
15 governed by a board of trustees comprised of seven members
16 appointed by the Governor to 4-year staggered terms, one of
17 whom shall be the current chair of the Florida High School
18 Advisory Board and one of whom shall be a representative of
19 the fiscal agent, and one of whom shall be the Chief
20 Information Officer or ~~his~~ designee from the State Technology
21 Office pursuant to ~~ch. 2000-164, Laws of Florida~~. The board
22 shall be a public agency entitled to sovereign immunity
23 pursuant to s. 768.28, and board members shall be public
24 officers who shall bear fiduciary responsibility for the
25 Florida Virtual ~~On-Line~~ High School. The board of trustees
26 shall have the following powers and duties:

27 (a) 1. The board of trustees shall meet ~~within 30 days~~
28 ~~of July 1, 2000, and shall continue to meet~~ at least 4 times
29 each year, upon the call of the chair, or at the request of a
30 majority of the membership.

31 (b) ~~Until not more than 60 days after the initial~~

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1 ~~meeting of the board, the current governance structure of the~~
2 ~~Florida On-Line High School shall be maintained.~~

3 2.(c) The fiscal year for the Florida Virtual On-Line
4 High School shall be the state fiscal year as provided in s.
5 216.011(1)(n).

6 (b) The board of trustees shall be responsible for the
7 Florida Virtual High School's development of a
8 state-of-the-art technology-based education delivery system
9 that is cost-effective, educationally sound, marketable, and
10 capable of sustaining a self-sufficient delivery system
11 through the Florida Education Finance Program, by fiscal year
12 2003-2004. Beginning in fiscal year 2001-2002, the school
13 shall collect and report data for all students served and
14 credit awarded. This data shall be segregated by private,
15 public, and home school students by program. Information shall
16 also be collected which reflects any other school in which a
17 virtual high school student is enrolled.

18 (c)(d) The board of trustees shall aggressively seek
19 avenues to generate revenue to support its future endeavors,
20 and shall enter into agreements with distance learning
21 providers. The board of trustees and may acquire, enjoy, use,
22 and dispose of patents, copyrights, and trademarks and any
23 licenses and other rights or interests thereunder or therein.
24 Ownership of all such patents, copyrights, trademarks,
25 licenses, and rights or interests thereunder or therein shall
26 vest in the state, with the board having full right of use and
27 full right to retain the revenues derived therefrom. Any funds
28 realized from patents, copyrights, trademarks, or licenses
29 shall be used to support the school's research and development
30 activities in order to improve courseware and services to its
31 students.

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1 ~~(d)(e)~~ The board of trustees shall annually prepare
2 and submit to the Florida Board of Education a legislative
3 budget request, including funding requests for computers for
4 public school students who do not have access to public school
5 computers, in accordance with chapter 216 and s. 235.41. The
6 legislative budget request of the Florida Virtual ~~On-Line~~ High
7 School shall be prepared using the same format, procedures,
8 and timelines required for the submission of the legislative
9 budget of the Department of Education.

10 ~~(e)(f)~~ In accordance with law and rules of the Florida
11 Board of Education, the board of trustees shall administer and
12 maintain personnel programs for all employees of the board of
13 trustees and the Florida Virtual ~~On-Line~~ High School. The
14 board of trustees may adopt rules, policies, and procedures
15 related to the appointment, employment, and removal of
16 personnel.

17 1. The board of trustees shall determine the
18 compensation, including salaries and fringe benefits, and
19 other conditions of employment for such personnel.

20 2. The board of trustees may establish and maintain a
21 personnel loan or exchange program by which persons employed
22 by the board for the Florida Virtual ~~On-Line~~ High School as
23 academic administrative and instructional staff may be loaned
24 to, or exchanged with persons employed in like capacities by,
25 public agencies either within or without this state, or by
26 private industry. With respect to public agency employees, the
27 program authorized by this subparagraph shall be consistent
28 with the requirements of part II of chapter 112. The salary
29 and benefits of board personnel participating in the loan or
30 exchange program shall be continued during the period of time
31 they participate in a loan or exchange program, and such

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1 personnel shall be deemed to have no break in creditable or
2 continuous service or employment during such time. The salary
3 and benefits of persons participating in the personnel loan or
4 exchange program who are employed by public agencies or
5 private industry shall be paid by the originating employers of
6 those participants, and such personnel shall be deemed to have
7 no break in creditable or continuous service or employment
8 during such time.

9 3. The employment of all Florida Virtual ~~On-Line~~ High
10 School academic administrative and instructional personnel
11 shall be subject to rejection for cause by the board of
12 trustees, and shall be subject to policies of the board of
13 trustees relative to certification, tenure, leaves of absence,
14 sabbaticals, remuneration, and such other conditions of
15 employment as the board deems necessary and proper, not
16 inconsistent with law.

17 4. Each person employed by the board of trustees in an
18 academic administrative or instructional capacity with the
19 Florida Virtual ~~On-Line~~ High School shall be entitled to a
20 contract as provided by rules of the board.

21 5. All employees except temporary, seasonal, and
22 student employees may be state employees for the purpose of
23 being eligible to participate in the Florida Retirement System
24 and receive benefits. The classification and pay plan,
25 including terminal leave and other benefits, and any
26 amendments thereto, shall be subject to review and approval by
27 the Department of Management Services and the Executive Office
28 of the Governor prior to adoption. In the event that the board
29 of trustees assumes responsibility for governance pursuant to
30 this section before approval is obtained, employees shall be
31 compensated pursuant to the system in effect for the employees

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1 of the fiscal agent.

2 ~~(f)(g)~~ The board of trustees shall establish
3 priorities for admission of students in accordance with
4 paragraph (1)(b).

5 ~~(g)(h)~~ The board of trustees shall establish and
6 distribute to all school districts and high schools in the
7 state procedures for enrollment of students into courses
8 offered by the Florida Virtual On-Line High School. Such
9 procedures shall be designed to minimize paperwork and fairly
10 resolve the issue of double funding students taking courses
11 online maximize participation by students.

12 ~~(h)(i)~~ The board of trustees shall annually submit to
13 the Florida Board Department of Education both forecasted and
14 actual enrollments for the Florida Virtual On-Line High
15 School, according to procedures established by the Florida
16 Board Department of Education. At a minimum, such procedures
17 must include the number of public, private, and home school
18 students served by district.

19 ~~(i)(j)~~ The board of trustees shall provide for the
20 content and custody of student and employee personnel records.
21 Student records shall be subject to the provisions of s.
22 228.093. Employee records shall be subject to the provisions
23 of s. 231.291.

24 ~~(j)(k)~~ The financial records and accounts of the
25 Florida Virtual On-Line High School shall be maintained under
26 the direction of the board of trustees and under regulations
27 prescribed by the Florida State Board of Education for the
28 uniform system of financial records and accounts for the
29 schools of the state.

30

31 The Governor shall designate the initial chair of the board of

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1 trustees to serve a term of 4 years. Members of the board of
2 trustees shall serve without compensation, but may be
3 reimbursed for per diem and travel expenses pursuant to s.
4 112.061. The board of trustees shall be a body corporate with
5 all the powers of a body corporate and such authority as is
6 needed for the proper operation and improvement of the Florida
7 Virtual ~~On-Line~~ High School. The board of trustees is
8 specifically authorized to adopt rules, policies, and
9 procedures, consistent with law and rules of the Florida Board
10 of Education related to governance, personnel, budget and
11 finance, administration, programs, curriculum and instruction,
12 travel and purchasing, technology, students, contracts and
13 grants, and property as necessary for optimal, efficient
14 operation of the Florida Virtual ~~On-Line~~ High School. Tangible
15 personal property owned by the board of trustees shall be
16 subject to the provisions of chapter 273.

17 (3)(a) Until fiscal year 2003-2004, the Commissioner
18 of Education shall include the Florida Virtual ~~On-Line~~ High
19 School as a grant-in-aid appropriation in the department's
20 legislative budget request to the Florida State Board of
21 Education, the Governor, and the Legislature, -

22 ~~(a)~~ subject to any guidelines imposed in the General
23 Appropriations Act, ~~funds for the operation of the Florida~~
24 ~~On-Line High School shall be requested and appropriated within~~
25 ~~the Department of Education as a grant-in-aid category until~~
26 ~~such time as the Legislature authorizes a different funding~~
27 ~~mechanism.~~

28 (b) The Orange County District School Board shall be
29 the temporary fiscal agent of the Florida Virtual ~~On-Line~~ High
30 School.

31 ~~(c) Priorities for the delivery of services by the~~

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1 ~~Florida On-Line High School shall ensure that priority access~~
2 ~~is provided equitably across the state.~~

3 (4) Under no circumstance may the credit of the state
4 be pledged on behalf of the Florida Virtual ~~On-Line~~ High
5 School.

6 (5) ~~By January 1, 2001,~~The board of trustees shall
7 annually submit to the Governor, the Legislature, the
8 Commissioner of Education,and the Florida Board of Education
9 ~~Reorganization Transition Commission~~ a complete and detailed
10 report setting forth:

11 (a) The operations and accomplishments of the Florida
12 Virtual ~~On-Line~~ High School.

13 (b) The marketing and operational plan for the Florida
14 Virtual ~~On-Line~~ High School, including recommendations
15 regarding methods for improving the delivery of education
16 through the Internet and other distance learning technology.

17 (c) The assets and liabilities of the Florida Virtual
18 ~~On-Line~~ High School at the end of the fiscal year.

19 (d) A copy of an annual financial and compliance audit
20 of the accounts and records of the Florida Virtual ~~On-Line~~
21 High School, conducted by an independent certified public
22 accountant and performed in accordance with rules adopted by
23 the Auditor General.

24 (e) Recommendations regarding the unit cost of
25 providing services to students. In order to most effectively
26 develop public policy regarding any future funding of the
27 Florida Virtual ~~On-Line~~ High School, it is imperative that the
28 cost of the program is accurately identified. The identified
29 cost of the program must be based on reliable data ~~and reflect~~
30 ~~the costs associated with maintaining a state-of-the-art~~
31 ~~on-line high school, including the costs associated with~~

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1 ~~maintaining a high-quality research and development effort to~~
2 ~~locate and assimilate, or develop, Internet-based courses.~~

3 (f) Recommendations regarding an accountability
4 mechanism to assess the effectiveness of the services provided
5 by the Florida Virtual ~~On-Line~~ High School.

6 (6) The Auditor General may, pursuant to his or her
7 own authority, or at the direction of the Joint Legislative
8 Auditing Committee, conduct an audit of the Florida Virtual
9 ~~On-Line~~ High School.

10 (7) The Florida State Board of Education may adopt
11 rules it deems necessary to implement reporting requirements
12 for the Florida Virtual ~~On-Line~~ High School.

13 Section 29. The Department of Education shall maximize
14 the available federal indirect cost allowed on all federal
15 grants. Beginning with the 2002-2003 fiscal year, none of the
16 funds received from indirect cost allowance shall be expended
17 by the department without specific appropriation by the
18 Legislature. Funds received pursuant to s. 240.241, Florida
19 Statutes, are specifically exempt from this provision.

20 Section 30. Effective June 30, 2002, section 229.8065,
21 Florida Statutes, is repealed.

22 Section 31. Effective July 1, 2002, subsection (2) of
23 section 229.085, Florida Statutes, is amended to read:

24 229.085 Custody of educational funds.--

25 (2) There is created in the Department of Education
26 the Projects, Contracts, and Grants Trust Fund. ~~if, in~~
27 ~~executing the terms of such grants or contracts for specific~~
28 ~~projects, the employment of personnel shall be required, such~~
29 ~~personnel shall not be subject to the requirements of s.~~
30 ~~216.262(1)(a).~~ The personnel employed to plan and administer
31 grants or contracts for specific such projects shall be

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1 considered in time-limited employment not to exceed the
2 duration of the grant or until completion of the project,
3 whichever first occurs. Such employees shall not acquire
4 retention rights under the Career Service System, the
5 provisions of s. 110.051(1) to the contrary notwithstanding.
6 Any employee holding permanent career service status in a
7 Department of Education position who is appointed to a
8 position under the Projects, Contracts, and Grants Trust Fund
9 shall retain such permanent status in the career service
10 position.

11 Section 32. Subsection (6) of section 240.205, Florida
12 Statutes, is amended to read:

13 240.205 Board of Regents incorporated.--The Board of
14 Regents is hereby created as a body corporate with all the
15 powers of a body corporate for all the purposes created by, or
16 that may exist under, the provisions of this chapter or laws
17 amendatory hereof and shall:

18 (6) Acquire real and personal property and contract
19 for the sale and disposal of same and approve and execute
20 contracts for the acquisition of commodities, goods,
21 equipment, contractual services, leases of real and personal
22 property, and construction. The acquisition may include
23 purchase by installment or lease-purchase. Such contracts may
24 provide for payment of interest on the unpaid portion of the
25 purchase price. ~~The board may also acquire the same~~
26 ~~commodities, goods, equipment, contractual services, leases,~~
27 ~~and construction for use by a university when the contractual~~
28 ~~obligation exceeds \$1 million.~~ Title to all real property,
29 however acquired, shall be vested in the Board of Trustees of
30 the Internal Improvement Trust Fund and shall be transferred
31 and conveyed by it. Notwithstanding any other provisions of

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1 this subsection, the Board of Regents shall comply with the
2 provisions of s. 287.055 for the procurement of professional
3 services as defined therein.

4 Section 33. Subsections (2), (4), and (5), paragraphs
5 (b), (c), and (d) of subsection (1), and paragraphs (a), (c),
6 (d), and (e) of subsection (3) of section 235.217, Florida
7 Statutes, are repealed.

8 Section 34. Sections 240.145, 240.147, 240.227,
9 240.307, subsection (2) of section 240.209, and subsection (4)
10 of section 240.311, Florida Statutes, are repealed.

11 Section 35. Section 240.3836, Florida Statutes, is
12 amended to read:

13 240.3836 Site-determined baccalaureate degree access
14 ~~program/ funding.--~~

15 (1) The Legislature recognizes that public and private
16 postsecondary education institutions play essential roles in
17 improving the quality of life and economic well-being of the
18 state and its residents. The Legislature also recognizes that
19 economic development needs and the educational needs of
20 place-bound, nontraditional students have increased the demand
21 for local access to baccalaureate degree programs. In some,
22 but not all, geographic regions, baccalaureate degree programs
23 are being delivered successfully at the local community
24 college through agreements between the community college and
25 4-year postsecondary institutions within or outside of the
26 state. It is therefore the intent of the Legislature to
27 further expand access to baccalaureate degree programs through
28 the use of community colleges ~~apply this concept in the~~
29 ~~creation and funding of a program that supports local economic~~
30 ~~development and responds to public demand for increased access~~
31 ~~to baccalaureate degrees in areas of the state that are~~

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1 underserved by 4-year institutions.

2 (2) A community college may be authorized by the
3 Florida Board of Education to offer a limited number of
4 baccalaureate degrees designed to meet local workforce needs
5 through one of the following processes:

6 (a) A community college may enter into a formal
7 agreement with the state university in its service area for
8 the community college to deliver specified baccalaureate
9 degree programs. The agreement must be submitted to the
10 Florida Board of Education for approval. The community
11 college's proposal must include the following information:

12 1. Demand for the baccalaureate degree program is
13 identified by the workforce development board, local
14 businesses and industry, local chambers of commerce, and
15 potential students.

16 2. Unmet need for graduates of the proposed degree
17 program is substantiated.

18 3. The community college has the facilities and
19 academic resources to deliver the program.

20
21 The proposal must be submitted to the Council for Education
22 Policy Research and Improvement for review and comment. Upon
23 approval of the Florida Board of Education for the specific
24 degree program or programs, the community college shall pursue
25 regional accreditation by the Commission on Colleges of the
26 Southern Association of Colleges and Schools. Any additional
27 baccalaureate degree programs the community college wishes to
28 offer must be approved by the Florida Board of Education.

29 (b) A community college may develop a proposal to
30 deliver specified baccalaureate degree programs in its
31 district. The proposal must be submitted to the Florida Board

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1 of Education for approval. The community college's proposal
2 must include the following information:

3 1. Demand for the baccalaureate degree program is
4 identified by the workforce development board, local
5 businesses and industry, local chambers of commerce, and
6 potential students.

7 2. Unmet need for graduates of the proposed degree
8 program is substantiated.

9 3. The community college has the facilities and
10 academic resources to deliver the program.

11
12 The proposal must be submitted to the Council for Education
13 Policy Research and Improvement for review and comment. Upon
14 approval of the Florida Board of Education for the specific
15 degree program or programs, the community college shall pursue
16 regional accreditation by the Commission on Colleges of the
17 Southern Association of Colleges and Schools. Any additional
18 baccalaureate degree programs the community college wishes to
19 offer must be approved by the Florida Board of Education.

20 (3) A community college may not terminate its
21 associate in arts or associate in science degree programs as a
22 result of the authorization provided in subsection (2). The
23 Legislature intends that the primary mission of a community
24 college, including a community college that offers
25 baccalaureate degree programs, continues to be the provision
26 of associate degrees that provide access to a university.

27 ~~(2) Categorical funding is authorized for the~~
28 ~~site-determined baccalaureate degree access program created by~~
29 ~~this section. Funds may not be used to support the~~
30 ~~construction, renovation, or remodeling of facilities. This~~
31 ~~program is voluntary and does not preclude other mutually~~

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1 ~~agreed upon arrangements between community colleges and 4-year~~
2 ~~institutions for the delivery of baccalaureate degrees on~~
3 ~~community college sites.~~

4 ~~(3) Each community college wishing to participate in~~
5 ~~the site-determined baccalaureate degree access program must:~~

6 ~~(a) Identify baccalaureate degree programs that are~~
7 ~~not currently offered at the community college but are~~
8 ~~proposed for delivery at the college to meet the academic and~~
9 ~~economic development needs of one or more communities within~~
10 ~~the college's service area. When assessing local needs, the~~
11 ~~college should seek input from the appropriate chamber of~~
12 ~~commerce, workforce development council, and other civic and~~
13 ~~business groups. As used in this section, the term "economic~~
14 ~~development" means entrepreneurial efforts, the attraction of~~
15 ~~new business and industry to the area, and the expansion of~~
16 ~~existing business and industry.~~

17 ~~(b) Determine the number of students interested in~~
18 ~~pursuing each proposed baccalaureate degree program and~~
19 ~~identify the enrollment patterns, any special characteristics~~
20 ~~of those students, and any unique combination or modification~~
21 ~~of course offerings that may be necessary to meet student~~
22 ~~enrollment needs.~~

23 ~~(c) Submit a proposal to the Postsecondary Education~~
24 ~~Planning Commission requesting validation of the need for the~~
25 ~~proposed baccalaureate degree program and tentative approval~~
26 ~~for program funding. The proposal must include:~~

27 ~~1. A description of each proposed baccalaureate degree~~
28 ~~program identifying the junior-level and senior-level courses~~
29 ~~to be offered and designating whether the program should be~~
30 ~~offered for a cohort group or as an ongoing degree program.~~

31 ~~2. Evidence that local occupational forecasts support~~

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1 ~~the existence of jobs for graduates of the proposed~~
2 ~~baccalaureate degree programs.~~

3 ~~3. An estimated number of students to be served by~~
4 ~~each proposed degree program.~~

5 ~~4. An assurance that the community college's existing~~
6 ~~facilities are sufficient to meet the additional demands for~~
7 ~~classroom and laboratory space for the proposed degree~~
8 ~~programs.~~

9 ~~5. Evidence that the college has requested the~~
10 ~~participation of no fewer than three regionally accredited~~
11 ~~4-year postsecondary institutions, including at least one~~
12 ~~member of the State University System. Any member of the~~
13 ~~State University System and any independent, regionally~~
14 ~~accredited, 4-year institution that is chartered in, and has~~
15 ~~its primary campus located in, Florida may be a partner in a~~
16 ~~site-determined baccalaureate degree access program at any~~
17 ~~community college.~~

18 ~~6. A tentative agreement between the community college~~
19 ~~and the 4-year postsecondary institution selected to offer the~~
20 ~~upper-level courses leading to the proposed degree or degrees.~~

21 ~~7. Any additional provisions that the Postsecondary~~
22 ~~Education Planning Commission considers pertinent to the~~
23 ~~proposal.~~

24 ~~(4) The Postsecondary Education Planning Commission,~~
25 ~~after soliciting comments from the Board of Regents and the~~
26 ~~State Board of Community Colleges, shall validate the need for~~
27 ~~each baccalaureate degree program proposed for delivery~~
28 ~~according to this section and shall notify the community~~
29 ~~college that its proposal has been approved or rejected. The~~
30 ~~commission shall establish procedures for the timely~~
31 ~~submission, review, and approval of the proposals and~~

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1 ~~agreements required by this section. These procedures must be~~
2 ~~designed to allow the initiation of approved baccalaureate~~
3 ~~degree programs at least 3 times each fiscal year.~~
4 ~~(5) Once the Postsecondary Education Planning~~
5 ~~Commission validates the need for the proposed baccalaureate~~
6 ~~degree program and notifies the community college that its~~
7 ~~proposal has been approved, the community college shall~~
8 ~~finalize an agreement with the regionally accredited, public~~
9 ~~or nonpublic, 4-year postsecondary institution selected to~~
10 ~~provide the upper-level instructional services in the approved~~
11 ~~baccalaureate degree program. The commission shall identify~~
12 ~~the common aspects that each agreement must address,~~
13 ~~including, but not limited to:~~
14 ~~(a) A course delivery pattern based on the student~~
15 ~~enrollment patterns and characteristics included in the~~
16 ~~approved proposal.~~
17 ~~(b) An articulation provision that guarantees~~
18 ~~acceptance of students who hold an associate in arts or~~
19 ~~associate in science degree and satisfy any other~~
20 ~~prerequisites for admission to the specific baccalaureate~~
21 ~~degree program.~~
22 ~~(c) The provision of library services and student~~
23 ~~support services.~~
24 ~~(d) An agreement that the participating 4-year~~
25 ~~postsecondary institution will continue offering instructional~~
26 ~~services at least until all qualified members of the initial~~
27 ~~group of students have had an opportunity to complete the~~
28 ~~degree program.~~
29 ~~(e) The specific and measurable performance criteria~~
30 ~~that the Postsecondary Education Planning Commission may use~~
31 ~~to evaluate the outcomes and outputs of the baccalaureate~~

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1 ~~degree program within an identified timeframe.~~
2 ~~(f) An agreement that in-state student tuition for the~~
3 ~~degree program will not exceed the matriculation fee for the~~
4 ~~State University System unless the proposal approved by the~~
5 ~~Postsecondary Education Planning Commission allows the~~
6 ~~participating institutions to charge differentiated tuition~~
7 ~~and fees to encourage student attendance and participation.~~
8 ~~Out-of-state students shall pay full costs. Notwithstanding~~
9 ~~s. 240.605, students participating in a site-determined~~
10 ~~baccalaureate degree program may not receive a Florida~~
11 ~~Resident Access Grant.~~

12 ~~(6) Each participating community college must submit~~
13 ~~the agreement required by this section to the Postsecondary~~
14 ~~Education Planning Commission for review and final approval~~
15 ~~before initiating an approved site-determined baccalaureate~~
16 ~~degree access program. Subject to the availability of~~
17 ~~legislative appropriations specifically provided for this~~
18 ~~purpose, the Postsecondary Education Planning Commission must~~
19 ~~recommend to the Commissioner of Education the total funds to~~
20 ~~be released to each participating community college for the~~
21 ~~initiation of the approved site-determined baccalaureate~~
22 ~~degree access program. The community college shall distribute~~
23 ~~funds to the participating 4-year postsecondary institution at~~
24 ~~the rate specified in the approved agreement. The~~
25 ~~Postsecondary Education Planning Commission shall not~~
26 ~~recommend the release of funding for any program that is~~
27 ~~terminated before or after the evaluation required by this~~
28 ~~section. The total funds to be released for the initiation of~~
29 ~~an approved program shall be based on the number of fundable~~
30 ~~upper-level student credit hours for each term. Unless~~
31 ~~otherwise provided in an appropriations act, the funding per~~

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1 ~~credit hour shall be an amount equal to the state funds,~~
2 ~~excluding student fees, appropriated to the State University~~
3 ~~System for each full-time equivalent student enrolled in~~
4 ~~upper-level course work. Student credit hours funded under~~
5 ~~this program may not be duplicated in any other calculation of~~
6 ~~state funding for the 4-year institution.~~

7 ~~(7) The Postsecondary Education Planning Commission~~
8 ~~may require the participating community colleges and 4-year~~
9 ~~postsecondary institutions to submit information necessary to~~
10 ~~monitor the annual performance of the program. Within 90 days~~
11 ~~after the 2nd and 4th year of the site-determined~~
12 ~~baccalaureate degree access program, the commission shall~~
13 ~~submit to the chairs of the education and fiscal committees of~~
14 ~~the Legislature a progress report, including an evaluation of~~
15 ~~the funding mechanism created by this section. The commission~~
16 ~~shall review each site-determined baccalaureate degree access~~
17 ~~program funded under this section to ascertain whether the~~
18 ~~performance measures specified in the agreement between the~~
19 ~~participating community college and the 4-year institution~~
20 ~~have been met. Each program must be reviewed 4 years after~~
21 ~~initiation unless a shorter timeframe is specified in the~~
22 ~~agreement. The performance measures must include the student~~
23 ~~graduation rate, the employment rate of program graduates both~~
24 ~~within and outside the community college service area, the~~
25 ~~continuing need to offer the specific baccalaureate degree~~
26 ~~program in the community college service area, and such other~~
27 ~~information as the Postsecondary Education Planning Commission~~
28 ~~may determine necessary for program and performance~~
29 ~~evaluation. Based on its evaluation, the commission shall~~
30 ~~either approve continuation of the program, require~~
31 ~~modifications prior to program approval, or recommend that the~~

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1 ~~participating institutions terminate the program after all~~
2 ~~qualified members of the initial group of students have an~~
3 ~~opportunity to complete the degree program. The commission~~
4 ~~must submit to the Commissioner of Education for inclusion in~~
5 ~~the legislative budget a request for funding for approved~~
6 ~~site-determined baccalaureate degree access programs.~~

7 ~~(8) If no accredited 4-year institution is willing to~~
8 ~~provide a baccalaureate degree program approved by the~~
9 ~~Postsecondary Education Planning Commission under this~~
10 ~~section, the community college board of trustees may ask the~~
11 ~~commission to evaluate the college's request to offer the~~
12 ~~degree program. If the commission is satisfied that the~~
13 ~~community college should offer the degree program, it shall~~
14 ~~recommend to the Legislature the enactment of statutory~~
15 ~~authority for the community college to offer that specific~~
16 ~~baccalaureate degree program.~~

17 Section 36. Effective July 1, 2001, subsection (5) of
18 section 240.2011, Florida Statutes, is amended, and subsection
19 (12) is added to said section, to read:

20 240.2011 State University System defined.--The State
21 University System shall consist of the following:

22 (5) The University of South Florida, with a main
23 campus located in Hillsborough County and two fiscally
24 autonomous campuses, one in Pinellas County, named the
25 University of South Florida St. Petersburg, and the other
26 named the University of South Florida Sarasota/Manatee.

27 (12) New College of Florida, located in Sarasota
28 County, which is the 4-year residential liberal arts honors
29 college of the State of Florida.

30 Section 37. Section 240.527, Florida Statutes, is
31 amended to read:

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1 (Substantial rewording of section. See
2 s. 240.527, F.S., for present text.)
3 240.527 The University of South Florida St.
4 Petersburg.--

5 (1) The St. Petersburg campus of the University of
6 South Florida is established and shall be known as the
7 "University of South Florida St. Petersburg."

8 (a) The Legislature intends that the University of
9 South Florida St. Petersburg be operated and maintained as a
10 separate organizational and budget entity of the University of
11 South Florida, and that all legislative appropriations for the
12 University of South Florida St. Petersburg be set forth as
13 separate line items in the annual General Appropriations Act.

14 (b) The University of South Florida St. Petersburg
15 shall have a Campus Board and a Campus Executive Officer.

16 (c) As soon as possible, but no later than the
17 effective date of this act, the President of the University of
18 South Florida shall begin the process of application to the
19 Commission on Colleges of the Southern Association of Colleges
20 and Schools for separate accreditation of the University of
21 South Florida St. Petersburg. If the application is not
22 approved or is provisionally approved, the University of South
23 Florida shall correct any identified deficiencies and shall
24 continue to work for accreditation.

25 (2) The Board of Trustees of the University of South
26 Florida shall appoint to the Campus Board, from
27 recommendations of the President of the University of South
28 Florida, five residents of Pinellas County. If a resident of
29 Pinellas County is appointed to the Board of Trustees of the
30 University of South Florida, the board shall appoint that
31 member to serve jointly as a member of the Campus Board. If

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1 more than one Pinellas County resident is appointed to the
2 Board of Trustees, the board shall select one joint member.

3 The Board of Trustees may reappoint a member to the Campus
4 Board for one additional term. The Campus Board has the powers
5 and duties provided by law, which include the authority to:

6 (a) Review and approve an annual legislative budget
7 request to be submitted to the Commissioner of Education. The
8 Campus Executive Officer shall prepare the legislative budget
9 request in accordance with guidelines established by the
10 Florida Board of Education. This request must include items
11 for campus operations and fixed capital outlay.

12 (b) Approve and submit an annual operating plan and
13 budget for review and consultation by the Board of Trustees of
14 the University of South Florida. The campus operating budget
15 must reflect the actual funding available to that campus from
16 separate line-item appropriations contained in each annual
17 General Appropriations Act, which line-item appropriations
18 must initially reflect the funds reported to the Legislature
19 for the University of South Florida St. Petersburg campus for
20 fiscal year 2000-2001 and any additional funds provided in the
21 fiscal year 2001-2002 legislative appropriation.

22 (c) Enter into central support services contracts with
23 the Board of Trustees of the University of South Florida for
24 any services that the St. Petersburg campus cannot provide
25 more economically, including payroll processing, accounting,
26 technology, construction administration, and other desired
27 services. However, all legal services for the campus must be
28 provided by a central services contract with the university.
29 The Board of Trustees of the University of South Florida and
30 the Campus Board shall determine in a letter of agreement any
31 allocation or sharing of student fee revenue between the

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1 University of South Florida's main campus and the St.
2 Petersburg campus.

3
4 The Board of Trustees of the University of South Florida may
5 lawfully delegate other powers and duties to the Campus Board
6 for the efficient operation and improvement of the campus and
7 for the purpose of vesting in the campus the attributes
8 necessary to meet the requirements for separate accreditation
9 by the Southern Association of Colleges and Schools.

10 (3) The University of South Florida St. Petersburg
11 shall be administered by a Campus Executive Officer who shall
12 be appointed by, report directly to, and serve at the pleasure
13 of the President of the University of South Florida. The
14 President shall consult with the Campus Board before hiring or
15 terminating the Campus Executive Officer. The Campus Executive
16 Officer has authority and responsibility as provided in law,
17 including the authority to:

18 (a) Administer campus operations within the annual
19 operating budget as approved by the Campus Board.

20 (b) Recommend to the Campus Board an annual
21 legislative budget request that includes funding for campus
22 operations and fixed capital outlay.

23 (c) Recommend to the Campus Board an annual campus
24 operating budget.

25 (d) Recommend to the Campus Board appropriate services
26 and terms and conditions to be included in annual central
27 support services contracts.

28 (e) Carry out any additional responsibilities assigned
29 or delegated by the President of the University of South
30 Florida for the efficient operation and improvement of the
31 campus, especially any authority necessary for the purpose of

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1 vesting in the campus attributes necessary to meet the
2 requirements for separate accreditation.

3 (4) Students enrolled at the University of South
4 Florida, including those enrolled at a branch campus, have the
5 same rights and obligations as provided by law, policy, or
6 rule adopted by the University of South Florida, the Florida
7 Department of Education, or other lawful entity. The
8 University of South Florida shall provide a comprehensive and
9 coordinated system of student registration so that a student
10 enrolled at any campus of the University of South Florida has
11 the ability to register for courses at any other campus of the
12 University of South Florida.

13 (5) The following entities are not affected by this
14 section and remain under the administrative control of the
15 University of South Florida:

16 (a) The University of South Florida College of Marine
17 Science, which is a component college of the main campus.

18 (b) The Florida Institute of Oceanography, which is a
19 Type One Institute.

20 (c) The University of South Florida Pediatric Research
21 Center.

22 (d) The University of South Florida/USGS joint
23 facility.

24 Section 38. The University of South Florida
25 Sarasota/Manatee.--

26 (1) The Sarasota/Manatee campus of the University of
27 South Florida is established and shall be known as the
28 "University of South Florida Sarasota/Manatee."

29 (a) The Legislature intends that the University of
30 South Florida Sarasota/Manatee be operated and maintained as a
31 separate organizational and budget entity of the University of

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1 South Florida and that all legislative appropriations for the
2 University of South Florida Sarasota/Manatee be set forth as
3 separate line items in the annual General Appropriations Act.

4 (b) The University of South Florida Sarasota/Manatee
5 shall have a Campus Board and a Campus Executive Officer.

6 (c) As soon as possible, but no later than July 1,
7 2002, the President of the University of South Florida shall
8 begin the process of application to the Commission on Colleges
9 of the Southern Association of Colleges and Schools for
10 separate accreditation of the University of South Florida
11 Sarasota/Manatee. If the application is not approved or is
12 provisionally approved, the University of South Florida shall
13 correct any identified deficiencies and shall continue to work
14 for accreditation.

15 (2) The Board of Trustees of the University of South
16 Florida shall appoint to the Campus Board, from
17 recommendations of the President of the University of South
18 Florida, three residents of Manatee County and two residents
19 of Sarasota County, to serve 4-year staggered terms. If one or
20 more residents of Sarasota County or Manatee County are
21 appointed to the Board of Trustees of the University of South
22 Florida, the board shall, at the next vacancy of the Campus
23 Board, appoint one of those members to serve jointly as a
24 member of the Campus Board. The Board of Trustees may
25 reappoint a member to the Campus Board for one additional
26 term. The Campus Board has the powers and duties provided by
27 law, which include the authority to:

28 (a) Review and approve an annual legislative budget
29 request to be submitted to the Commissioner of Education. The
30 Campus Executive Officer shall prepare the legislative budget
31 request in accordance with guidelines established by the

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1 Florida Board of Education. This request must include items
2 for campus operations and fixed capital outlay.

3 (b) Approve and submit an annual operating plan and
4 budget for review and consultation by the Board of Trustees of
5 the University of South Florida. The campus operating budget
6 must reflect the actual funding available to that campus from
7 separate line-item appropriations contained in each annual
8 General Appropriations Act, which line-item appropriations
9 must initially reflect the funds reported to the Legislature
10 for the University of South Florida Sarasota/Manatee campus
11 for fiscal year 2000-2001 and any additional funds provided in
12 the fiscal year 2001-2002 legislative appropriation.

13 (c) Enter into central support services contracts with
14 the Board of Trustees of the University of South Florida for
15 any services that the campus at Sarasota/Manatee cannot
16 provide more economically, including payroll processing,
17 accounting, technology, construction administration, and other
18 desired services. However, all legal services for the campus
19 must be provided by a central services contract with the
20 university. The Board of Trustees of the University of South
21 Florida and the Campus Board shall determine in a letter of
22 agreement any allocation or sharing of student fee revenue
23 between the University of South Florida's main campus and the
24 Sarasota/Manatee campus.

25
26 The Board of Trustees of the University of South Florida may
27 lawfully delegate other powers and duties to the Campus Board
28 for the efficient operation and improvement of the campus and
29 for the purpose of vesting in the campus the attributes
30 necessary to meet the requirements for separate accreditation
31 by the Southern Association of Colleges and Schools.

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1 (3) The University of South Florida Sarasota/Manatee
2 shall be administered by a Campus Executive Officer who shall
3 be appointed by, report directly to, and serve at the pleasure
4 of the President of the University of South Florida. The
5 President shall consult with the Campus Board before hiring or
6 terminating the Campus Executive Officer. The Campus Executive
7 Officer has authority and responsibility as provided in law,
8 including the authority to:

9 (a) Administer campus operations within the annual
10 operating budget as approved by the Campus Board.

11 (b) Recommend to the Campus Board an annual
12 legislative budget request that includes funding for campus
13 operations and fixed capital outlay.

14 (c) Recommend to the Campus Board an annual campus
15 operating budget.

16 (d) Recommend to the Campus Board appropriate services
17 and terms and conditions to be included in annual central
18 support services contracts.

19 (e) Carry out any additional responsibilities assigned
20 or delegated by the President of the University of South
21 Florida for the efficient operation and improvement of the
22 campus, especially any authority necessary for the purpose of
23 vesting in the campus attributes necessary to meet the
24 requirements for separate accreditation.

25 (4) Students enrolled at the University of South
26 Florida, including those enrolled at a branch campus, have the
27 same rights and obligations as provided by law, policy, or
28 rule adopted by the University of South Florida, the Florida
29 Department of Education, or other lawful entity. The
30 University of South Florida shall provide a comprehensive and
31 coordinated system of student registration so that a student

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1 enrolled at any campus of the University of South Florida has
2 the ability to register for courses at any other campus of the
3 University of South Florida.

4 (5) Promote technology transfer between the research
5 operations of the University of South Florida and local
6 economic development agencies.

7 Section 39. New College of Florida.--

8 (1) MISSION AND GOALS.--As a member of the State
9 University System of Florida, New College of Florida preserves
10 its distinctive mission as a residential liberal arts honors
11 college. To maintain this mission, New College of Florida has
12 the following goals:

13 (a) To provide a quality education to students of high
14 ability who, because of their ability, deserve a program of
15 study that is both demanding and stimulating.

16 (b) To engage in undergraduate educational reform by
17 combining educational innovation with educational excellence.

18 (c) To provide programs of study that allow students
19 to design their educational experience as much as possible in
20 accordance with their individual interests, values, and
21 abilities.

22 (d) To challenge undergraduates not only to master
23 existing bodies of knowledge but also to extend the frontiers
24 of knowledge through original research.

25 (2) ACCREDITATION.--As soon as possible, New College
26 of Florida shall apply to the Commission on Colleges of the
27 Southern Association of Colleges and Schools for separate
28 accreditation.

29 (3) BOARD OF TRUSTEES.--The Governor shall appoint 12
30 members to the Board of Trustees, to serve 4-year staggered
31 terms, as follows:

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- 1 (a) Three residents of Sarasota County.
2 (b) Two residents of Manatee County.
3 (c) Until the expiration date of the terms of office
4 of the members who are on the board June 30, 2001, seven
5 members selected from the Board of Trustees of the New College
6 Foundation.

7
8 In addition, a student body president shall shall be a voting
9 member of the board.

10 Section 40. St. Petersburg College.--

11 (1) LEGISLATIVE INTENT.--The Legislature intends to
12 create an innovative means to increase access to baccalaureate
13 degree level education in populous counties that are
14 underserved by public baccalaureate degree granting
15 institutions. This education is intended to address the
16 state's workforce needs, especially the need for teachers,
17 nurses, and business managers in agencies and firms that
18 require expertise in technology.

19 (2) ST. PETERSBURG COLLEGE; MISSION; POLICIES.--St.
20 Petersburg Junior College is redesignated as St. Petersburg
21 College. The college shall immediately seek accreditation from
22 the Southern Association of Colleges and Schools as a
23 baccalaureate degree granting college.

24 (a) The primary mission of St. Petersburg College is
25 to provide high-quality undergraduate education at an
26 affordable price for students and the state. The purpose is to
27 promote economic development by preparing people for
28 occupations that require a bachelor's degree and are in demand
29 by existing or emerging public and private employers in this
30 state.

31 (b) St. Petersburg College shall maintain the mission

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1 and policies of a Florida community college, including the
2 open-door admissions policy and the authority to offer all
3 programs consistent with a public community college's
4 authority.

5 (c) St. Petersburg College shall maintain the
6 distinction between the college and its university center. St.
7 Petersburg College is limited to community college programs
8 and to selected baccalaureate degree level programs that meet
9 community needs and are authorized as provided by this
10 section. The University Center may make available more diverse
11 program offerings, but those programs are offered by a
12 participating college or university and are not to be
13 classified or funded as programs of St. Petersburg College.

14 (d) The academic policies of the upper-division
15 program at St. Petersburg College must be in accordance with
16 policies of the State University System.

17 (e) Sections 240.293 and 240.2945, Florida Statutes,
18 apply to St. Petersburg College.

19 (3) STUDENTS; FEES.--

20 (a) St. Petersburg College shall maintain separate
21 records for students who are enrolled in courses classified in
22 the upper division and lower division of a baccalaureate
23 program, according to the common course numbering and
24 designation system. A student shall be reported as a community
25 college student for enrollment in a lower-division course and
26 as a baccalaureate degree program student for enrollment in an
27 upper-division course.

28 (b) The Board of Trustees of St. Petersburg College
29 shall establish the level of matriculation, tuition, and other
30 authorized student fees.

31 1. For each credit hour of enrollment in a certificate

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1 level course or lower-division level college credit course,
2 matriculation and tuition fees must be within the range
3 authorized in law and rule for a community college student at
4 that level.

5 2. For each credit hour of enrollment in an
6 upper-division level course, matriculation and tuition fees
7 must be in an amount established by the Board of Trustees of
8 St. Petersburg College. However, fees for upper-division
9 students must reflect the fact that the college does not incur
10 the costs of major research programs. Therefore, the board
11 shall establish fees for upper-division students within a
12 range that is lower than the fees established for students at
13 a public university but higher than the fees for community
14 college students.

15 3. Other mandatory fees and local fees must be at the
16 same level for all lower-division students. For upper-division
17 students, other mandatory fees and local fees must be at a
18 level less than fees established for University of South
19 Florida students, regardless of program enrollment or level.
20 However, students in workforce development education courses
21 maintain the authorized fee exemptions described in s.
22 239.117, Florida Statutes, and may be exempt from local fees
23 imposed by the Board of Trustees, at the board's discretion.

24 (4) DEGREES.--

25 (a) In addition to the certificates, diplomas, and
26 degrees authorized in s. 240.301, Florida Statutes, St.
27 Petersburg College may offer selected baccalaureate degrees.
28 Initially, the college may offer programs that lead to a
29 baccalaureate degree in the following fields:

30 1. Bachelor of Science in Nursing. This program must
31 be designed to articulate with the associate in science degree

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1 in nursing. St. Petersburg College shall continue to offer the
2 associate in science degree in nursing.

3 2. Bachelor of Arts and Bachelor of Science in
4 Elementary Education.

5 3. Bachelor of Arts and Bachelor of Science in Special
6 Education.

7 4. Bachelor of Arts and Bachelor of Science in
8 Secondary Education.

9 5. Bachelor of Applied Science in fields selected by
10 the Board of Trustees of St. Petersburg College. The Board of
11 Trustees shall base the selection on an analysis of workforce
12 needs and opportunities in the following counties: Pinellas,
13 Pasco, Hernando, and other counties approved by the Florida
14 Department of Education. For each program selected, St.
15 Petersburg College must offer a related associate in science
16 or associate in applied science degree program, and the
17 baccalaureate degree level program must be designed to
18 articulate fully with at least one associate in science degree
19 program. The college is encouraged to develop articulation
20 agreements for enrollment of graduates of related associate in
21 applied science degree programs.

22 (b) St. Petersburg College may offer courses that
23 enable teachers to qualify for certification and
24 recertification as required by law or rule.

25 (c) St. Petersburg College may offer programs to
26 provide opportunities for a person who holds a baccalaureate
27 degree, but is not certified to teach, to obtain any
28 additional courses required for teacher certification.

29 (d) Master's degree level programs and doctoral
30 programs may be provided by agreement with a college or
31 university participating in the University Center of St.

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1 Petersburg College.

2 (e) For those students living outside Pinellas County,
3 St. Petersburg College shall recruit for the upper-division
4 only those students who have earned an associate degree. In
5 recruiting upper-division students in Pasco and Hernando
6 Counties, St. Petersburg College shall work cooperatively with
7 Pasco-Hernando Community College and shall seek to offer
8 courses and programs at Pasco-Hernando Community College when
9 feasible. The nursing programs, in particular, must be
10 conducted cooperatively, and programs at St. Petersburg
11 College shall not conflict with Pasco-Hernando Community
12 College's and the University of South Florida's cooperative
13 nursing program.

14 (5) BOARDS.--

15 (a) The Board of Trustees of St. Petersburg Junior
16 College is renamed the Board of Trustees of St. Petersburg
17 College and serves as its governing board. The Governor shall
18 appoint members as provided in s. 240.313, Florida Statutes,
19 and the board has the duties and authorities granted in ss.
20 240.315 and 240.319, Florida Statutes, and by rules of the
21 Florida Board of Education.

22 (b) The Board of Trustees of St. Petersburg College
23 may authorize direct-support organizations as authorized in
24 ss. 240.299 and 240.331, Florida Statutes.

25 (c) The Board of Trustees of St. Petersburg College
26 may continue to award degrees, diplomas, and certificates as
27 authorized for St. Petersburg Junior College, and in the name
28 of St. Petersburg Junior College, until St. Petersburg College
29 receives its accreditation.

30 (d) A coordinating board shall assist the Board of
31 Trustees in its deliberations concerning issues that affect

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1 the upper-division of St. Petersburg College. The coordinating
2 board consists of the President of the University of South
3 Florida, the President of St. Petersburg College, the
4 President of Pasco-Hernando Community College, and the chairs
5 of the boards of trustees of those institutions.

6 (e) Beginning 4 years after the college receives
7 accreditation to offer baccalaureate degrees, the Board of
8 Trustees of St. Petersburg College may determine additional
9 programs to be offered, with the approval of the coordinating
10 board. The determination must consider community needs and
11 economic opportunities.

12 (f) The coordinating board shall meet at the request
13 of the President of the University of South Florida or the
14 President of St. Petersburg College.

15 (g) If the coordinating board cannot decide an issue
16 of importance to the programs designed for upper-division
17 students, the chief educational officer of this state shall
18 resolve the issue.

19 (6) EMPLOYEES.--

20 (a) Employment at St. Petersburg College is governed
21 by the same laws that govern community colleges, except that
22 upper-division faculty are eligible for continuing contracts
23 upon the completion of the fifth year of teaching.

24 (b) Employee records for all personnel shall be
25 maintained as required by s. 240.337, Florida Statutes.

26 (7) FACILITIES.--St. Petersburg College may request
27 funding from the Public Education Capital Outlay and Debt
28 Service Trust Fund as a community college and as a university.
29 The municipalities in Pinellas County, the Board of County
30 Commissioners of Pinellas County, and all other governmental
31 entities are authorized to cooperate with the Board of

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1 Trustees of St. Petersburg College in establishing this
2 institution. The acquisition and donation of lands, buildings,
3 and equipment for the use of St. Petersburg College are
4 authorized as a public purpose. The Board of County
5 Commissioners of Pinellas County and all municipalities in
6 Pinellas County may exercise the power of eminent domain to
7 acquire lands, buildings, and equipment for the use of St.
8 Petersburg College, regardless of whether such lands,
9 buildings, and equipment are located in a community
10 redevelopment area.

11 (8) STATE FUNDING.--

12 (a) The Legislature intends to fund St. Petersburg
13 College as a community college for its workforce development
14 education programs and for its lower-division level college
15 credit courses and programs.

16 (b) The Legislature intends to fund St. Petersburg
17 College as a baccalaureate degree level institution for its
18 upper-division level courses and programs.

19 (c) During the 2001-2002 fiscal year, St. Petersburg
20 College shall estimate the appropriate level of funding for
21 these programs. By March 1, 2002, the college shall complete a
22 cost study and shall submit to the Legislature a proposal for
23 cost accounting and legislative budget requests designed to
24 acknowledge its unique classification. The cost study must
25 indicate actual costs projected for the first 4 years of
26 operation as a baccalaureate degree level institution, with
27 the first students expected to enroll in the upper division in
28 the fall semester of 2002.

29 Section 41. Nothing contained within this act shall be
30 construed to adversely impact the accreditation of the
31 University of South Florida.

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1 Section 42. Florida Bright Futures Scholarship Testing
2 Program.--

3 (1) By January 1, 2002, the Articulation Coordinating
4 Committee shall identify the minimum scores, maximum credit,
5 and course or courses for which credit is to be awarded for
6 each College Level Examination Program (CLEP) general
7 examination, CLEP subject examination, College Board Advanced
8 Placement Program examination, and International Baccalaureate
9 examination. In addition, the Articulation Coordinating
10 Committee shall identify such courses in the general education
11 core curriculum of each state university and community
12 college.

13 (2) Each community college and state university must
14 award credit for specific courses for which competency has
15 been demonstrated by successful passage of one of these
16 examinations unless the award of credit duplicates credit
17 already awarded. Community colleges and universities may not
18 exempt students from courses without the award of credit if
19 competencies have been so demonstrated.

20 (3) Beginning with initial award recipients for the
21 2002-2003 academic year and continuing thereafter, students
22 eligible for a Florida Academic Scholars award or a Florida
23 Medallion Scholars award who are admitted to and enroll in a
24 community college or state university shall, prior to
25 registering for courses that may be earned through a CLEP
26 examination and no later than registration for their second
27 term, complete at least five examinations from those specified
28 in subsection (1) in the following areas: English; humanities;
29 mathematics; natural sciences; and social sciences. Successful
30 completion of dual enrollment courses, Advanced Placement
31 examinations, and International Baccalaureate examinations

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1 taken prior to high school graduation satisfy this
2 requirement. The Articulation Coordinating Committee shall
3 identify the examinations that satisfy each component of this
4 requirement.

5 (4) Initial award recipients for the 2001-2002
6 academic year who are eligible for a Florida Academic Scholars
7 award or a Florida Medallion Scholars award and who are
8 admitted to and enroll in a community college or state
9 university may choose, prior to registering for courses that
10 may be earned through CLEP examination, to complete up to five
11 CLEP examinations, one in each of the following areas:
12 English; humanities; mathematics; natural sciences; and social
13 sciences.

14 (5) Each community college and state university shall
15 pay for the CLEP examinations required pursuant to this
16 section from the funds appropriated from the Educational
17 Enhancement Trust Fund. Institutions shall pay no more than
18 \$46 per examination for the program, which shall include
19 access to a student guide to prepare for the test. The
20 Department of Education shall negotiate with the College Board
21 for a reduced rate for the examinations. The institution shall
22 not charge the student for preparation and administration of
23 the test, access to a student guide to prepare for the test,
24 or recordkeeping and reporting of each student's test results
25 to the department.

26 (6) The credit awarded pursuant to this section shall
27 apply toward the 120 hours of college credit required pursuant
28 to s. 240.115(6).

29 (7) The maximum number of credit hours for which a
30 student is eligible to receive a Florida Bright Futures
31 Scholarship Program award shall be reduced by the number of

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1 hours for which credit is awarded pursuant to this section.

2 (8) Beginning with the 2002-2003 award recipients, the
3 Department of Education shall track and annually report on the
4 effectiveness of the program, and include information on the
5 number of students participating in the program; the CLEP
6 examinations taken and the passage rate of Florida Academic
7 Scholars and Florida Medallion Scholars award recipients; the
8 use of Advanced Placement and International Baccalaureate
9 examinations and dual enrollment courses to satisfy the
10 requirements of the program; and the course credit provided.

11 Section 43. Notwithstanding subsection (7) of section
12 3 of chapter 2000-321, Laws of Florida, section 240.551,
13 Florida Statutes, shall not stand repealed on January 7, 2003,
14 and is reenacted and amended to read:

15 240.551 Florida Prepaid College Program.--

16 (1) LEGISLATIVE INTENT.--The Legislature recognizes
17 that educational opportunity at the postsecondary level is a
18 critical state interest. It further recognizes that
19 educational opportunity is best ensured through the provision
20 of postsecondary institutions that are geographically and
21 financially accessible. Accordingly, it is the intent of the
22 Legislature that a program be established through which many
23 of the costs associated with postsecondary attendance may be
24 paid in advance and fixed at a guaranteed level for the
25 duration of undergraduate enrollment. It is similarly the
26 intent of the Legislature to provide a program that fosters
27 timely financial planning for postsecondary attendance and to
28 encourage employer participation in such planning through
29 program contributions on behalf of employees and the
30 dependents of employees.

31 (2) DEFINITIONS.--

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1 (a) "Advance payment contract" means a contract
2 entered into by the board and a purchaser pursuant to this
3 section.

4 (b) "Board" means the Florida Prepaid College Board.

5 (c) "Fund" means the Florida Prepaid College Trust
6 Fund.

7 (d) "Program" means the Florida Prepaid College
8 Program.

9 (e) "Purchaser" means a person who makes or is
10 obligated to make advance registration or dormitory residence
11 payments in accordance with an advance payment contract.

12 (f) "Qualified beneficiary" means:

13 1. A resident of this state at the time a purchaser
14 enters into an advance payment contract on behalf of the
15 resident;

16 2. A nonresident who is the child of a noncustodial
17 parent who is a resident of this state at the time that such
18 parent enters into an advance payment contract on behalf of
19 the child; or

20 3. For purposes of advance payment contracts entered
21 into pursuant to subsection (22), a graduate of an accredited
22 high school in this state who is a resident of this state at
23 the time he or she is designated to receive the benefits of
24 the advance payment contract.

25 (g) "Registration fee" means matriculation fee,
26 financial aid fee, building fee, and Capital Improvement Trust
27 Fund fee.

28 (h) "State postsecondary institution" means any
29 community college identified in s. 240.3031 or university
30 identified in s. 240.2011.

31 (3) FLORIDA PREPAID COLLEGE PROGRAM; CREATION.--There

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1 is created a Florida Prepaid College Program to provide a
2 medium through which the cost of registration and dormitory
3 residence may be paid in advance of enrollment in a state
4 postsecondary institution at a rate lower than the projected
5 corresponding cost at the time of actual enrollment. Such
6 payments shall be combined and invested in a manner that
7 yields, at a minimum, sufficient interest to generate the
8 difference between the prepaid amount and the cost of
9 registration and dormitory residence at the time of actual
10 enrollment. Students who enroll in a state postsecondary
11 institution pursuant to this section shall be charged no fees
12 in excess of the terms delineated in the advance payment
13 contract.

14 (4) FLORIDA PREPAID COLLEGE TRUST FUND.--There is
15 created within the State Board of Administration the Florida
16 Prepaid College Trust Fund. The fund shall consist of state
17 appropriations, moneys acquired from other governmental or
18 private sources, and moneys remitted in accordance with
19 advance payment contracts. All funds deposited into the trust
20 fund may be invested pursuant to s. 215.47. Dividends,
21 interest, and gains accruing to the trust fund shall increase
22 the total funds available for the program. Notwithstanding the
23 provisions of chapter 717, funds associated with terminated
24 contracts pursuant to subsection (12) and canceled contracts
25 for which no refunds have been claimed shall increase the
26 total funds available for the program. However, the board
27 shall establish procedures for notifying purchasers who
28 subsequently cancel their contracts of any unclaimed refund
29 and shall establish a time period after which no refund may be
30 claimed by a purchaser who canceled a contract. Any balance
31 contained within the fund at the end of a fiscal year shall

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1 remain therein and shall be available for carrying out the
2 purposes of the program. In the event that dividends,
3 interest, and gains exceed the amount necessary for program
4 administration and disbursements, the board may designate an
5 additional percentage of the fund to serve as a contingency
6 fund. Moneys contained within the fund shall be exempt from
7 the investment requirements of s. 18.10. Any funds of a
8 direct-support organization created pursuant to subsection
9 (22) shall be exempt from the provisions of this subsection.

10 (5) PROGRAM ADMINISTRATION.--

11 (a) The Florida Prepaid College Program shall be
12 administered by the Florida Prepaid College Board as an agency
13 of the state. The Florida Prepaid College Board is hereby
14 created as a body corporate with all the powers of a body
15 corporate for the purposes delineated in this section. For
16 the purposes of s. 6, Art. IV of the State Constitution, the
17 board shall be assigned to and administratively housed within
18 the State Board of Administration, but it shall independently
19 exercise the powers and duties specified in this section.

20 (b) The board shall consist of seven members to be
21 composed of the Insurance Commissioner and Treasurer, the
22 Comptroller, the Chancellor of the Board of Regents, the
23 Executive Director of the State Board of Community Colleges,
24 and three members appointed by the Governor and subject to
25 confirmation by the Senate. Each member appointed by the
26 Governor shall possess knowledge, skill, and experience in the
27 areas of accounting, actuary, risk management, or investment
28 management. Each member of the board not appointed by the
29 Governor may name a designee to serve the board on behalf of
30 the member; however, any designee so named shall meet the
31 qualifications required of gubernatorial appointees to the

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1 board. Members appointed by the Governor shall serve terms of
2 3 years. Any person appointed to fill a vacancy on the board
3 shall be appointed in a like manner and shall serve for only
4 the unexpired term. Any member shall be eligible for
5 reappointment and shall serve until a successor qualifies.
6 Members of the board shall serve without compensation but
7 shall be reimbursed for per diem and travel in accordance with
8 s. 112.061. Each member of the board shall file a full and
9 public disclosure of his or her financial interests pursuant
10 to s. 8, Art. II of the State Constitution and corresponding
11 statute.

12 (c) The board shall annually elect a board member to
13 serve as chair and a board member to serve as vice chair and
14 shall designate a secretary-treasurer who need not be a member
15 of the board. The secretary-treasurer shall keep a record of
16 the proceedings of the board and shall be the custodian of all
17 printed material filed with or by the board and of its
18 official seal. Notwithstanding the existence of vacancies on
19 the board, a majority of the members shall constitute a
20 quorum. The board shall take no official action in the absence
21 of a quorum. The board shall meet, at a minimum, on a
22 quarterly basis at the call of the chair.

23 (6) FLORIDA PREPAID COLLEGE BOARD; DUTIES.--The board
24 shall:

25 (a) Appoint an executive director to serve as the
26 chief administrative and operational officer of the board and
27 to perform other duties assigned to him or her by the board.

28 (b) Administer the fund in a manner that is
29 sufficiently actuarially sound to defray the obligations of
30 the program. The board shall annually evaluate or cause to be
31 evaluated the actuarial soundness of the fund. If the board

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1 perceives a need for additional assets in order to preserve
2 actuarial soundness, the board may adjust the terms of
3 subsequent advance payment contracts to ensure such soundness.

4 (c) Establish a comprehensive investment plan for the
5 purposes of this section with the approval of the State Board
6 of Administration. The comprehensive investment plan shall
7 specify the investment policies to be utilized by the board in
8 its administration of the fund. The board may place assets of
9 the fund in savings accounts or use the same to purchase fixed
10 or variable life insurance or annuity contracts, securities,
11 evidence of indebtedness, or other investment products
12 pursuant to the comprehensive investment plan and in such
13 proportions as may be designated or approved under that plan.
14 Such insurance, annuity, savings, or investment products shall
15 be underwritten and offered in compliance with the applicable
16 federal and state laws, regulations, and rules by persons who
17 are duly authorized by applicable federal and state
18 authorities. Within the comprehensive investment plan, the
19 board may authorize investment vehicles, or products incident
20 thereto, as may be available or offered by qualified companies
21 or persons. A contract purchaser may not direct the investment
22 of his or her contribution to the trust fund, and a contract
23 beneficiary may not direct the contribution made on his or her
24 behalf to the trust fund. Board members and employees of the
25 board are not prohibited from purchasing advance payment
26 contracts by virtue of their fiduciary responsibilities as
27 members of the board or official duties as employees of the
28 board.

29 (d) Solicit proposals and contract, pursuant to s.
30 287.057, for the marketing of the Florida Prepaid College
31 Program. The entity designated pursuant to this paragraph

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1 shall serve as a centralized marketing agent for the program
2 and shall be solely responsible for the marketing of the
3 program. Any materials produced for the purpose of marketing
4 the program shall be submitted to the board for review. No
5 such materials shall be made available to the public before
6 the materials are approved by the board. Any educational
7 institution may distribute marketing materials produced for
8 the program; however, all such materials shall have been
9 approved by the board prior to distribution. Neither the state
10 nor the board shall be liable for misrepresentation of the
11 program by a marketing agent.

12 (e) Solicit proposals and contract, pursuant to s.
13 287.057, for a trustee services firm to select and supervise
14 investment programs on behalf of the board. The goals of the
15 board in selecting a trustee services firm shall be to obtain
16 the highest standards of professional trustee services, to
17 allow all qualified firms interested in providing such
18 services equal consideration, and to provide such services to
19 the state at no cost and to the purchasers at the lowest cost
20 possible. The trustee services firm shall agree to meet the
21 obligations of the board to qualified beneficiaries if moneys
22 in the fund fail to offset the obligations of the board as a
23 result of imprudent selection or supervision of investment
24 programs by such firm. Evaluations of proposals submitted
25 pursuant to this paragraph shall include, but not be limited
26 to, the following criteria:

27 1. Adequacy of trustee services for supervision and
28 management of the program, including current operations and
29 staff organization and commitment of management to the
30 proposal.

31 2. Capability to execute program responsibilities

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1 within time and regulatory constraints.

2 3. Past experience in trustee services and current
3 ability to maintain regular and continuous interactions with
4 the board, records administrator, and product provider.

5 4. The minimum purchaser participation assumed within
6 the proposal and any additional requirements of purchasers.

7 5. Adequacy of technical assistance and services
8 proposed for staff.

9 6. Adequacy of a management system for evaluating and
10 improving overall trustee services to the program.

11 7. Adequacy of facilities, equipment, and electronic
12 data processing services.

13 8. Detailed projections of administrative costs,
14 including the amount and type of insurance coverage, and
15 detailed projections of total costs.

16 (f) Solicit proposals and contract, pursuant to s.
17 287.057, for product providers to develop investment
18 portfolios on behalf of the board to achieve the purposes of
19 this section. Product providers shall be limited to authorized
20 insurers as defined in s. 624.09, banks as defined in s.
21 658.12, associations as defined in s. 665.012, authorized
22 Securities and Exchange Commission investment advisers, and
23 investment companies as defined in the Investment Company Act
24 of 1940. All product providers shall have their principal
25 place of business and corporate charter located and registered
26 in the United States. In addition, each product provider shall
27 agree to meet the obligations of the board to qualified
28 beneficiaries if moneys in the fund fail to offset the
29 obligations of the board as a result of imprudent investing by
30 such provider. Each authorized insurer shall evidence superior
31 performance overall on an acceptable level of surety in

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1 meeting its obligations to its policyholders and other
 2 contractual obligations. Only qualified public depositories
 3 approved by the Insurance Commissioner and Treasurer shall be
 4 eligible for board consideration. Each investment company
 5 shall provide investment plans as specified within the request
 6 for proposals. The goals of the board in selecting a product
 7 provider company shall be to provide all purchasers with the
 8 most secure, well-diversified, and beneficially administered
 9 postsecondary education expense plan possible, to allow all
 10 qualified firms interested in providing such services equal
 11 consideration, and to provide such services to the state at no
 12 cost and to the purchasers at the lowest cost possible.

13 Evaluations of proposals submitted pursuant to this paragraph
 14 shall include, but not be limited to, the following criteria:

15 1. Fees and other costs charged to purchasers that
 16 affect account values or operational costs related to the
 17 program.

18 2. Past and current investment performance, including
 19 investment and interest rate history, guaranteed minimum rates
 20 of interest, consistency of investment performance, and any
 21 terms and conditions under which moneys are held.

22 3. Past experience and ability to provide timely and
 23 accurate service in the areas of records administration,
 24 benefit payments, investment management, and complaint
 25 resolution.

26 4. Financial history and current financial strength
 27 and capital adequacy to provide products, including operating
 28 procedures and other methods of protecting program assets.

29 (7) FLORIDA PREPAID COLLEGE BOARD; POWERS.--The board
 30 shall have the powers necessary or proper to carry out the
 31 provisions of this section, including, but not limited to, the

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1 power to:

2 (a) Adopt an official seal and rules.

3 (b) Sue and be sued.

4 (c) Make and execute contracts and other necessary
5 instruments.

6 (d) Establish agreements or other transactions with
7 federal, state, and local agencies, including state
8 universities and community colleges.

9 (e) Invest funds not required for immediate
10 disbursement.

11 (f) Appear in its own behalf before boards,
12 commissions, or other governmental agencies.

13 (g) Hold, buy, and sell any instruments, obligations,
14 securities, and property determined appropriate by the board.

15 (h) Require a reasonable length of state residence for
16 qualified beneficiaries.

17 (i) Restrict the number of participants in the
18 community college plan, university plan, and dormitory
19 residence plan, respectively. However, any person denied
20 participation solely on the basis of such restriction shall be
21 granted priority for participation during the succeeding year.

22 (j) Segregate contributions and payments to the fund
23 into various accounts and funds.

24 (k) Contract for necessary goods and services, employ
25 necessary personnel, and engage the services of private
26 consultants, actuaries, managers, legal counsel, and auditors
27 for administrative or technical assistance.

28 (l) Solicit and accept gifts, grants, loans, and other
29 aids from any source or participate in any other way in any
30 government program to carry out the purposes of this section.

31 (m) Require and collect administrative fees and

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1 charges in connection with any transaction and impose
2 reasonable penalties, including default, for delinquent
3 payments or for entering into an advance payment contract on a
4 fraudulent basis.

5 (n) Procure insurance against any loss in connection
6 with the property, assets, and activities of the fund or the
7 board.

8 (o) Impose reasonable time limits on use of the
9 tuition benefits provided by the program. However, any such
10 limitation shall be specified within the advance payment
11 contract.

12 (p) Delineate the terms and conditions under which
13 payments may be withdrawn from the fund and impose reasonable
14 fees and charges for such withdrawal. Such terms and
15 conditions shall be specified within the advance payment
16 contract.

17 (q) Provide for the receipt of contributions in lump
18 sums or installment payments.

19 (r) Require that purchasers of advance payment
20 contracts verify, under oath, any requests for contract
21 conversions, substitutions, transfers, cancellations, refund
22 requests, or contract changes of any nature. Verification
23 shall be accomplished as authorized and provided for in s.
24 92.525(1)(a).

25 (s) Delegate responsibility for administration of the
26 comprehensive investment plan required in paragraph (6)(c) to
27 a person the board determines to be qualified. Such person
28 shall be compensated by the board. Directly or through such
29 person, the board may contract with a private corporation or
30 institution to provide such services as may be a part of the
31 comprehensive investment plan or as may be deemed necessary or

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1 proper by the board or such person, including, but not limited
2 to, providing consolidated billing, individual and collective
3 recordkeeping and accountings, and asset purchase, control,
4 and safekeeping.

5 (t) Endorse insurance coverage written exclusively for
6 the purpose of protecting advance payment contracts, and the
7 purchasers and beneficiaries thereof, which may be issued in
8 the form of a group life policy and which is exempt from the
9 provisions of part V of chapter 627.

10 (u) Solicit proposals and contract, pursuant to s.
11 287.057, for the services of a records administrator. The
12 goals of the board in selecting a records administrator shall
13 be to provide all purchasers with the most secure,
14 well-diversified, and beneficially administered postsecondary
15 education expense plan possible, to allow all qualified firms
16 interested in providing such services equal consideration, and
17 to provide such services to the state at no cost and to the
18 purchasers at the lowest cost possible. Evaluations of
19 proposals submitted pursuant to this paragraph shall include,
20 but not be limited to, the following criteria:

21 1. Fees and other costs charged to purchasers that
22 affect account values or operational costs related to the
23 program.

24 2. Past experience in records administration and
25 current ability to provide timely and accurate service in the
26 areas of records administration, audit and reconciliation,
27 plan communication, participant service, and complaint
28 resolution.

29 3. Sufficient staff and computer capability for the
30 scope and level of service expected by the board.

31 4. Financial history and current financial strength

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1 and capital adequacy to provide administrative services
2 required by the board.

3 (v) Establish other policies, procedures, and criteria
4 to implement and administer the provisions of this section.

5 (w) Adopt procedures to govern contract dispute
6 proceedings between the board and its vendors.

7 (8) QUALIFIED STATE TUITION PROGRAM
8 STATUS.--Notwithstanding any other provision of this section,
9 the board may adopt rules necessary to enable the program to
10 retain its status as a "qualified state tuition program" in
11 order to maintain its tax exempt status or other similar
12 status of the program, purchasers, and qualified beneficiaries
13 under the Internal Revenue Code of 1986, as defined in s.
14 220.03(1). The board shall inform purchasers of changes to the
15 tax or securities status of contracts purchased through the
16 program.

17 (9) PREPAID COLLEGE PLANS.--At a minimum, the board
18 shall make advance payment contracts available for two
19 independent plans to be known as the community college plan
20 and the university plan. The board may also make advance
21 payment contracts available for a dormitory residence plan.

22 (a)1. Through the community college plan, the advance
23 payment contract shall provide prepaid registration fees for a
24 specified number of undergraduate semester credit hours not to
25 exceed the average number of hours required for the conference
26 of an associate degree. The cost of participation in the
27 community college plan shall be based primarily on the average
28 current and projected registration fees within the Florida
29 Community College System and the number of years expected to
30 elapse between the purchase of the plan on behalf of a
31 qualified beneficiary and the exercise of the benefits

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1 provided in the plan by such beneficiary. Qualified
2 beneficiaries shall bear the cost of any laboratory fees
3 associated with enrollment in specific courses. Each qualified
4 beneficiary shall be classified as a resident for tuition
5 purposes, pursuant to s. 240.1201, regardless of his or her
6 actual legal residence.

7 2. Effective July 1, 1998, the board may provide
8 advance payment contracts for additional fees delineated in s.
9 240.35, not to exceed the average number of hours required for
10 the conference of an associate degree, in conjunction with
11 advance payment contracts for registration fees. The cost of
12 purchasing such fees shall be based primarily on the average
13 current and projected fees within the Florida Community
14 College System and the number of years expected to elapse
15 between the purchase of the plan on behalf of the beneficiary
16 and the exercise of benefits provided in the plan by such
17 beneficiary. Community college plan contracts purchased prior
18 to July 1, 1998, shall be limited to the payment of
19 registration fees as defined in subsection (2).

20 (b)1. Through the university plan, the advance payment
21 contract shall provide prepaid registration fees for a
22 specified number of undergraduate semester credit hours not to
23 exceed the average number of hours required for the conference
24 of a baccalaureate degree. The cost of participation in the
25 university plan shall be based primarily on the current and
26 projected registration fees within the State University System
27 and the number of years expected to elapse between the
28 purchase of the plan on behalf of a qualified beneficiary and
29 the exercise of the benefits provided in the plan by such
30 beneficiary. Qualified beneficiaries shall bear the cost of
31 any laboratory fees associated with enrollment in specific

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1 courses. Each qualified beneficiary shall be classified as a
2 resident for tuition purposes pursuant to s. 240.1201,
3 regardless of his or her actual legal residence.

4 2. Effective July 1, 1998, the board may provide
5 advance payment contracts for additional fees delineated in s.
6 240.235(1), for a specified number of undergraduate semester
7 credit hours not to exceed the average number of hours
8 required for the conference of a baccalaureate degree, in
9 conjunction with advance payment contracts for registration
10 fees. Such contracts shall provide prepaid coverage for the
11 sum of such fees, to a maximum of 45 percent of the cost of
12 registration fees. The costs of purchasing such fees shall be
13 based primarily on the average current and projected cost of
14 these fees within the State University System and the number
15 of years expected to elapse between the purchase of the plan
16 on behalf of the qualified beneficiary and the exercise of the
17 benefits provided in the plan by such beneficiary. University
18 plan contracts purchased prior to July 1, 1998, shall be
19 limited to the payment of registration fees as defined in
20 subsection (2).

21 (c) Through the dormitory residence plan, the advance
22 payment contract may provide prepaid housing fees for a
23 maximum of 10 semesters of full-time undergraduate enrollment
24 in a state university. Dormitory residence plans shall be
25 purchased in increments of 2 semesters. The cost of
26 participation in the dormitory residence plan shall be based
27 primarily on the average current and projected housing fees
28 within the State University System and the number of years
29 expected to elapse between the purchase of the plan on behalf
30 of a qualified beneficiary and the exercise of the benefits
31 provided in the plan by such beneficiary. Qualified

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1 beneficiaries shall have the highest priority in the
2 assignment of housing within university residence halls.
3 Qualified beneficiaries shall bear the cost of any additional
4 elective charges such as laundry service or long-distance
5 telephone service. Each state university may specify the
6 residence halls or other university-held residences eligible
7 for inclusion in the plan. In addition, any state university
8 may request immediate termination of a dormitory residence
9 contract based on a violation or multiple violations of rules
10 of the residence hall or other university-held residences. In
11 the event that sufficient housing is not available for all
12 qualified beneficiaries, the board shall refund the purchaser
13 or qualified beneficiary an amount equal to the fees charged
14 for dormitory residence during that semester. If a qualified
15 beneficiary fails to be admitted to a state university or
16 chooses to attend a community college that operates one or
17 more dormitories or residency opportunities, or has one or
18 more dormitories or residency opportunities operated by the
19 community college direct-support organization, the qualified
20 beneficiary may transfer or cause to have transferred to the
21 community college, or community college direct-support
22 organization, the fees associated with dormitory residence.
23 Dormitory fees transferred to the community college or
24 community college direct-support organization may not exceed
25 the maximum fees charged for state university dormitory
26 residence for the purposes of this section, or the fees
27 charged for community college or community college
28 direct-support organization dormitories or residency
29 opportunities, whichever is less.

30 (10) TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE
31 COLLEGES AND UNIVERSITIES AND TO AREA TECHNICAL CENTERS.--A

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1 qualified beneficiary may apply the benefits of an advance
2 payment contract toward:

3 (a) Any eligible independent college or university. An
4 independent college or university that is located and
5 chartered in Florida, that is not for profit, that is
6 accredited by the Commission on Colleges of the Southern
7 Association of Colleges and Schools or the Accrediting Council
8 for Independent Colleges and Schools ~~Accrediting Commission of~~
9 ~~the Association of Independent Colleges and Schools~~, and that
10 confers degrees as defined in s. 246.021, is eligible for such
11 application. The board shall transfer, or cause to have
12 transferred, to the eligible independent college or university
13 designated by the qualified beneficiary an amount not to
14 exceed the redemption value of the advance payment contract at
15 ~~within~~ a state postsecondary institution. If the cost of
16 registration or housing fees at the independent college or
17 university is less than the corresponding fees at a state
18 postsecondary institution, the amount transferred shall not
19 exceed the actual cost of registration or housing fees. A
20 transfer authorized under this paragraph may not exceed the
21 number of semester credit hours or semesters of dormitory
22 residence contracted on behalf of a qualified beneficiary.

23 (b) An eligible out-of-state college or university. An
24 out-of-state college or university that is not for profit and
25 is accredited by a regional accrediting association, and that
26 confers degrees, is eligible for such application. The board
27 shall transfer, or cause to have transferred, an amount not to
28 exceed the redemption value of the advance payment contract at
29 a state postsecondary institution ~~or the original purchase~~
30 ~~price plus 5 percent compounded interest, whichever is less,~~
31 ~~after assessment of a reasonable transfer fee.~~ If the cost of

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1 registration or housing fees charged the qualified beneficiary
2 at the eligible out-of-state college or university is less
3 than this calculated amount, the amount transferred shall not
4 exceed the actual cost of registration or housing fees. Any
5 remaining amount shall be transferred in subsequent semesters
6 until the transfer value is depleted. A transfer authorized
7 under this paragraph may not exceed the number of semester
8 credit hours or semesters of dormitory residence contracted on
9 behalf of a qualified beneficiary.

10 (c) An applied technology diploma program or
11 vocational certificate program conducted by a community
12 college listed in s. 240.3031 or an area technical center
13 operated by a district school board. The board shall transfer
14 or cause to be transferred to the community college or area
15 technical center designated by the qualified beneficiary an
16 amount not to exceed the redemption value of the advance
17 payment contract at ~~within~~ a state postsecondary institution.
18 If the cost of the fees charged by the college or center, as
19 authorized in s. 239.117, is less than the corresponding fees
20 at a state postsecondary institution, the amount transferred
21 may not exceed the actual cost of the fees. A transfer
22 authorized under this paragraph may not exceed the number of
23 semester credit hours contracted on behalf of a qualified
24 beneficiary.

25
26 Notwithstanding any other provision in this section, an
27 institution must be an "eligible educational institution"
28 under s. 529 of the Internal Revenue Code to be eligible for
29 the transfer of advance payment contract benefits.

30 (11) ADVANCE PAYMENT CONTRACTS; CONTENTS.--The board
31 shall construct advance payment contracts for registration and

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1 may construct advance payment contracts for dormitory
2 residence as provided in this section. Advance payment
3 contracts constructed for the purposes of this section shall
4 be exempt from chapter 517 and the Florida Insurance Code.
5 Such contracts shall include, but not be limited to, the
6 following:

7 (a) The amount of the payment or payments and the
8 number of payments required from a purchaser on behalf of a
9 qualified beneficiary.

10 (b) The terms and conditions under which purchasers
11 shall remit payments, including, but not limited to, the date
12 or dates upon which each payment shall be due.

13 (c) Provisions for late payment charges and for
14 default.

15 (d) Provisions for penalty fees for withdrawals from
16 the fund.

17 (e) Except for an advance payment contract entered
18 into pursuant to subsection (22) or subsection (23), the name
19 and date of birth of the qualified beneficiary on whose behalf
20 the contract is drawn and the terms and conditions under which
21 another person may be substituted as the qualified
22 beneficiary.

23 (f) The name of any person who may terminate the
24 contract. The terms of the contract shall specify whether the
25 contract may be terminated by the purchaser, the qualified
26 beneficiary, a specific designated person, or any combination
27 of these persons.

28 (g) The terms and conditions under which a contract
29 may be terminated, modified, or converted, the name of the
30 person entitled to any refund due as a result of termination
31 of the contract pursuant to such terms and conditions, and the

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1 amount of refund, if any, due to the person so named.

2 (h) The number of semester credit hours or semesters
3 of dormitory residence contracted by the purchaser.

4 (i) The state postsecondary system toward which the
5 contracted credit hours or semesters of dormitory residence
6 will be applied.

7 (j) The assumption of a contractual obligation by the
8 board to the qualified beneficiary to provide for a specified
9 number of semester credit hours of undergraduate instruction
10 at a state postsecondary institution, not to exceed the
11 average number of credit hours required for the conference of
12 the degree that corresponds to the plan purchased on behalf of
13 the qualified beneficiary or to provide for a specified number
14 of semesters of dormitory residence, not to exceed the number
15 of semesters of full-time enrollment required for the
16 conference of a baccalaureate degree.

17 (k) Other terms and conditions deemed by the board to
18 be necessary or proper.

19 (12) DURATION OF BENEFITS; ADVANCE PAYMENT
20 CONTRACT.--An advance payment contract may provide that
21 contracts which have not been terminated or the benefits
22 exercised within a specified period of time shall be
23 considered terminated. Time expended by a qualified
24 beneficiary as an active duty member of any of the armed
25 services of the United States shall be added to the period of
26 time specified pursuant to this subsection. No purchaser or
27 qualified beneficiary whose advance payment contract is
28 terminated pursuant to this subsection shall be entitled to a
29 refund. The board shall retain any moneys paid by the
30 purchaser for an advance payment contract that has been
31 terminated in accordance with this subsection. Such moneys

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1 retained by the board are exempt from chapter 717, and such
2 retained moneys must be used by the board to further the
3 purposes of this section.

4 (13) REFUNDS.--

5 (a) Except as provided in paragraphs (b), ~~and~~ (c), and
6 (f), no refund shall exceed the amount paid into the fund by
7 the purchaser.

8 (b) If the beneficiary is awarded a scholarship, the
9 terms of which cover the benefits included in the advance
10 payment contracts, moneys paid for the purchase of the advance
11 payment contracts shall be refunded ~~returned~~ to the purchaser
12 in semester installments coinciding with the matriculation by
13 the beneficiary in an amount which, in total, does not exceed
14 the redemption value of the advance payment contract at a
15 state postsecondary institution ~~amounts of either the original~~
16 ~~purchase price plus 5 percent compounded interest, or the~~
17 ~~current rates at state postsecondary institutions, whichever~~
18 ~~is less.~~

19 (c) In the event of the death or total disability of
20 the beneficiary, moneys paid for the purchase of advance
21 payment contracts shall be refunded ~~returned~~ to the purchaser
22 in an amount not to exceed the redemption value of the advance
23 payment contract at a state postsecondary institution ~~together~~
24 ~~with 5 percent compounded interest, or the current rates at~~
25 ~~state postsecondary institutions, whichever is less.~~

26 (d) If an advance payment contract is converted from
27 one registration plan to a plan of lesser value, the amount
28 refunded shall not exceed the difference between the amount
29 paid for the original contract and the amount that would have
30 been paid for the contract to which the plan is converted had
31 the converted plan been purchased under the same payment plan

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1 at the time the original advance payment contract was
2 executed.

3 (e) No refund shall be authorized through an advance
4 payment contract for any school year partially attended but
5 not completed. For purposes of this section, a school year
6 partially attended but not completed shall mean any one
7 semester whereby the student is still enrolled at the
8 conclusion of the official drop-add period, but withdraws
9 before the end of such semester. If a beneficiary does not
10 complete a community college plan or university plan for
11 reasons other than specified in paragraph (c), the purchaser
12 shall receive a refund of the amount paid into the fund for
13 the remaining unattended years of the advance payment contract
14 pursuant to rules promulgated by the board.

15 (14) CONFIDENTIALITY OF ACCOUNT
16 INFORMATION.--Information that identifies the purchasers or
17 beneficiaries of any plan promulgated under this section and
18 their advance payment account activities is exempt from the
19 provisions of s. 119.07(1). However, the board may authorize
20 the program's records administrator to release such
21 information to a community college, college, or university in
22 which a beneficiary may enroll or is enrolled. Community
23 colleges, colleges, and universities shall maintain such
24 information as exempt from the provisions of s. 119.07(1).

25 (15) OBLIGATIONS OF BOARD; PAYMENT.--The state shall
26 agree to meet the obligations of the board to qualified
27 beneficiaries if moneys in the fund fail to offset the
28 obligations of the board. The Legislature shall appropriate to
29 the Florida Prepaid College Trust Fund the amount necessary to
30 meet the obligations of the board to qualified beneficiaries.

31 (16) ASSETS OF THE FUND; EXPENDITURE PRIORITY.--The

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1 assets of the fund shall be maintained, invested, and expended
2 solely for the purposes of this section and shall not be
3 loaned, transferred, or otherwise used by the state for any
4 purpose other than the purposes of this section. This
5 subsection shall not be construed to prohibit the board from
6 investing in, by purchase or otherwise, bonds, notes, or other
7 obligations of the state or an agency or instrumentality of
8 the state. Unless otherwise specified by the board, assets of
9 the fund shall be expended in the following order of priority:

10 (a) To make payments to state postsecondary
11 institutions on behalf of qualified beneficiaries.

12 (b) To make refunds upon termination of advance
13 payment contracts.

14 (c) To pay the costs of program administration and
15 operations.

16 (17) EXEMPTION FROM CLAIMS OF CREDITORS.--Moneys paid
17 into or out of the fund by or on behalf of a purchaser or
18 qualified beneficiary of an advance payment contract made
19 under this section, which contract has not been terminated,
20 are exempt, as provided by s. 222.22, from all claims of
21 creditors of the purchaser or the beneficiary. Neither moneys
22 paid into the program nor benefits accrued through the program
23 may be pledged for the purpose of securing a loan.

24 (18) PAYROLL DEDUCTION AUTHORITY.--The state or any
25 state agency, county, municipality, or other political
26 subdivision may, by contract or collective bargaining
27 agreement, agree with any employee to remit payments toward
28 advance payment contracts through payroll deductions made by
29 the appropriate officer or officers of the state, state
30 agency, county, municipality, or political subdivision. Such
31 payments shall be held and administered in accordance with

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1 this section.

2 (19) DISCLAIMER.--Nothing in this section shall be
3 construed as a promise or guarantee that a qualified
4 beneficiary will be admitted to a state postsecondary
5 institution or to a particular state postsecondary
6 institution, will be allowed to continue enrollment at a state
7 postsecondary institution after admission, or will be
8 graduated from a state postsecondary institution.

9 (20) PROGRAM TERMINATION.--In the event that the state
10 determines the program to be financially infeasible, the state
11 may discontinue the provision of the program. Any qualified
12 beneficiary who has been accepted by and is enrolled or is
13 within 5 years of enrollment in an eligible independent
14 college or university or state postsecondary institution shall
15 be entitled to exercise the complete benefits for which he or
16 she has contracted. All other contract holders shall receive a
17 refund of the amount paid in and an additional amount in the
18 nature of interest at a rate that corresponds, at a minimum,
19 to the prevailing interest rates for savings accounts provided
20 by banks and savings and loan associations.

21 (21) ANNUAL REPORT.--The board shall annually prepare
22 or cause to be prepared a report setting forth in appropriate
23 detail an accounting of the fund and a description of the
24 financial condition of the program at the close of each fiscal
25 year. Such report shall be submitted to the President of the
26 Senate, the Speaker of the House of Representatives, and
27 members of the State Board of Education on or before March 31
28 each year. In addition, the board shall make the report
29 available to purchasers of advance payment contracts. The
30 board shall provide to the Board of Regents and the State
31 Board of Community Colleges, by March 31 each year, complete

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1 advance payment contract sales information, including
2 projected postsecondary enrollments of qualified
3 beneficiaries. The accounts of the fund shall be subject to
4 annual audits by the Auditor General or his or her designee.

5 (22) DIRECT-SUPPORT ORGANIZATION; AUTHORITY.--

6 (a) The board may establish a direct-support
7 organization which is:

8 1. A Florida corporation, not for profit, incorporated
9 under the provisions of chapter 617 and approved by the
10 Secretary of State.

11 2. Organized and operated exclusively to receive,
12 hold, invest, and administer property and to make expenditures
13 to or for the benefit of the program.

14 3. An organization which the board, after review, has
15 certified to be operating in a manner consistent with the
16 goals of the program and in the best interests of the state.
17 Unless so certified, the organization may not use the name of
18 the program.

19 (b) The direct-support organization shall operate
20 under written contract with the board. The contract must
21 provide for:

22 1. Approval of the articles of incorporation and
23 bylaws of the direct-support organization by the board.

24 2. Submission of an annual budget for the approval of
25 the board. The budget must comply with rules adopted by the
26 board.

27 3. An annual financial and compliance audit of its
28 financial accounts and records by an independent certified
29 public accountant in accordance with rules adopted by the
30 board.

31 4. Certification by the board that the direct-support

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1 organization is complying with the terms of the contract and
2 in a manner consistent with the goals and purposes of the
3 board and in the best interest of the state. Such
4 certification must be made annually and reported in the
5 official minutes of a meeting of the board.

6 5. The reversion to the board, or to the state if the
7 board ceases to exist, of moneys and property held in trust by
8 the direct-support organization for the benefit of the board
9 or program if the direct-support organization is no longer
10 approved to operate for the board or if the board ceases to
11 exist.

12 6. The fiscal year of the direct-support organization,
13 which must begin July 1 of each year and end June 30 of the
14 following year.

15 7. The disclosure of material provisions of the
16 contract and of the distinction between the board and the
17 direct-support organization to donors of gifts, contributions,
18 or bequests, and such disclosure on all promotional and
19 fundraising publications.

20 (c) An annual financial and compliance audit of the
21 financial accounts and records of the direct-support
22 organization must be performed by an independent certified
23 public accountant. The audit must be submitted to the board
24 for review and approval. Upon approval, the board shall
25 certify the audit report to the Auditor General for review.
26 The board and Auditor General shall have the authority to
27 require and receive from the organization or its independent
28 auditor any detail or supplemental data relative to the
29 operation of the organization.

30 (d) The identity of donors who desire to remain
31 anonymous shall be confidential and exempt from the provisions

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1 of s. 119.07(1) and s. 24(a), Art. I of the State
2 Constitution, and such anonymity shall be maintained in the
3 auditor's report. Information received by the organization
4 that is otherwise confidential or exempt by law shall retain
5 such status. Any sensitive, personal information regarding
6 contract beneficiaries, including their identities, is exempt
7 from the provisions of s. 119.07(1) and s. 24(a), Art. I of
8 the State Constitution.

9 (e) The chair and the executive director of the board
10 shall be directors of the direct-support organization and
11 shall jointly name, at a minimum, three other individuals to
12 serve as directors of the organization.

13 (f) The board may authorize the direct-support
14 organization established in this subsection to use program
15 property, except money, and use facilities and personal
16 services subject to the provisions of this section. If the
17 direct-support organization does not provide equal employment
18 opportunities to all persons regardless of race, color,
19 religion, sex, age, or national origin, it may not use the
20 property, facilities, or personal services of the board. For
21 the purposes of this subsection, the term "personal services"
22 includes full-time personnel and part-time personnel as well
23 as payroll processing as prescribed by rule of the board. The
24 board shall adopt rules prescribing the procedures by which
25 the direct-support organization is governed and any conditions
26 with which such a direct-support organization must comply to
27 use property, facilities, or personal services of the board.

28 (g) The board may invest funds of the direct-support
29 organization which have been allocated for the purchase of
30 advance payment contracts for scholarships with receipts for
31 advance payment contracts.

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1 (23) SCHOLARSHIPS.--A nonprofit organization described
 2 in s. 501 (c)(3) of the United States Internal Revenue Code
 3 and exempt from taxation under s. 501(a) of the United States
 4 Internal Revenue Code may purchase advance payment contracts
 5 for a scholarship program that has been approved by the board
 6 and is operated by the purchasing organization.

7 Section 44. Except as otherwise expressly provided in
 8 this act, this act shall take effect upon becoming a law.

9

10

11 ===== T I T L E A M E N D M E N T =====

12 And the title is amended as follows:

13 On page 77, line 17, through
 14 page 81, line 5, delete those lines

15

16 and insert:

17

 A bill to be entitled

18

 An act relating to education; amending s.

19

 229.001, F.S.; revising a short title to delete

20

 obsolete language; amending s. 229.002, F.S.;

21

 revising the policy and guiding principles of

22

 the Legislature relating to education

23

 governance; amending s. 229.003, F.S.; revising

24

 the timeframe for education governance

25

 reorganization; revising the titles of the

26

 education governance officers and providing for

27

 appointment by the Florida Board of Education;

28

 revising the name of the Florida On-Line High

29

 School to conform with changes made by the

30

 bill; revising the membership of university

31

 boards of trustees and making appointees

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1 subject to Senate confirmation; abolishing the
2 Board of Regents, the State Board of Community
3 Colleges, and the Postsecondary Education
4 Planning Commission; transferring the powers,
5 duties, functions, records, personnel,
6 property, unexpended balances of
7 appropriations, allocations, other funds,
8 administrative authority, administrative rules,
9 pending issues, and existing contracts of the
10 Board of Regents to the Florida Board of
11 Education, of the State Board of Community
12 Colleges to the Florida Board of Education, and
13 of the Postsecondary Education Planning
14 Commission to the Council for Education Policy
15 Research and Improvement, respectively;
16 creating the Council for Education Policy
17 Research and Improvement under the Office of
18 Legislative Services; transferring the
19 Articulation Coordinating Committee and the
20 Education Standards Commission by type two
21 transfer from the Department of Education to
22 the Florida Board of Education; requiring the
23 Commissioner of Education and the Secretary of
24 the Florida Board of Education to commence
25 reorganization of the department and specifying
26 offices and divisions; requiring the merger of
27 the powers, duties, and staffs of the State
28 Board of Independent Colleges and Universities
29 and the State Board of Nonpublic Career
30 Education, with an exception, into a single
31 Commission for Independent Education; creating

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1 s. 229.0031, F.S.; creating the Council for
2 Education Policy Research and Improvement;
3 providing duties of the council; providing for
4 administrative functions; providing membership;
5 providing for an executive director; amending
6 s. 229.004, F.S.; revising the timeframe for
7 the creation of the Florida Board of Education;
8 deleting the requirement that the board be part
9 time; revising the duties and responsibilities
10 of the board; conforming terminology with
11 changes made by the bill; providing cross
12 references to newly created missions and goals
13 and guidelines; amending s. 229.005, F.S.;
14 revising provisions relating to qualifications
15 of Florida education governance officers to
16 conform terminology to changes made by the bill
17 and to provide cross references to newly
18 created missions and goals; requiring the
19 Commissioner of Education to work with the
20 board and its secretary to oversee the
21 chancellors and the executive director;
22 deleting references to requirements of the
23 Florida Constitution relating to education;
24 requiring the Chancellor of Public Schools, the
25 Chancellor of Colleges and Universities, the
26 Chancellor of Community Colleges, and the
27 Executive Director of Independent Education to
28 work as division vice presidents of the
29 seamless K-20 education system; revising the
30 name of the Florida On-Line High School to
31 conform with changes made by the bill; amending

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1 s. 229.006, F.S.; deleting obsolete language
2 relating to the creation and
3 already-accomplished duties of the Education
4 Governance Reorganization Transition Task
5 Force; revising the timeframe for the
6 reorganization; requiring the task force to
7 provide guidance and monitoring of the
8 reorganization implementation process and to
9 report to the Governor, the Legislature, the
10 Secretary of the Florida Board of Education,
11 and the public on its progress; revising the
12 timeframe and recipients of the final report of
13 the task force; creating s. 229.0061, F.S.;
14 establishing guidelines for the implementation,
15 structure, functions, and organization of
16 Florida's K-20 education system; creating s.
17 229.007, F.S.; establishing Florida's K-20
18 education performance accountability system;
19 providing legislative intent; providing for
20 recommendations for performance-based funding;
21 establishing mission, goals, and systemwide
22 measures; creating s. 229.0072, F.S.;
23 establishing a reorganization implementation
24 process; requiring the Governor to appoint
25 university boards of trustees, a Florida Board
26 of Education, and a Secretary of the Florida
27 Board of Education; specifying duties of the
28 Secretary of the Florida Board of Education;
29 establishing duties of the Florida Board of
30 Education relating to the transition and
31 implementation of the K-20 system; requiring

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1 the Florida Board of Education to appoint
2 advisory boards and to develop and recommend a
3 new School Code; requiring the Commissioner of
4 Education to work with the Florida Board of
5 Education and its secretary to achieve full
6 implementation of the seamless K-20 system and
7 to commence reorganization of the department as
8 required by the act; creating s. 229.0073,
9 F.S.; establishing the Education Reorganization
10 Workgroup to direct and oversee reorganization
11 of the Department of Education; providing
12 requirements for reorganization to include the
13 establishment of offices, divisions, and a
14 leadership team; providing duties of the
15 offices; transferring the SMART Schools
16 Clearinghouse to the Office of Educational
17 Facilities and SMART Schools Clearinghouse
18 within the Office of the Commissioner of
19 Education; creating s. 229.0074, F.S.;
20 establishing the mission of the Division of
21 Independent Education; providing for membership
22 and duties of the executive director; combining
23 and transferring the powers and duties of the
24 State Board of Independent Colleges and
25 Universities and the State Board of Nonpublic
26 Career Education, with an exception, to the
27 Commission for Independent Education; providing
28 for membership and duties of the commission;
29 providing that the Florida Education Governance
30 Reorganization Implementation Act does not
31 authorize further regulation of independent

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1 schools or home education programs; creating s.
2 229.008, F.S.; providing for establishment and
3 membership of boards of trustees of
4 universities in the State University System;
5 providing for protections from civil liability;
6 creating s. 229.0081, F.S.; establishing powers
7 and duties of university boards of trustees;
8 creating s. 229.0082, F.S.; establishing powers
9 and duties of university presidents;
10 transferring the Florida Partnership for School
11 Readiness from the Executive Office of the
12 Governor to the Agency for Workforce
13 Innovation; transferring the Child Care
14 Executive Partnership Program, child care and
15 early childhood resource and referral, and the
16 subsidized child care program, including
17 statewide staff, to the Agency for Workforce
18 Innovation; transferring the prekindergarten
19 early intervention, migrant prekindergarten,
20 and Florida First Start programs, including
21 statewide staff, to the Agency for Workforce
22 Innovation; designating the Agency for
23 Workforce Innovation as lead agency for
24 specified federal purposes; amending s. 411.01,
25 F.S.; providing legislative intent with respect
26 to the School Readiness Act; providing for the
27 addition of members to the Florida Partnership
28 for School Readiness; providing duties of the
29 Florida Partnership for School Readiness;
30 deleting obsolete language and conforming
31 provisions; revising procedures for funding

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1 school readiness programs; requiring the
2 implementation of a school readiness uniform
3 screening; providing for the development of
4 minimum child care licensing standards;
5 amending s. 216.136, F.S.; deleting certain
6 duties of the Social Services Estimating
7 Conference to conform; adding staff of the
8 Agency for Workforce Innovation to the School
9 Readiness Program Estimating Conference;
10 amending ss. 232.01 and 445.023, F.S.;

11 conforming language and correcting cross
12 references; effective January 1, 2002,
13 repealing ss. 228.061(1) and (2), 230.23(4)(o),
14 230.2303, 230.2305, and 230.2306, F.S.,
15 relating to preschool and prekindergarten early
16 intervention programs in the public schools,
17 school board provision of early childhood and
18 basic skills development, the Florida First
19 Start Program, the prekindergarten early
20 intervention program, and prekindergarten
21 children service needs assessments; effective
22 January 1, 2002, repealing ss. 402.28,
23 402.281(1), 402.3015, 402.3027, 402.3028,
24 402.305(18), 402.3052, 402.3135(2)(c), and
25 402.45(2) and (6), F.S., relating to Child Care
26 Plus, the Gold Seal Quality Care program rating
27 system, the subsidized child care program,
28 observation and assessment of young children in
29 subsidized child care programs, referral for
30 assessment, the child care technical review
31 panel, the child development associate training

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1 grants program, provision of assistance to
2 Child Care Plus facilities, and certain
3 requirements for the community resource mother
4 or father program; effective January 1, 2002,
5 repealing ss. 391.304(1)(a) and 411.222, F.S.,
6 relating to Department of Health coordination
7 with the Department of Education and specified
8 councils and the State Coordinating Council for
9 School Readiness Programs; amending s. 228.082,
10 F.S.; revising the name of the Florida On-Line
11 High School to the Florida Virtual High School,
12 which school shall be housed within the
13 Commissioner of Education's Office of
14 Technology and Information Services and
15 monitored by the commissioner; stating the
16 mission of the Florida Virtual High School;
17 deleting obsolete language; revising the duties
18 of the school's board of trustees; requiring
19 the Department of Education to maximize federal
20 indirect cost allowed on federal grants;
21 requiring appropriation for expenditure of
22 funds received from indirect cost allowance;
23 effective June 30, 2002, repealing s. 229.8065,
24 F.S., relating to expenditures for the Knott
25 Data Center and projects, contracts, and grants
26 programs; amending s. 229.085, F.S.; removing
27 an exemption for personnel employed by projects
28 funded by contracts and grants; amending s.
29 240.205, F.S.; deleting provisions relating to
30 certain contractual obligations of the Board of
31 Regents; repealing s. 235.217(1)(b), (c), and

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1 (d), (2), (3)(a), (c), (d), and (e), (4), and
2 (5), F.S., relating to membership and certain
3 duties of the SMART Schools Clearinghouse;
4 repealing ss. 240.145, 240.147, 240.209(2),
5 240.227, 240.307, and 240.311(4), F.S.,
6 relating to the Postsecondary Education
7 Planning Commission, the powers and duties of
8 the commission, the Board of Regents
9 appointment of a Chancellor of the State
10 University System, powers and duties of
11 university presidents, the appointment of
12 members of the State Board of Community
13 Colleges, and the appointment of an executive
14 director of the community college system;
15 amending s. 240.3836, F.S.; revising provisions
16 relating to access to baccalaureate degree
17 programs; providing a process for authorizing
18 community colleges to offer baccalaureate
19 degree programs; amending s. 240.2011, F.S.;
20 adding New College of Florida in Sarasota
21 County to the State University System; creating
22 fiscally autonomous campuses of the University
23 of South Florida; amending s. 240.527, F.S.;
24 requiring a Campus Board of the University of
25 South Florida St. Petersburg; requiring
26 separate accreditation; providing powers and
27 duties of the Campus Board and the Campus
28 Executive Officer; providing a procedure for
29 preparing a budget request; providing for
30 central support services contracts and a letter
31 of agreement; excluding certain entities from

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1 certain provisions; requiring a Campus Board of
2 the University of South Florida
3 Sarasota/Manatee; authorizing separate
4 accreditation; providing powers and duties of
5 the Campus Board and the Campus Executive
6 Officer; providing a procedure for preparing a
7 budget request; providing for central support
8 services contracts and a letter of agreement;
9 establishing a mission, goals, and board of
10 trustees for New College of Florida; providing
11 for accreditation; redesignating St. Petersburg
12 Junior College as St. Petersburg College;
13 requiring accreditation; providing a mission;
14 providing for students and fees; providing
15 conditional authority to offer baccalaureate
16 degree level programs; authorizing certain
17 baccalaureate degree programs and a process for
18 increasing their number; establishing a
19 governing board and a coordinating board;
20 providing for dispute resolution; providing for
21 certain employment classifications; providing
22 for the acquisition of land, buildings, and
23 equipment; authorizing the power of eminent
24 domain; providing for state funding; requiring
25 a cost study; providing for the Florida Bright
26 Futures Scholarship Testing Program; requiring
27 the Articulation Coordinating Committee to
28 identify scores, credit, and courses for which
29 credit may be awarded for specified
30 examinations; requiring the completion of
31 examinations for receipt of certain awards;

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1 providing requirements with respect to the
2 award of credit; requiring annual reporting of
3 the effectiveness of the program; reenacting
4 and amending s. 240.551, F.S.; revising
5 provisions with respect to the Florida Prepaid
6 College Program; revising provisions with
7 respect to transfer and refund provisions;
8 revising provisions relating to appointment of
9 directors of the direct-support organization;
10 authorizing the purchase of advance payment
11 contracts for scholarships by nonprofit
12 organizations;

13
14 WHEREAS, in response to Floridians' amendment of s. 2,
15 Art. IX of the State Constitution requiring a seven-member
16 state board of education appointed by the Governor to
17 staggered 4-year terms, subject to confirmation by the Senate,
18 which "shall appoint the commissioner of education," the 2000
19 Legislature enacted the "Florida Education Governance
20 Reorganization Act of 2000" (chapter 2000-321, Laws of
21 Florida), and

22 WHEREAS, the Florida Education Governance
23 Reorganization Act of 2000 provided legislative policy and
24 guiding principles for a seamless kindergarten through
25 postgraduate education system; provided for the future repeal
26 of existing education entities and statutes; provided for
27 boards of trustees for each university in the State University
28 System; provided for the establishment and duties of the
29 Florida Board of Education and specified education governance
30 officers; and established the Education Governance
31 Reorganization Transition Task Force charged with the duty to

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1 make recommendations to the Legislature, pursuant to a
2 legislatively established timeline, to accomplish a smooth and
3 orderly transition to the new education system, and
4 WHEREAS, the Education Governance Reorganization
5 Transition Task Force was timely appointed and has been
6 aggressively pursuing its statutory duties by holding meetings
7 and public hearings throughout the state, consulting with
8 education stakeholders and national experts, taking public
9 testimony, and working to expedite its recommendations, NOW,
10 THEREFORE,

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