

1  
2 An act relating to education; amending s.  
3 229.001, F.S.; revising a short title to delete  
4 obsolete language; amending s. 229.002, F.S.;  
5 revising the policy and guiding principles of  
6 the Legislature relating to education  
7 governance; amending s. 229.003, F.S.; revising  
8 the timeframe for education governance  
9 reorganization; revising the titles of the  
10 education governance officers and providing for  
11 appointment by the Florida Board of Education;  
12 revising the name of the Florida On-Line High  
13 School to conform with changes made by the  
14 bill; revising the membership of university  
15 boards of trustees and making appointees  
16 subject to Senate confirmation; abolishing the  
17 Board of Regents, the State Board of Community  
18 Colleges, and the Postsecondary Education  
19 Planning Commission; transferring the powers,  
20 duties, functions, records, personnel,  
21 property, unexpended balances of  
22 appropriations, allocations, other funds,  
23 administrative authority, administrative rules,  
24 pending issues, and existing contracts of the  
25 Board of Regents to the Florida Board of  
26 Education, of the State Board of Community  
27 Colleges to the Florida Board of Education, and  
28 of the Postsecondary Education Planning  
29 Commission to the Council for Education Policy  
30 Research and Improvement, respectively;  
31 creating the Council for Education Policy

1           Research and Improvement under the Office of  
2           Legislative Services; transferring the  
3           Articulation Coordinating Committee and the  
4           Education Standards Commission by type two  
5           transfer from the Department of Education to  
6           the Florida Board of Education; requiring the  
7           Commissioner of Education and the Secretary of  
8           the Florida Board of Education to commence  
9           reorganization of the department and specifying  
10          offices and divisions; requiring the merger of  
11          the powers, duties, and staffs of the State  
12          Board of Independent Colleges and Universities  
13          and the State Board of Nonpublic Career  
14          Education, with an exception, into a single  
15          Commission for Independent Education; creating  
16          s. 229.0031, F.S.; creating the Council for  
17          Education Policy Research and Improvement;  
18          providing duties of the council; providing for  
19          administrative functions; providing membership;  
20          providing for an executive director; amending  
21          s. 229.004, F.S.; revising the timeframe for  
22          the creation of the Florida Board of Education;  
23          deleting the requirement that the board be part  
24          time; revising the duties and responsibilities  
25          of the board; conforming terminology with  
26          changes made by the bill; providing cross  
27          references to newly created missions and goals  
28          and guidelines; amending s. 229.005, F.S.;  
29          revising provisions relating to qualifications  
30          of Florida education governance officers to  
31          conform terminology to changes made by the bill

1 and to provide cross references to newly  
2 created missions and goals; requiring the  
3 Commissioner of Education to work with the  
4 board and its secretary to oversee the  
5 chancellors and the executive director;  
6 deleting references to requirements of the  
7 Florida Constitution relating to education;  
8 requiring the Chancellor of Public Schools, the  
9 Chancellor of Colleges and Universities, the  
10 Chancellor of Community Colleges, and the  
11 Executive Director of Independent Education to  
12 work as division vice presidents of the  
13 seamless K-20 education system; revising the  
14 name of the Florida On-Line High School to  
15 conform with changes made by the bill; amending  
16 s. 229.006, F.S.; deleting obsolete language  
17 relating to the creation and  
18 already-accomplished duties of the Education  
19 Governance Reorganization Transition Task  
20 Force; revising the timeframe for the  
21 reorganization; requiring the task force to  
22 provide guidance and monitoring of the  
23 reorganization implementation process and to  
24 report to the Governor, the Legislature, the  
25 Secretary of the Florida Board of Education,  
26 and the public on its progress; revising the  
27 timeframe and recipients of the final report of  
28 the task force; creating s. 229.0061, F.S.;  
29 establishing guidelines for the implementation,  
30 structure, functions, and organization of  
31 Florida's K-20 education system; creating s.

1           229.007, F.S.; establishing Florida's K-20  
2           education performance accountability system;  
3           providing legislative intent; providing for  
4           recommendations for performance-based funding;  
5           establishing mission, goals, and systemwide  
6           measures; creating s. 229.0072, F.S.;  
7           establishing a reorganization implementation  
8           process; requiring the Governor to appoint  
9           university boards of trustees, a Florida Board  
10          of Education, and a Secretary of the Florida  
11          Board of Education; specifying duties of the  
12          Secretary of the Florida Board of Education;  
13          establishing duties of the Florida Board of  
14          Education relating to the transition and  
15          implementation of the K-20 system; requiring  
16          the Florida Board of Education to appoint  
17          advisory boards and to develop and recommend a  
18          new School Code; requiring the Commissioner of  
19          Education to work with the Florida Board of  
20          Education and its secretary to achieve full  
21          implementation of the seamless K-20 system and  
22          to commence reorganization of the department as  
23          required by the act; creating s. 229.0073,  
24          F.S.; establishing the Education Reorganization  
25          Workgroup to direct and oversee reorganization  
26          of the Department of Education; providing  
27          requirements for reorganization to include the  
28          establishment of offices, divisions, and a  
29          leadership team; providing duties of the  
30          offices; transferring the SMART Schools  
31          Clearinghouse to the Office of Educational

1 Facilities and SMART Schools Clearinghouse  
2 within the Office of the Commissioner of  
3 Education; creating s. 229.0074, F.S.;  
4 establishing the mission of the Division of  
5 Independent Education; providing for membership  
6 and duties of the executive director; combining  
7 and transferring the powers and duties of the  
8 State Board of Independent Colleges and  
9 Universities and the State Board of Nonpublic  
10 Career Education, with an exception, to the  
11 Commission for Independent Education; providing  
12 for membership and duties of the commission;  
13 providing that the Florida Education Governance  
14 Reorganization Implementation Act does not  
15 authorize further regulation of independent  
16 schools or home education programs; creating s.  
17 229.008, F.S.; providing for establishment and  
18 membership of boards of trustees of  
19 universities in the State University System;  
20 providing for protections from civil liability;  
21 creating s. 229.0081, F.S.; establishing powers  
22 and duties of university boards of trustees;  
23 creating s. 229.0082, F.S.; establishing powers  
24 and duties of university presidents;  
25 transferring the Florida Partnership for School  
26 Readiness from the Executive Office of the  
27 Governor to the Agency for Workforce  
28 Innovation; transferring the Child Care  
29 Executive Partnership Program, child care and  
30 early childhood resource and referral, and the  
31 subsidized child care program, including

1 statewide staff, to the Agency for Workforce  
2 Innovation; transferring the prekindergarten  
3 early intervention, migrant prekindergarten,  
4 and Florida First Start programs, including  
5 statewide staff, to the Agency for Workforce  
6 Innovation; designating the Agency for  
7 Workforce Innovation as lead agency for  
8 specified federal purposes; amending s. 411.01,  
9 F.S.; providing legislative intent with respect  
10 to the School Readiness Act; providing for the  
11 addition of members to the Florida Partnership  
12 for School Readiness; providing duties of the  
13 Florida Partnership for School Readiness;  
14 deleting obsolete language and conforming  
15 provisions; revising procedures for funding  
16 school readiness programs; requiring the  
17 implementation of a school readiness uniform  
18 screening; providing for the development of  
19 minimum child care licensing standards;  
20 amending s. 216.136, F.S.; deleting certain  
21 duties of the Social Services Estimating  
22 Conference to conform; adding staff of the  
23 Agency for Workforce Innovation to the School  
24 Readiness Program Estimating Conference;  
25 amending ss. 232.01 and 445.023, F.S.;  
26 conforming language and correcting cross  
27 references; effective January 1, 2002,  
28 repealing ss. 228.061(1) and (2), 230.23(4)(o),  
29 230.2303, 230.2305, and 230.2306, F.S.,  
30 relating to preschool and prekindergarten early  
31 intervention programs in the public schools,

1 school board provision of early childhood and  
2 basic skills development, the Florida First  
3 Start Program, the prekindergarten early  
4 intervention program, and prekindergarten  
5 children service needs assessments; effective  
6 January 1, 2002, repealing ss. 402.28,  
7 402.281(1), 402.3015, 402.3027, 402.3028,  
8 402.305(18), 402.3052, 402.3135(2)(c), and  
9 402.45(2) and (6), F.S., relating to Child Care  
10 Plus, the Gold Seal Quality Care program rating  
11 system, the subsidized child care program,  
12 observation and assessment of young children in  
13 subsidized child care programs, referral for  
14 assessment, the child care technical review  
15 panel, the child development associate training  
16 grants program, provision of assistance to  
17 Child Care Plus facilities, and certain  
18 requirements for the community resource mother  
19 or father program; effective January 1, 2002,  
20 repealing ss. 391.304(1)(a) and 411.222, F.S.,  
21 relating to Department of Health coordination  
22 with the Department of Education and specified  
23 councils and the State Coordinating Council for  
24 School Readiness Programs; amending s. 228.082,  
25 F.S.; revising the name of the Florida On-Line  
26 High School to the Florida Virtual High School,  
27 which school shall be housed within the  
28 Commissioner of Education's Office of  
29 Technology and Information Services and  
30 monitored by the commissioner; stating the  
31 mission of the Florida Virtual High School;

1 deleting obsolete language; revising the duties  
2 of the school's board of trustees; requiring  
3 the Department of Education to maximize federal  
4 indirect cost allowed on federal grants;  
5 requiring appropriation for expenditure of  
6 funds received from indirect cost allowance;  
7 effective June 30, 2002, repealing s. 229.8065,  
8 F.S., relating to expenditures for the Knott  
9 Data Center and projects, contracts, and grants  
10 programs; amending s. 229.085, F.S.; removing  
11 an exemption for personnel employed by projects  
12 funded by contracts and grants; amending s.  
13 240.205, F.S.; deleting provisions relating to  
14 certain contractual obligations of the Board of  
15 Regents; repealing s. 235.217(1)(b), (c), and  
16 (d), (2), (3)(a), (c), (d), and (e), (4), and  
17 (5), F.S., relating to membership and certain  
18 duties of the SMART Schools Clearinghouse;  
19 repealing ss. 240.145, 240.147, 240.209(2),  
20 240.227, 240.307, and 240.311(4), F.S.,  
21 relating to the Postsecondary Education  
22 Planning Commission, the powers and duties of  
23 the commission, the Board of Regents  
24 appointment of a Chancellor of the State  
25 University System, powers and duties of  
26 university presidents, the appointment of  
27 members of the State Board of Community  
28 Colleges, and the appointment of an executive  
29 director of the community college system;  
30 amending s. 240.3836, F.S.; revising provisions  
31 relating to access to baccalaureate degree



1 programs; providing a process for authorizing  
2 community colleges to offer baccalaureate  
3 degree programs; amending s. 240.2011, F.S.;  
4 adding New College of Florida in Sarasota  
5 County to the State University System; creating  
6 fiscally autonomous campuses of the University  
7 of South Florida; amending s. 240.527, F.S.;  
8 requiring a Campus Board of the University of  
9 South Florida St. Petersburg; requiring  
10 separate accreditation; providing powers and  
11 duties of the Campus Board and the Campus  
12 Executive Officer; providing a procedure for  
13 preparing a budget request; providing for  
14 central support services contracts and a letter  
15 of agreement; excluding certain entities from  
16 certain provisions; requiring a Campus Board of  
17 the University of South Florida  
18 Sarasota/Manatee; authorizing separate  
19 accreditation; providing powers and duties of  
20 the Campus Board and the Campus Executive  
21 Officer; providing a procedure for preparing a  
22 budget request; providing for central support  
23 services contracts and a letter of agreement;  
24 establishing a mission, goals, and board of  
25 trustees for New College of Florida; providing  
26 for accreditation; redesignating St. Petersburg  
27 Junior College as St. Petersburg College;  
28 requiring accreditation; providing a mission;  
29 providing for students and fees; providing  
30 conditional authority to offer baccalaureate  
31 degree level programs; authorizing certain

1           baccalaureate degree programs and a process for  
2           increasing their number; establishing a  
3           governing board and a coordinating board;  
4           providing for dispute resolution; providing for  
5           certain employment classifications; providing  
6           for the acquisition of land, buildings, and  
7           equipment; authorizing the power of eminent  
8           domain; providing for state funding; requiring  
9           a cost study; providing for the Florida Bright  
10          Futures Scholarship Testing Program; requiring  
11          the Articulation Coordinating Committee to  
12          identify scores, credit, and courses for which  
13          credit may be awarded for specified  
14          examinations; requiring the completion of  
15          examinations for receipt of certain awards;  
16          providing requirements with respect to the  
17          award of credit; requiring annual reporting of  
18          the effectiveness of the program; reenacting  
19          and amending s. 240.551, F.S.; revising  
20          provisions with respect to the Florida Prepaid  
21          College Program; revising provisions with  
22          respect to transfer and refund provisions;  
23          revising provisions relating to appointment of  
24          directors of the direct-support organization;  
25          authorizing the purchase of advance payment  
26          contracts for scholarships by nonprofit  
27          organizations; providing effective dates.

28  
29           WHEREAS, in response to Floridians' amendment of s. 2,  
30          Art. IX of the State Constitution requiring a seven-member  
31          state board of education appointed by the Governor to

1 staggered 4-year terms, subject to confirmation by the Senate,  
2 which "shall appoint the commissioner of education," the 2000  
3 Legislature enacted the "Florida Education Governance  
4 Reorganization Act of 2000" (chapter 2000-321, Laws of  
5 Florida), and

6           WHEREAS, the Florida Education Governance  
7 Reorganization Act of 2000 provided legislative policy and  
8 guiding principles for a seamless kindergarten through  
9 postgraduate education system; provided for the future repeal  
10 of existing education entities and statutes; provided for  
11 boards of trustees for each university in the State University  
12 System; provided for the establishment and duties of the  
13 Florida Board of Education and specified education governance  
14 officers; and established the Education Governance  
15 Reorganization Transition Task Force charged with the duty to  
16 make recommendations to the Legislature, pursuant to a  
17 legislatively established timeline, to accomplish a smooth and  
18 orderly transition to the new education system, and

19           WHEREAS, the Education Governance Reorganization  
20 Transition Task Force was timely appointed and has been  
21 aggressively pursuing its statutory duties by holding meetings  
22 and public hearings throughout the state, consulting with  
23 education stakeholders and national experts, taking public  
24 testimony, and working to expedite its recommendations, NOW,  
25 THEREFORE,

26  
27 Be It Enacted by the Legislature of the State of Florida:

28  
29           Section 1. Section 229.001, Florida Statutes, is  
30 amended to read:

31

1           229.001 Short title.--This act may be cited as the  
2 "Florida Education Governance Reorganization Implementation  
3 Act of ~~2000~~."

4           Section 2. Section 229.002, Florida Statutes, is  
5 amended to read:

6           229.002 Declaration of policy and guiding  
7 principles.--

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

9           (a) To achieve within existing resources true systemic  
10 change in education governance by establishing a seamless  
11 academic educational system that fosters an integrated  
12 continuum of kindergarten through graduate school education  
13 for Florida's citizens.

14           (b) To promote enhanced academic success and funding  
15 efficiency by centralizing the governance of educational  
16 delivery systems and aligning responsibility with  
17 accountability.

18           (c) To provide consistent education policy vertically  
19 and horizontally across all educational delivery systems,  
20 focusing on students ~~the needs of those receiving education,~~  
21 ~~not those providing education.~~

22           (d) To provide substantially improved vertical and  
23 horizontal articulation across all educational delivery  
24 systems ~~while ensuring that nonpublic education institutions~~  
25 ~~and home education programs maintain their independence,~~  
26 ~~autonomy, and nongovernmental status.~~

27           (e) To provide for devolution of authority to the  
28 schools, community colleges, universities, and other education  
29 institutions that are the actual deliverers of educational  
30 services in order to provide student-centered education  
31

1 services within the clear parameters of the overarching  
2 education policy established by the Legislature.

3 (f) To ensure that independent education institutions  
4 and home education programs maintain their independence,  
5 autonomy, and nongovernmental status.

6 (2) The guiding principles for Florida's new education  
7 governance are:

8 (a) A coordinated, seamless system for kindergarten  
9 through graduate school education.

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

11 (c) A system that maximizes education access and  
12 provides the opportunity for a high-quality education ~~academic~~  
13 ~~success~~ for all Floridians.

14 (d) A system that safeguards equity and supports  
15 academic excellence.

16 (e) A system that provides for local operational  
17 flexibility while promoting accountability for student  
18 achievement and improvement ~~refuses to compromise academic~~  
19 ~~excellence.~~

20 Section 3. Section 229.003, Florida Statutes, is  
21 amended to read:

22 229.003 Florida education governance reorganization.--

23 (1) ~~Effective January 7, 2003,~~The Florida Board of  
24 Education, created pursuant to s. 229.004, shall be  
25 responsible for overseeing kindergarten through graduate  
26 school education, in accordance with the implementation  
27 process in s. 229.0072 and the policies and guiding principles  
28 in s. 229.002 and the mission and goals of s. 229.007.

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

31

1           ~~(2)(3) Effective January 7, 2003,~~ There are is  
2 established the following education governance officers in  
3 addition to the Commissioner of Education:

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

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

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

10           ~~(d) An Executive Director of Independent Nonpublic and~~  
11 ~~Nontraditional Education, appointed by the Commissioner of~~  
12 ~~Education.~~

13  
14 Each chancellor and the executive director shall be appointed  
15 ~~subject to confirmation~~ by the Florida Board of Education and  
16 shall serve at the pleasure and under the authority of the  
17 Secretary of the Florida Board of Education ~~Commissioner of~~  
18 ~~Education.~~

19           ~~(3)(4) Effective July 1, 2000,~~ The Governor shall  
20 appoint a seven-member board of trustees for the Florida  
21 Virtual On-Line High School, which shall be a body corporate  
22 with all the powers of a body corporate.

23           ~~(4)(5) Effective January 7, 2003,~~ The Governor shall  
24 appoint for each university in the State University System, a  
25 12-member ~~nine-member~~ board of trustees, which shall be a body  
26 corporate with all the powers of a body corporate. In addition  
27 to the 12 members, a student body president shall serve as a  
28 voting member of the board of trustees. There shall be no  
29 state residency requirement for university board members, but  
30 the Governor shall consider diversity and regional  
31 representation. Each appointee is subject to confirmation by

1 the Senate in the regular legislative session immediately  
2 following his or her appointment ~~All members of the board of~~  
3 ~~trustees of Florida Atlantic University must reside within the~~  
4 ~~service area of the university; three must be residents of~~  
5 ~~Broward County, three must be residents of Palm Beach County,~~  
6 ~~and three may be residents of any county within the service~~  
7 ~~area.~~

8 (5) Effective July 1, 2001:

9 (a) The Board of Regents is abolished.

10 (b) All of the powers, duties, functions, records,  
11 personnel, and property; unexpended balances of  
12 appropriations, allocations, and other funds; administrative  
13 authority; administrative rules; pending issues; and existing  
14 contracts of the Board of Regents are transferred by a type  
15 two transfer, pursuant to s. 20.06(2), to the Florida Board of  
16 Education.

17 (c) The State Board of Community Colleges is  
18 abolished.

19 (d) All of the powers, duties, functions, records,  
20 personnel, and property; unexpended balances of  
21 appropriations, allocations, and other funds; administrative  
22 authority; administrative rules; pending issues; and existing  
23 contracts of the State Board of Community Colleges are  
24 transferred by a type two transfer, pursuant to s. 20.06(2),  
25 from the Department of Education to the Florida Board of  
26 Education.

27 (e) The Postsecondary Education Planning Commission is  
28 abolished.

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

1           (g) All personnel, unexpended balances of  
2 appropriations, and allocations of the Postsecondary Education  
3 Planning Commission are transferred to the Council for  
4 Education Policy Research and Improvement.

5           (h) The Articulation Coordinating Committee and the  
6 Education Standards Commission are transferred by a type two  
7 transfer, pursuant to s. 20.06(2), from the Department of  
8 Education to the Florida Board of Education.

9           (i) Notwithstanding the provisions of s. 20.15, the  
10 Commissioner of Education and the Secretary of the Florida  
11 Board of Education shall work together to commence the  
12 reorganization of the Department of Education in accordance  
13 with s. 229.0073, which shall include an Office of the  
14 Commissioner of Education comprised of the general areas of  
15 operation that are common to all delivery sectors and, in  
16 addition, shall include:

17           1. The creation of an Office of Technology and  
18 Information Services, an Office of Workforce and Economic  
19 Development, an Office of Educational Facilities and SMART  
20 Schools Clearinghouse, and an Office of Student Financial  
21 Assistance.

22           2. The creation of a Division of Colleges and  
23 Universities.

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

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

26           5. The creation of a Division of Independent  
27 Education.

28           6. The merger of the powers, duties, and staffs of the  
29 State Board of Independent Colleges and Universities and the  
30 State Board of Nonpublic Career Education, except as relating  
31 to any independent nonprofit college or university whose



1 students are eligible to receive the William L. Boyd, IV,  
2 Florida resident access grants pursuant to s. 240.605, into a  
3 single Commission for Independent Education administratively  
4 housed within the Division of Independent Education.

5 ~~(6) Effective January 7, 2003, the powers and duties~~  
6 ~~of the following entities are relocated to the Florida Board~~  
7 ~~of Education, which shall retain all related funding and~~  
8 ~~budget authority for purposes of a single, seamless~~  
9 ~~kindergarten through graduate school education system and~~  
10 ~~single or coordinated budget and may retain or redistribute~~  
11 ~~the powers and duties of each entity in accordance with the~~  
12 ~~policies and guiding principles of s. 229.002, and the~~  
13 ~~entities shall cease to exist\*.~~

14 ~~(a) The Board of Regents.~~

15 ~~(b) The State Board of Community Colleges.~~

16 ~~(c) The State Board of Independent Colleges and~~  
17 ~~Universities.~~

18 ~~(d) The State Board of Nonpublic Career Education.~~

19 ~~(e) The Division of Workforce Development of the~~  
20 ~~Department of Education.~~

21 ~~(f) The Postsecondary Education Planning Commission.~~

22 ~~(g) The Articulation Coordination Committee.~~

23 ~~(h) The Division of Human Resource Development of the~~  
24 ~~Department of Education.~~

25 ~~(i) The Division of Support Services of the Department~~  
26 ~~of Education.~~

27 ~~(j) The Division of Administration of the Department~~  
28 ~~of Education.~~

29 ~~(k) The Division of Financial Services of the~~  
30 ~~Department of Education.~~

31

1           ~~(l) The Division of Technology of the Department of~~  
2 ~~Education.~~

3           ~~(m) The Office of Student Financial Assistance of the~~  
4 ~~Department of Education.~~

5           ~~(n) The Division of Universities of the Department of~~  
6 ~~Education.~~

7           ~~(o) The Division of Community Colleges of the~~  
8 ~~Department of Education.~~

9           Section 4. Section 229.0031, Florida Statutes, is  
10 created to read:

11           229.0031 Council for Education Policy Research and  
12 Improvement.--Effective July 1, 2001, the Council for  
13 Education Policy Research and Improvement is created as an  
14 independent office under the Office of Legislative Services,  
15 pursuant to s. 11.147. The council shall conduct and review  
16 education research, provide independent analysis on education  
17 progress, and provide independent evaluation of education  
18 issues of statewide concern. The Office of Legislative  
19 Services shall provide administrative functions of the  
20 council, pursuant to joint policies of the Legislature.

21           (1) The council shall serve as a citizen board for  
22 independent policy research and analysis. The council shall be  
23 composed of five members appointed by the Governor, two  
24 members appointed by the Speaker of the House of  
25 Representatives, and two members appointed by the President of  
26 the Senate. Each member shall be appointed for a term of 6  
27 years. However, for purposes of continuity, the Governor shall  
28 appoint two members, the Speaker of the House of  
29 Representatives shall appoint one member, and the President of  
30 the Senate shall appoint one member for a first term of 4  
31 years. Members appointed for 4 years may be reappointed to one

1 additional term. Members shall not include elected officials  
2 or employees of public or independent education entities.  
3 Members who miss two consecutive meetings may be replaced by  
4 the appointing officer.

5 (2) The council shall meet as often as it considers  
6 necessary to carry out its duties and responsibilities.  
7 Members shall be paid travel and per diem expenses as provided  
8 in s. 112.061 while performing their duties under this  
9 section.

10 (3) The council shall appoint an executive director,  
11 who shall serve at the pleasure of the council and shall  
12 perform the duties assigned to him or her by the council. The  
13 executive director is the chief administrative officer of the  
14 council and shall appoint all employees and staff members of  
15 the council, who shall serve under the executive director's  
16 direction and control.

17 (4) The council shall:

18 (a) Provide state policymakers, educators, and the  
19 public with objective and timely information that supports the  
20 seamless K-20 education system and the K-20 education  
21 accountability process designed to provide all students an  
22 opportunity for a high-quality education, in accordance with  
23 the policies and guiding principles of s. 229.002 and the  
24 performance accountability system in s. 229.007.

25 (b) Explore national and state emerging educational  
26 issues and examine how these issues should be addressed by  
27 education institutions in Florida.

28 (c) Prepare and submit to the Florida Board of  
29 Education a long-range master plan for education. The plan  
30 must include consideration of the promotion of quality,  
31 fundamental educational goals, programmatic access, needs for

1 remedial education, regional and state economic development,  
2 international education programs, demographic patterns,  
3 student demand for programs, needs of particular subgroups of  
4 the population, implementation of innovative educational  
5 techniques and technology, and requirements of the labor  
6 market. The plan must evaluate the capacity of existing  
7 programs in public and independent institutions to respond to  
8 identified needs, and the council shall recommend efficient  
9 alternatives to address unmet needs. The council shall update  
10 the master plan at least every 5 years.

11 (d) Prepare and submit for approval by the Florida  
12 Board of Education a long-range performance plan for K-20  
13 education in Florida, and annually review and recommend  
14 improvement in the implementation of the plan.

15 (e) Annually report on the progress of public schools  
16 and postsecondary education institutions toward meeting  
17 educational goals and standards as defined by s. 229.007.

18 (f) Recommend to the Legislature and the Florida Board  
19 of Education legislation and rules for the educational  
20 accountability system that support the policies and guiding  
21 principles of s. 229.002.

22 (g) Recommend to the Florida Board of Education  
23 revisions and new initiatives to further improve the K-20  
24 education accountability system.

25 (h) Provide public education institutions and the  
26 public with information on the K-20 education accountability  
27 system, recommend refinements and improvements, and evaluate  
28 issues pertaining to student learning gains.

29 (i) On its own initiative or in response to the  
30 Governor, the Legislature, the Florida Board of Education, or  
31

1 the Commissioner of Education, issue reports and  
2 recommendations on matters relating to any education sector.

3 (j) By January 1, 2003, and on a 3-year cycle  
4 thereafter, review and make recommendations to the Legislature  
5 regarding the activities of research centers and institutes  
6 supported with state funds to assess the return on the state's  
7 investment in research conducted by public postsecondary  
8 education institutions, in coordination with the Leadership  
9 Board for Applied Research and Public Service, created  
10 pursuant to s. 240.706.

11 (k) Apply for and receive grants for the study of K-20  
12 education system improvement consistent with its  
13 responsibilities.

14 (l) Assist the Florida Board of Education in the  
15 conduct of its educational responsibilities in such capacities  
16 as the board considers appropriate.

17 Section 5. Section 229.004, Florida Statutes, is  
18 amended to read:

19 229.004 Florida Board of Education.--

20 (1)(a) In accordance with the implementation process  
21 in s. 229.0072 ~~Effective January 7, 2003,~~ the Florida Board of  
22 Education is established as a body corporate. The board shall  
23 be a ~~part-time~~ citizen board consisting of seven members who  
24 are residents of the state appointed by the Governor to  
25 staggered 4-year terms, subject to confirmation by the Senate,  
26 provided, however, that Senate confirmation is not required  
27 for the members of the Florida Board of Education to perform  
28 the duties as prescribed in this education governance  
29 reorganization implementation act. Members of the board shall  
30 serve without compensation, but shall be entitled to  
31 reimbursement of travel and per diem expenses in accordance

1 with s. 112.061.Members may be reappointed by the Governor  
2 for additional terms not to exceed 8 years of consecutive  
3 service.

4 (b) The Governor shall appoint the first chair of the  
5 Florida Board of Education who shall serve for 2 years. After  
6 expiration of the 2-year term and at the first regular meeting  
7 of the board after July 1, the Florida Board of Education  
8 shall select a chair and a vice chair from its appointed  
9 members. The chair shall serve a 2-year term and may be  
10 reselected for one additional consecutive term.~~The Florida~~  
11 ~~Board of Education shall have a chairperson who shall be~~  
12 ~~appointed by the Governor.~~

13 (2) The primary duties of the board shall be to  
14 establish education goals and objectives consistent with the  
15 policies and guiding principles of s. 229.002 and the mission  
16 and goals of s. 229.007 and, together with the Commissioner of  
17 Education, to oversee the implementation of and enforce  
18 compliance with the education policies established by the  
19 Legislature. The board, through its secretary,and the  
20 commissioner,shall establish, operate, and maintain optimal  
21 efficiency of an Office of the Commissioner of Education  
22 pursuant to s. 229.0061(2)(c) in accordance with the  
23 guidelines of ss. 229.0061 and 229.0073 ~~Board of Education.~~

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

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

30 (b) Establish and aggressively enforce efficient and  
31 effective performance management objectives.

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

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

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

9 (f)(e) Adopt cohesive rules, within statutory  
10 authority, for education systemwide issues, including rules  
11 governing systemwide access to educational opportunities, and  
12 ensure that rules adopted for the various education delivery  
13 systems are compatible.

14 (g)(f) Ensure articulation and coordination within and  
15 across the entire education delivery system.

16 (h)(g) Provide ongoing public information regarding  
17 performance results for the entire kindergarten through  
18 graduate school education system and each of its components.

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

21 (a) The work of ~~with~~ the Chancellor of Public Schools  
22 ~~K-12 Education~~ to establish, and maintain optimal efficiency  
23 of, a Division ~~an Office~~ of Public Schools, within the  
24 guidelines of ss. 229.0061 and 229.0073, and to achieve the  
25 mission and goals of s. 229.007 ~~K-12 Education~~.

26 (b) The work of ~~with~~ the Chancellor of Colleges and  
27 State Universities to establish, and maintain optimal  
28 efficiency of, a Division ~~an Office~~ of Colleges and State  
29 Universities, within the guidelines of ss. 229.0061 and  
30 229.0073, and to achieve the mission and goals of s. 229.007.

31

1           (c) The work of ~~with~~ the Chancellor of Community  
2 Colleges ~~and Career Preparation~~ to establish, and maintain  
3 optimal efficiency of, a Division ~~an Office~~ of Community  
4 Colleges, within the guidelines of ss. 229.0061 and 229.0073,  
5 and to achieve the mission and goals of s. 229.007 ~~and Career~~  
6 ~~Preparation.~~

7           (d) The work of ~~with~~ the Executive Director of  
8 Independent Nonpublic and Nontraditional Education to  
9 establish, and maintain optimal efficiency of, a Division ~~an~~  
10 ~~Office~~ of Independent Nonpublic and Nontraditional Education,  
11 within the guidelines of ss. 229.0061 and 229.0073 ~~Services.~~

12           Section 6. Section 229.005, Florida Statutes, is  
13 amended to read:

14           229.005 Florida education governance officers.--

15           (1) COMMISSIONER OF EDUCATION.--The Commissioner of  
16 Education shall work with the Florida Board of Education and  
17 its secretary to oversee the other education governance  
18 officers and focus ~~be appointed by the Board of Education from~~  
19 ~~candidates of national caliber and respected and proven~~  
20 ~~organizational leadership with established experience in~~  
21 ~~administering broad-based policy. The commissioner shall be a~~  
22 ~~person who is eminently capable of focusing~~ the entire  
23 kindergarten through graduate school education system on  
24 accomplishing to accomplish the policies and guiding  
25 principles of s. 229.002 and achieving the mission and goals  
26 of s. 229.007. The commissioner shall serve as chief executive  
27 officer and, in cooperation with the Secretary of the Florida  
28 Board of Education, shall ~~have the ability to successfully~~  
29 provide education policy and planning direction, program  
30 development, performance management, and funding allocation  
31 recommendations across the spectrum of kindergarten through



1 graduate school education, ~~and the ability to achieve and~~  
2 ~~safeguard the will of the people of Florida as expressed in s.~~  
3 ~~1, Art. IX of the Florida Constitution, that "adequate~~  
4 ~~provision shall be made by law for a uniform, efficient, safe,~~  
5 ~~secure, and high quality system of free public schools that~~  
6 ~~allows students to obtain a high quality education and for the~~  
7 ~~establishment, maintenance, and operation of institutions of~~  
8 ~~higher learning and other public education programs that the~~  
9 ~~needs of the people may require."~~

10 (2) CHANCELLOR OF PUBLIC SCHOOLS K-12 EDUCATION.--The  
11 Chancellor of Public Schools K-12 Education shall be appointed  
12 by the Florida Board of Education Commissioner of Education  
13 based on his or her ability to work as a division vice  
14 president of the seamless K-20 education system with the  
15 Florida Board of Education and the other education governance  
16 officers to comply with the policies and guiding principles of  
17 s. 229.002, to achieve the mission and goals of s. 229.007, to  
18 enhance the quality of public K-12 education in Florida, and  
19 to maximize the equity of public K-12 education in Florida by  
20 moving the focus to the school site and the individual  
21 student, ~~and to achieve and safeguard the will of the people~~  
22 ~~of Florida as expressed in s. 1, Art. IX of the Florida~~  
23 ~~Constitution, that "adequate provision shall be made by law~~  
24 ~~for a uniform, efficient, safe, secure, and high quality~~  
25 ~~system of free public schools that allows students to obtain a~~  
26 ~~high quality education. . . ."~~

27 (3) CHANCELLOR OF COLLEGES AND STATE  
28 UNIVERSITIES.--The Chancellor of Colleges and State  
29 Universities shall be appointed by the Florida Board of  
30 Education Commissioner of Education based on his or her  
31 ability to work as a division vice president of the seamless

1 K-20 education system with the Florida Board of Education and  
2 the other education governance officers to comply with the  
3 policies and guiding principles of s. 229.002, to achieve the  
4 mission and goals of s. 229.007, to enhance the national  
5 reputation and quality of education and ~~educational~~ research  
6 in Florida's colleges and ~~state~~ universities, and to work  
7 directly with each of the college and ~~state~~ university  
8 presidents and boards of trustees in focusing on the education  
9 and ~~educational~~ research needs of the individual college or  
10 university and its students.

11 (4) CHANCELLOR OF COMMUNITY COLLEGES ~~AND CAREER~~  
12 ~~PREPARATION~~.--The Chancellor of Community Colleges ~~and Career~~  
13 ~~Preparation~~ shall be appointed by the 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 quality of  
20 education in Florida's community colleges, and to work  
21 directly with each of the community college presidents and  
22 boards of trustees in focusing on the education needs of the  
23 communities and students they serve.

24 (5) EXECUTIVE DIRECTOR OF INDEPENDENT ~~NONPUBLIC AND~~  
25 ~~NONTRADITIONAL~~ EDUCATION.--The Executive Director of  
26 Independent Nonpublic and Nontraditional Education shall be  
27 appointed by the Florida Board of Education ~~Commissioner of~~  
28 ~~Education~~ based on his or her ability to work as a division  
29 vice 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

1 s. 229.002, to protect the independence, autonomy, and  
2 nongovernmental status of independent education in Florida,to  
3 enhance the quality and expand the offerings and innovations  
4 of independent ~~nonpublic and nontraditional~~ education in  
5 Florida, to establish partnerships with independent ~~nonpublic~~  
6 education providers at all levels to achieve these goals, and  
7 to work directly with the Board of Trustees of the Florida  
8 Virtual On-Line High School and with Florida's private school  
9 associations, home education associations, independent  
10 ~~nonpublic~~ career education institutions, and independent  
11 colleges and universities to maximize educational choice and  
12 enhance the options, educational alternatives, and  
13 student-focused delivery for their students.

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

16 229.006 Education Governance Reorganization Transition  
17 Task Force.--

18 (1) In order to accomplish a smooth transition ~~on~~  
19 ~~January 7, 2003,~~from the elected State Board of Education to  
20 the appointed Florida Board of Education, there shall be  
21 established the Education Governance Reorganization Transition  
22 Task Force. ~~All members of the task force shall be appointed~~  
23 ~~as soon as feasible but not later than October 1, 2000.~~The  
24 task force shall be comprised of:

25 (a) Five members appointed by the Governor;

26 (b) Three members appointed by the President of the  
27 Senate; and

28 (c) Three members appointed by the Speaker of the  
29 House of Representatives.  
30  
31

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

10 (4) Having completed its recommendations to the  
11 Legislature by March 1, 2001, the transition task force shall  
12 redirect its focus to provide guidance and monitoring of the  
13 implementation process pursuant to s. 229.0072 and to  
14 regularly report to the Governor, the Legislature, the  
15 Secretary of the Florida Board of Education, and the public on  
16 the progress of the reorganization implementation process. If  
17 any implementation activity is determined by a majority vote  
18 of the task force to be inconsistent with the intent of this  
19 act, the chair of the task force shall report such activity  
20 directly to the State Board of Education, and the State Board  
21 of Education shall act immediately to resolve the dispute.  
22 ~~recommend to the Legislature:~~

23 (a) ~~How best to achieve education system integration~~  
24 ~~by:~~

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

27 2. ~~Devolving the education delivery services and~~  
28 ~~operational decisions to the appropriate location of delivery~~  
29 ~~to students, specifically the schools, community colleges,~~  
30 ~~colleges, universities, area technical centers, and other~~  
31

1 ~~education institutions or places where the students receive~~  
2 ~~their education.~~

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

5 ~~(b) How best to achieve economies in education~~  
6 ~~services, including recommendations concerning consolidation~~  
7 ~~of information systems and integrated performance and~~  
8 ~~financial accounting systems, while maximizing effectiveness~~  
9 ~~within existing resources and staff.~~

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

13 ~~2. A recommended salary structure for the Commissioner~~  
14 ~~of Education and for the chancellors.~~

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

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

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

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

27 ~~(a) Standards, definitions, and guidelines for~~  
28 ~~universities, colleges, community colleges, schools, and other~~  
29 ~~education institutions to ensure the quality of education,~~  
30 ~~systemwide coordination, and efficient progress toward~~  
31 ~~attainment of their appropriate missions.~~

1           ~~(b) Rules and procedures as necessary to be followed~~  
2 ~~by university boards of trustees, community college boards of~~  
3 ~~trustees, and other boards of trustees, as determined~~  
4 ~~appropriate, for recruitment and selection of presidents,~~  
5 ~~procedures for annual evaluations of presidents, and~~  
6 ~~procedures for interaction between presidents, the boards of~~  
7 ~~trustees, and the new Florida Board of Education.~~

8           ~~(c) A systemwide strategic plan for postsecondary~~  
9 ~~institutions that considers the role, in their respective~~  
10 ~~communities, of each of the institutions.~~

11           ~~(d) Methodologies for degree program approval,~~  
12 ~~establishment of matriculation and tuition fees, and~~  
13 ~~coordination of colleges' and universities' budget requests.~~

14           ~~(e) Any additional statutory changes needed during the~~  
15 ~~2002 legislative session to complete the education governance~~  
16 ~~reorganization transition.~~

17           ~~(6) By March 1, 2003, the transition task force shall~~  
18 ~~recommend to the Legislature.~~

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

23           ~~(b) Rulemaking authority for the new Florida Board of~~  
24 ~~Education and a plan and timetable for transition or~~  
25 ~~coordination of existing education sector agency rules and~~  
26 ~~rulemaking authority recommendations, if any, for education~~  
27 ~~agencies.~~

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

30           (5)(7) By March May 1, 2003, the transition task force  
31 shall have completed its duties and shall make its final

1 report to the Governor, the Florida Board of Education, the  
2 Commissioner of Education, the President of the Senate, the  
3 Speaker of the House of Representatives, and the minority  
4 leaders of each chamber. The final report shall include, but  
5 is not limited to:

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

9 (b) The status of all pending and completed actions on  
10 orders and rules, all enforcement matters, and all  
11 delegations, interagency agreements, and contracts with  
12 federal, state, regional, and local governments and private  
13 entities.

14 (c) Identification of any remaining or potential  
15 duplication in the administration of state education laws and  
16 rules, with specific recommendations to eliminate such  
17 duplication and promote more efficient administration.

18 Section 8. Section 229.0061, Florida Statutes, is  
19 created to read:

20 229.0061 Florida's K-20 education system; guidelines  
21 for implementation; guidelines for structure, functions, and  
22 organization.--

23 (1) GUIDELINES FOR IMPLEMENTATION.--

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

28 (b) Florida's K-20 education system shall rely on a  
29 single entity, the Florida Board of Education, as its single  
30 strategic voice. If the board desires assistance on matters of  
31 policy research or other issues, the board shall be authorized

1 to appoint on an ad hoc basis a committee or committees to  
2 assist it on any and all issues within the K-20 education  
3 system.

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

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

10 (2) GUIDELINES FOR STRUCTURE, FUNCTIONS, AND  
11 ORGANIZATION.--

12 (a) Roles of the Legislature, the Florida Board of  
13 Education, the education governance officers, and the  
14 institutional boards of trustees and school boards.--The  
15 Legislature shall establish education policy, enact education  
16 laws, and appropriate and allocate education resources. The  
17 Florida Board of Education shall enforce all laws, rules, and  
18 guidelines and shall timely provide direction, resources,  
19 assistance, intervention when needed, and strong incentives  
20 and disincentives to force accountability for results. In  
21 terms of major areas of responsibility, the Legislature, the  
22 Florida Board of Education, the education governance officers,  
23 and the institutional boards of trustees and school boards  
24 shall each perform essential constituent roles.

25 (b) Florida Board of Education.--The Florida Board of  
26 Education shall serve as the body corporate for Florida's  
27 seamless K-20 education system; implement the coordinated  
28 education vision; and, together with the Secretary of the  
29 Florida Board of Education, the commissioner, the chancellors,  
30 and the executive director, oversee the success of that  
31 vision. The Florida Board of Education shall:



- 1           1. Enforce systemwide education policies and goals.  
2           2. Recommend annually the coordinated education budget  
3 and authorize the allocation of resources in accordance with  
4 law and rule. Any program recommended by the Florida Board of  
5 Education which requires state funding for more than 1 year  
6 must be presented in a multiyear budget plan.  
7           3. Adopt long-term and short-term education plans,  
8 including a coordinated 5-year plan for postsecondary  
9 enrollment which the board shall submit annually to the  
10 Legislature and shall review periodically for adjustment.  
11           4. Adopt university plans designed to achieve  
12 continued student diversity in undergraduate, graduate, and  
13 professional programs.  
14           5. Enforce education accountability standards and  
15 measures of all components of the K-20 education system.  
16           6. Accurately and continuously assess data and monitor  
17 and report performance.  
18           7. Provide high-quality assistance and intervention  
19 when and where needed.  
20           8. Provide timely and accurate information on all  
21 public and independent education services.  
22           9. Recommend to the Legislature the missions of the  
23 public colleges and universities and community colleges.  
24           (c) Commissioner of Education.--The Commissioner of  
25 Education shall serve as chief executive officer of the  
26 seamless K-20 education system. The commissioner shall propose  
27 action on all issues that the Florida Board of Education  
28 brings before the State Board of Education and shall be  
29 responsible for enforcing compliance with the mission and  
30 goals of the seamless K-20 education system by all education  
31 delivery sectors. The commissioner's office shall operate all

1 statewide functions necessary to support the Florida Board of  
2 Education and the seamless K-20 education system, including  
3 the following areas:

- 4 1. Legal.
- 5 2. Communications, including a Citizen Information  
6 Center that provides quick response and uses customer-friendly  
7 methods.
- 8 3. Strategic planning and budget development.
- 9 4. General administration.
- 10 5. Assessment and accountability.
- 11 6. Data management, education technology, and an  
12 education data warehouse.
- 13 7. Access and opportunity.
- 14 8. Policy research and development, except the Council  
15 for Education Policy Research and Improvement.
- 16 9. Florida Board of Education personnel.
- 17 10. Workforce and economic development.
- 18 11. Educational facilities.
- 19 12. Technology and information services.
- 20 13. Student financial assistance.
- 21 14. Inspector General.

22 (d) Chancellors and executive director.--The  
23 Chancellor of Public Schools, the Chancellor of Community  
24 Colleges, the Chancellor of Colleges and Universities, and the  
25 Executive Director of Independent Education shall serve the  
26 Florida Board of Education, the Secretary of the Florida Board  
27 of Education, and the Commissioner of Education in the role of  
28 division vice presidents of the K-20 education system and as  
29 governance officers and critical members of the state-level  
30 education leadership team. They shall each be held responsible  
31 for providing leadership, administering programs, resolving

1 disputes, providing technical assistance, and timely  
2 recommending action plans to the commissioner for sanctions or  
3 intervention when needed, as well as making recommendations to  
4 the board, the secretary, and the commissioner for strategic  
5 planning and budget development for their respective education  
6 delivery sectors. They shall support the governing policies  
7 and responsibilities of the board, the secretary, and the  
8 commissioner and bear primary responsibility for the  
9 achievement of the mission and goals of the K-20 education  
10 system by their education delivery sectors, as applicable to  
11 their sectors. They shall reinforce the policies and  
12 principles of the seamless K-20 education system in every  
13 venue and at every opportunity, and work together to  
14 facilitate horizontal communications and interactions between  
15 the education delivery sectors. Specifically, as applicable,  
16 each education governance officer shall:

- 17 1. Serve as the head of the division.
- 18 2. Supervise all employees and work of the division.
- 19 3. Properly and timely inform education institutions  
20 and the public as to legislative action, including funding,  
21 grant opportunities, and substantive policy changes affecting  
22 the division.
- 23 4. Direct the review of expenditures of public funds  
24 in accordance with legislative intent.
- 25 5. Evaluate the performance of each education  
26 institution under the division and report performance results  
27 to the public, the Legislature, the Commissioner of Education,  
28 the Florida Board of Education, and the institution and its  
29 governing board.

30  
31

1           6. Direct institutional governing boards to take  
2 corrective action to improve unsatisfactory performance  
3 pursuant to law and rules of the Florida Board of Education.

4           7. Direct and oversee the development of the  
5 division's accountability system and recommend changes to the  
6 Commissioner of Education and the Florida Board of Education.

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

10          9. Direct the provision of state services to  
11 institutions under the division.

12          10. Direct the development of the division's  
13 legislative budget request and work cooperatively with the  
14 commissioner and other governance officers to develop a  
15 coordinated budget request.

16          11. Serve as the primary point of contact and  
17 communication for the division.

18          (e) Institutional boards of trustees and school  
19 boards.--Each institutional board of trustees and school board  
20 shall:

21           1. Provide strategic planning and budget development  
22 for their institution or school district.

23           2. Implement and maintain high-quality education  
24 programs within law and rules of the Florida Board of  
25 Education.

26           3. Measure and enforce performance.

27           4. Provide timely and accurate reporting of  
28 information.

29           5. Provide direct input on education issues to the  
30 education governance officers.

31

1           6. Have broad latitude within law and rules of the  
2 Florida Board of Education in developing local policies and  
3 local programs to meet the needs of their students, their  
4 communities, and area employers.

5           7. Hold presidents and appointed superintendents  
6 responsible for institution and school performance.

7           8. Be responsible for the fiscal accountability of  
8 their institution or school district.

9           9. Be responsible for compliance with all laws, rules  
10 of the Florida Board of Education, and performance  
11 accountability requirements.

12           (f) Presidents and superintendents.--Each  
13 institutional president and school district superintendent  
14 shall:

15           1. Be responsible for efficient and effective budget  
16 and program administration.

17           2. Provide strong leadership to accomplish their  
18 education missions and goals.

19           3. Closely monitor education performance.

20           4. Provide timely and accurate financial and  
21 performance data.

22           5. Link instructional staff evaluations to student  
23 performance.

24           (g) Ad hoc advisory committees.--Advisory bodies shall  
25 be appointed on an ad hoc basis by the Florida Board of  
26 Education to serve the board, commissioner, and chancellors  
27 when and as needed by studying and recommending action on  
28 major issues that affect the direction and quality of  
29 education, providing public forums for debate, and  
30 safeguarding a coordinated systemwide approach to education  
31 policy decisions.

1           Section 9. Section 229.007, Florida Statutes, is  
2 created to read:

3           229.007 Florida's K-20 education performance  
4 accountability system; legislative intent; performance-based  
5 funding; mission, goals, and systemwide measures.--

6           (1) LEGISLATIVE INTENT.--It is the intent of the  
7 Legislature that:

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

12           1. What is the public getting in return for funds it  
13 invests in education?

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

16           3. How are the major delivery sectors performing to  
17 promote student achievement?

18           4. How are individual schools and postsecondary  
19 education institutions performing their responsibility to  
20 educate their students as measured by how students are  
21 performing and how much they are learning?

22           (b) The Florida Board of Education recommend to the  
23 Legislature systemwide performance standards; the Legislature  
24 establish systemwide performance measures and standards; and  
25 the systemwide measures and standards provide Floridians with  
26 information on what the public is getting in return for the  
27 funds it invests in education and how well the K-20 system  
28 educates its students.

29           (c) The Florida Board of Education establish  
30 performance measures and set performance standards for  
31 individual components of the public education system,

1 including individual schools and postsecondary education  
2 institutions, which measures and standards are based primarily  
3 on student achievement.

4 (2) PERFORMANCE-BASED FUNDING--The Florida Board of  
5 Education shall work with the chancellors and each delivery  
6 system to develop proposals for performance-based funding,  
7 using performance measures established by the Legislature. The  
8 proposals must provide that at least 10 percent of the state  
9 funds appropriated for the K-20 education system are  
10 conditional upon meeting or exceeding established performance  
11 standards. The Florida Board of Education must submit the  
12 recommendations to the Legislature in the following sequence:

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

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

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

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

25 (3) MISSION, GOALS, AND SYSTEMWIDE MEASURES.--The  
26 mission of Florida's K-20 education system, when it becomes  
27 fully operational, shall be to increase the proficiency of all  
28 students within one seamless, efficient system, by providing  
29 them with the opportunity to expand their knowledge and skills  
30 through learning opportunities and research valued by  
31 students, parents, and communities, and to maintain an

1 accountability system that measures student progress toward  
2 the following goals:

3 (a) Highest student achievement, as measured by:  
4 student FCAT performance and annual learning gains; the number  
5 and percentage of schools that improve at least one school  
6 performance grade designation or maintain a school performance  
7 grade designation of "A" pursuant to s. 229.57; graduation or  
8 completion rates at all learning levels; and other measures  
9 identified in law or rule.

10 (b) Seamless articulation and maximum access, as  
11 measured by: the percentage of students who demonstrate  
12 readiness for the educational level they are entering, from  
13 kindergarten through postsecondary education and into the  
14 workforce; the number and percentage of students needing  
15 remediation; the percentage of Floridians who complete  
16 associate, baccalaureate, professional, and postgraduate  
17 degrees; the number and percentage of credits that articulate;  
18 the extent to which each set of exit-point requirements  
19 matches the next set of entrance-point requirements; and other  
20 measures identified in law or rule.

21 (c) Skilled workforce and economic development, as  
22 measured by: the number and percentage of graduates employed  
23 in their areas of preparation; the percentage of Floridians  
24 with high school diplomas and postsecondary education  
25 credentials; the percentage of business and community members  
26 who find that Florida's graduates possess the skills they  
27 need; and other measures identified in law or rule.

28 (d) Quality efficient services, as measured by: cost  
29 per completer or graduate; average cost per noncompleter at  
30 each educational level; cost disparity across institutions  
31 offering the same degrees; the percentage of education



1 customers at each educational level who are satisfied with the  
2 education provided; and other measures identified in law or  
3 rule.

4 Section 10. Section 229.0072, Florida Statutes, is  
5 created to read:

6 229.0072 Reorganization implementation process.--In  
7 order to best achieve the legislative purpose of the Florida  
8 Education Governance Reorganization Implementation Act:

9 (1) The Governor shall appoint the members of the  
10 boards of trustees of the state universities in accordance  
11 with s. 229.008.

12 (2) Effective July 1, 2001, the Governor shall appoint  
13 a seven-member Florida Board of Education and a Secretary of  
14 the Florida Board of Education. The Florida Board of Education  
15 shall be housed within, and operate under the direction of,  
16 the State Board of Education. The Secretary of the Florida  
17 Board of Education shall possess proven organizational  
18 leadership and knowledge of broad-based education policy. The  
19 secretary shall be confirmed by the Senate during the 2002  
20 regular legislative session, but may perform all duties in the  
21 interim. The secretary shall serve as secretary to the board  
22 and as the board's primary liaison with all entities involved  
23 in the reorganization of education. The secretary shall be  
24 responsible directly to the Florida Board of Education and  
25 shall serve as staff to the board on all action items relating  
26 to the reorganization. During the reorganization  
27 implementation period, the secretary shall:

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

30  
31

1           (b) Be responsible for integration of the Department  
2 of Education as it is reorganized into an agency of the  
3 Governor.

4           (c) Serve as the head of the Education Reorganization  
5 Workgroup.

6           (d) Serve as the head of the K-20 education leadership  
7 team.

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

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

14           (a) Adopt rules pursuant to ss. 120.536(1) and 120.54  
15 to implement provisions of law conferring duties upon it. The  
16 rules shall be submitted to the State Board of Education. If  
17 any rule is not disapproved by the State Board of Education  
18 within 45 days after its receipt, the rule shall be filed  
19 immediately with the Department of State.

20           (b) Prepare and submit a coordinated K-20 education  
21 budget to the Governor and Legislature that clearly defines  
22 the individual needs of the divisions within the Department of  
23 Education.

24           (c) Establish a work plan and timeline for the orderly  
25 implementation of the transition, including a fully detailed  
26 plan and timeline for the devolution of duties, as  
27 appropriate, to the university boards of trustees.

28           (d) Establish accountability standards for existing  
29 legislative performance goals, standards, and measures, and  
30 order the development of mechanisms to implement new  
31 legislative goals, standards, and measures.

1           (e) Supervise the coordination of institutions and  
2 delivery sectors.

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

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

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

9           (i) Establish advisory boards on an ad hoc basis to  
10 provide the support needed to address issues such as public  
11 education facilities planning; student issues; instructional  
12 issues; distance learning and technology; academic quality,  
13 freedom, and responsibility; and research.

14           (j) Develop and review recommendations on issues of  
15 statewide importance, such as technology systems and  
16 facilities.

17           (k) Adopt criteria and implementation plans for future  
18 growth issues, such as new colleges and universities and  
19 campus mergers; and provide for cooperative agreements between  
20 and within public and private education sectors.

21           (l) Advise the State Board of Education regarding the  
22 issuance of bonds.

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

26           (n) Develop and recommend to the Education Governance  
27 Reorganization Transition Task Force, the Governor, the  
28 Secretary of the Florida Board of Education, the Commissioner  
29 of Education, and the Legislature, no later than January 1,  
30 2002, for adoption during 2002, a clear, concise new School  
31 Code, comprised of the revision of chapters 228-246, to

1 accomplish the implementation, administration, and operation  
2 of Florida's seamless K-20 education system in accordance with  
3 the guidelines included in s. 229.0061.

4 (o) Serve as the successor for all collective  
5 bargaining agreements currently in effect with the Board of  
6 Regents.

7 (5) Effective July 1, 2001, the Commissioner of  
8 Education shall:

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

12 (b) Commence reorganization of the Department of  
13 Education as a state agency of the Governor in accordance with  
14 legislative guidelines pursuant to s. 229.0073, the  
15 requirements of s. 229.003(5), and requests of the Florida  
16 Board of Education as approved by the State Board of  
17 Education.

18 (c) As Secretary of the State Board of Education,  
19 assist the Secretary of the Florida Board of Education in  
20 determining the agenda for the Florida Board of Education and  
21 provide the Florida Board of Education and the State Board of  
22 Education the full support of the reorganized Department of  
23 Education.

24 Section 11. Section 229.0073, Florida Statutes, is  
25 created to read:

26 229.0073 Reorganization of the Department of  
27 Education.--Effective July 1, 2001, notwithstanding the  
28 provisions of s. 20.15, the secretary's Education  
29 Reorganization Workgroup is established to direct and provide  
30 oversight for the reorganization of Florida's K-20 Department  
31 of Education. The workgroup shall be comprised of the

1 Secretary of the Florida Board of Education, the Commissioner  
2 of Education, the Governor or his designee, the Chancellor of  
3 Colleges and Universities, the Chancellor of Community  
4 Colleges, the Chancellor of Public Schools, and the Executive  
5 Director of Independent Education, who shall consult with the  
6 legislative members of the Education Governance Reorganization  
7 Transition Task Force. The reorganization shall:

8 (1) Eliminate duplication across divisions; achieve  
9 greater efficiencies in financial and human resources and  
10 education services; and identify functions, resources, and  
11 services that should be eliminated, transferred, or realigned.

12 (2) Include a review and assessment of all bureaus,  
13 offices, divisions, and functions of the department  
14 reorganized pursuant to this section.

15 (3) Establish an Office of the Commissioner of  
16 Education that includes the general areas of operation that  
17 are common to all delivery sectors, such as administration,  
18 communication, legal services, financial aid, and government  
19 and public relations, in order to increase efficiency, improve  
20 service delivery to students, and fully support the  
21 operational needs of the Florida Board of Education.

22 (4) Establish the following divisions within the  
23 department:

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

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

30 (c) Division of Colleges and Universities.--The  
31 state's public universities and colleges and the 4-year

1 independent colleges and universities whose students are  
2 eligible to receive the William L. Boyd, IV, Florida resident  
3 access grants pursuant to s. 240.605, to enable more effective  
4 articulation between these public and private institutions.  
5 The division chancellor shall administer those provisions of  
6 chapter 246 that apply to the independent colleges and  
7 universities within the division and shall establish a liaison  
8 responsible for partnerships that enhance articulation between  
9 and communication with Florida's 4-year independent colleges  
10 and universities.

11 (d) Division of Independent Education.--The  
12 independent education providers within the state, including  
13 home education programs that meet the requirements of s.  
14 232.0201, private K-12 institutions as described in s.  
15 229.808, independent colleges and universities, except those  
16 identified under paragraph (c), and private postsecondary  
17 career preparation and vocational training institutions.

18 1. The division shall be under an executive director  
19 and shall house a new commission, appointed by the Governor,  
20 to oversee licensing of independent postsecondary  
21 institutions, consumer protection, and program improvement.  
22 The commission shall have the powers and duties of the State  
23 Board of Independent Colleges and Universities specified in  
24 chapter 246, except the powers and duties relating to those  
25 institutions identified under paragraph (c), and of the State  
26 Board of Nonpublic Career Education.

27 2. The division shall serve as the advocate for and  
28 liaison to the independent education providers identified in  
29 this paragraph.

30 3. The executive director of the division shall  
31 establish a mechanism for regular interaction and input from

1 independent education providers in the development of policies  
2 that provide seamless articulation for all students.

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

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

8 (a) Office of Technology and Information Services.--In  
9 conjunction with the Chancellor of Public Schools, the  
10 Chancellor of Community Colleges, and the Chancellor of  
11 Colleges and Universities, the office shall be responsible for  
12 developing a systemwide technology plan, making budget  
13 recommendations to the commissioner, providing data collection  
14 and management for the system, and coordinating services with  
15 other state, local, and private agencies. The office shall  
16 develop a method to address the need for a statewide approach  
17 to planning and operations of library and information services  
18 to achieve a single K-20 education system library information  
19 portal and a unified higher education library management  
20 system. The Florida Virtual High School shall be  
21 administratively housed within the office.

22 (b) Office of Workforce and Economic Development.--The  
23 office shall evaluate the role of each sector of education in  
24 Florida's workforce and economic development, assess the  
25 specific work skills and variety of careers provided, and  
26 report to the Florida Board of Education the effectiveness of  
27 each sector.

28 (c) Office of Educational Facilities and SMART Schools  
29 Clearinghouse.--The office shall validate all educational  
30 plant surveys and verify Florida Inventory of School Houses  
31 (FISH) data. The office shall provide technical assistance to

1 public school districts when requested. The office, staff,  
2 property, and functions of the SMART Schools Clearinghouse are  
3 transferred by a type two transfer, pursuant to s. 20.06(2),  
4 from the Department of Management Services to the Office of  
5 Educational Facilities and SMART Schools Clearinghouse within  
6 the Office of the Commissioner of Education.

7 (d) Office of Student Financial Assistance.--The  
8 office shall provide access to and administer state and  
9 federal grants, scholarships, and loans to those students  
10 seeking financial assistance for postsecondary study pursuant  
11 to program criteria and eligibility requirements.

12 (6) Establish a K-20 education leadership team,  
13 including, but not limited to, the Secretary of the Florida  
14 Board of Education and the education governance officers. The  
15 leadership team shall be responsible for systemwide horizontal  
16 and vertical communication, and assisting the achievement of  
17 the seamless K-20 education system.

18 Section 12. Section 229.0074, Florida Statutes, is  
19 created to read:

20 229.0074 Division of Independent Education.--

21 (1) The mission of the Division of Independent  
22 Education is to enhance the opportunity to raise the  
23 educational attainment levels of students pursuing their  
24 education in nongovernment settings by representing their  
25 interests, and those of the institutions that serve them, in  
26 the Department of Education. The Division of Independent  
27 Education has no authority over the institutions or students  
28 in Florida's independent education sector. The Commission for  
29 Independent Education, administratively housed within the  
30 division, shall have such authority as specified in chapter  
31 246 relating to independent postsecondary education, except



1 regarding those institutions described in s. 229.0073(4)(c).  
2 The division shall serve as the advocate for, and liaison to,  
3 independent education providers and institutions, including  
4 home education programs that meet the requirements of s.  
5 232.0201, private K-12 institutions as described in s.  
6 229.808, independent colleges and universities except as  
7 otherwise provided in s. 229.0073(4)(c), and private  
8 postsecondary career preparation/vocational training  
9 institutions.

10 (2) The executive director of the division shall  
11 establish a mechanism for regular interaction and input from  
12 independent education providers in the development of policies  
13 that provide seamless articulation for all students. The  
14 executive director shall:

15 (a) Learn the interests and concerns of the students  
16 and providers of independent education at all levels in order  
17 to strongly represent them in the Department of Education.

18 (b) Articulate the interests and concerns of the  
19 students and providers of independent education at all levels  
20 in all relevant government settings, accurately reflecting the  
21 consensus or differences in opinion among those represented.

22 (c) Participate with the other division heads in key  
23 education decisionmaking processes.

24 (d) Monitor and participate in rulemaking and other  
25 activities relevant to the interests of the independent  
26 education sector.

27 (e) Serve as a key spokesperson for the independent  
28 education sector.

29 (f) Advocate for any necessary educational services  
30 and funds for independent education sector families and  
31 schools.

1           (g) Establish a clearinghouse of information.  
2           (h) Foster a collaborative spirit and working  
3 relationship among the institutions of the private and public  
4 sectors.

5           (i) Identify and convey the best practices of the  
6 independent education sector for the benefit of the other  
7 education delivery sectors, and vice versa.

8           (j) Augment, where appropriate, the efforts of groups  
9 representing the students and providers of independent  
10 education to communicate their concerns to government.

11           (k) Facilitate the administration of education  
12 services provided by the Department of Education to the  
13 independent education sector, such as those relating to  
14 teacher certification and background checks.

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

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

19           (n) Communicate relevant decisions to the independent  
20 education sector.

21           (o) Establish and oversee the division staff necessary  
22 to carry out the division's functions in the most economical  
23 and effective manner.

24           (p) Evaluate pending policies to ensure they do not  
25 place additional regulation or mandates on the independent  
26 education community.

27           (3) The powers and duties of the State Board of  
28 Independent Colleges and Universities and the State Board of  
29 Nonpublic Career Education, except as relating to any  
30 independent nonprofit college or university whose students are  
31 eligible to receive the William L. Boyd, IV, Florida resident

1 access grants pursuant to s. 240.605, shall be combined and  
2 transferred to a single board named the Commission for  
3 Independent Education, which shall be administratively housed  
4 within the division. This single board shall authorize  
5 granting of certificates, diplomas, and degrees for  
6 independent postsecondary education institutions through  
7 exemption, registration, authorization, and licensing.

8 (4) The Commission for Independent Education shall  
9 consist of six citizens who are residents of this state. The  
10 commission shall function in matters relating to independent  
11 postsecondary education institutions in consumer protection,  
12 program improvement, registration, authorization, licensure,  
13 and certificate of exemption from licensure for institutions  
14 under its purview, in keeping with the stated goals of the  
15 seamless K-20 education system. The commission shall appoint  
16 an executive director to serve as secretary of the commission  
17 and shall elect a chair and other officers as needed from  
18 among its membership. Members of the commission shall be  
19 appointed by the Governor and confirmed by the Senate. The  
20 commission shall be composed of six members, as follows:

21 (a) One member from an independent college or  
22 university that enrolls students who receive state or federal  
23 financial aid.

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

27 (c) One member from an independent nondegree granting  
28 school that enrolls students who receive state or federal  
29 financial aid.

30

31

1           (d) One member from a public school district or  
2 community college who is an administrator of  
3 vocational-technical education.

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

6           (5) The establishment of the Division of Independent  
7 Education shall not be construed to advance the extension or  
8 expansion of government regulation of independent or home  
9 education programs and nothing contained in this act shall  
10 authorize the state or any school district to further  
11 regulate, control, or interfere with the autonomy of  
12 independent K-12 schools or home education programs, or their  
13 governance, curriculum, accreditation, testing, or other  
14 practices.

15           Section 13. Section 229.008, Florida Statutes, is  
16 created to read:

17           229.008 Boards of trustees of the state  
18 universities.--

19           (1)(a) Effective July 1, 2001, and no later than  
20 November 1, 2001, the Governor shall appoint a 13-member board  
21 of trustees for each university in the State University  
22 System, each member to be confirmed by the Senate in the  
23 regular legislative session immediately following his or her  
24 appointment. In addition, a student body president shall serve  
25 as a voting member of his or her university board of trustees.  
26 There shall be no state residency requirement for university  
27 board members, but the Governor shall consider diversity and  
28 regional representation. Members of the boards of trustees  
29 shall receive no compensation but may be reimbursed for travel  
30 and per diem expenses as provided in s. 112.061.

31

1           **(b) The Governor may remove a trustee upon the**  
2 **recommendation of the Florida Board of Education, or for**  
3 **cause.**

4           **(2) Each board of trustees shall be a public body**  
5 **corporate by the name of "The (name of university) Board of**  
6 **Trustees," with all the powers of a body corporate, including**  
7 **a corporate seal, the power to contract and be contracted**  
8 **with, to sue and be sued, to plead and be impleaded in all**  
9 **courts of law or equity, and to give and receive donations. In**  
10 **all suits against a board of trustees, service of process**  
11 **shall be made on the chair of the board or, in the absence of**  
12 **the chair, on the corporate secretary or designee.**

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

16           **(4) Each board of trustees shall select its chair and**  
17 **vice chair from the appointed members at its first regular**  
18 **meeting after July 1. The chair shall serve for 2 years and**  
19 **may be reselected for one additional consecutive term. The**  
20 **duties of the chair shall include presiding at all meetings of**  
21 **the board, calling special meetings of the board, attesting to**  
22 **actions of the board, and notifying the Governor in writing**  
23 **whenever a board member fails to attend three consecutive**  
24 **regular board meetings in any fiscal year, which failure may**  
25 **be grounds for removal. The duty of the vice chair is to act**  
26 **as chair during the absence or disability of the chair.**

27           **(5) The university president shall serve as executive**  
28 **officer and corporate secretary of the board of trustees and**  
29 **shall be responsible to the board for all operations of the**  
30 **university and for setting the agenda for meetings of the**  
31 **board in consultation with the chair.**

1           (6) Upon appointment, each board of trustees shall  
2 commence professional orientation, training, and board  
3 development activities, and shall begin setting direction for  
4 its university in keeping with accountability and performance  
5 expectations of the seamless K-20 education system. Each board  
6 of trustees shall submit to the Florida Board of Education  
7 action plans and timelines for devolution of duties and  
8 responsibilities to the board of trustees.

9           (7) The boards of trustees shall be responsible for  
10 cost-effective policy decisions appropriate to the  
11 university's mission, the implementation and maintenance of  
12 high-quality education programs within law and rules of the  
13 Florida Board of Education, the measurement of performance,  
14 the reporting of information, and the provision of input  
15 regarding state policy, budgeting, and education standards.

16           (8) Whenever any civil action has been brought against  
17 any member of a university board of trustees or employee for  
18 any act or omission arising out of and in the course of the  
19 performance of his or her duties and responsibilities, the  
20 university board of trustees may defray all costs of defending  
21 such action, including reasonable attorney's fees and expenses  
22 together with costs of appeal, and may save harmless and  
23 protect such person from any financial loss resulting from the  
24 lawful performance of his or her duties and responsibilities.  
25 Claims based on such actions or omissions may, in the  
26 discretion of the university board of trustees, be settled  
27 prior to or after the filing of suit thereon. The board of  
28 trustees may arrange for and pay the premium for appropriate  
29 insurance to cover all such losses and expenses.

30           (9) University boards of trustees shall be  
31 "corporations primarily acting as instrumentalities or

1 agencies of the state," pursuant to s. 768.28(2), for purposes  
2 of sovereign immunity.

3 Section 14. Section 229.0081, Florida Statutes, is  
4 created to read:

5 229.0081 Powers and duties of university boards of  
6 trustees.--

7 (1) Notwithstanding the provisions of chapter 240,  
8 each university board of trustees is vested with the authority  
9 to govern and set policy for its university, as necessary to  
10 provide proper governance and improvement of the university in  
11 accordance with law and with rules of the Florida Board of  
12 Education. Each board of trustees shall perform all duties  
13 assigned by law or by rule of the Florida Board of Education  
14 or the Commissioner of Education.

15 (2) Notwithstanding the provisions of chapter 240,  
16 each university board of trustees may adopt rules and policies  
17 consistent with the university mission, with law, and with  
18 rule of the Florida Board of Education, including rules and  
19 policies for the following:

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

23 (b) Fixing the compensation and other conditions of  
24 employment of the president.

25 (c) Conducting periodic evaluations of the president,  
26 submitting such evaluations to the Chancellor for review, and  
27 suspending or removing the president in accordance with  
28 guidelines established by the Chancellor.

29 (d) Appointing a presidential search committee to make  
30 recommendations to the full board of trustees, from which the  
31

1 board shall select a candidate for reference to the Chancellor  
2 and ratification by the Florida Board of Education.

3 (e) In consultation with the university president,  
4 defining and developing a strategic plan for the university  
5 for recommendation to the Chancellor, the Commissioner of  
6 Education, and the Florida Board of Education, as provided by  
7 law, specifying institutional goals and objectives.

8 (f) In consultation with the university president,  
9 providing for academic freedom and academic responsibility at  
10 the university.

11 (g) In consultation with the university president,  
12 submitting an institutional budget request, including a  
13 request for fixed capital outlay, to the Chancellor in  
14 accordance with guidelines established by the Florida Board of  
15 Education.

16 (h) Approving new, and terminating existing,  
17 undergraduate and graduate degree programs up to and including  
18 the master's degree level, based on criteria established by  
19 the Florida Board of Education.

20 (i) Purchasing, acquiring, receiving, holding, owning,  
21 managing, leasing, selling, disposing of, and conveying title  
22 to real property, in accordance with rules and guidelines of  
23 the Florida Board of Education.

24 (j) Entering into agreements for and accepting credit  
25 card, charge card, and debit card payments as compensation for  
26 goods, services, tuition, and fees.

27 (k) Establishing codes of conduct and appropriate  
28 penalties for violations of university rules by students and  
29 student organizations, including rules governing student  
30 academic honesty.

31



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

5           (m) Administering the personnel program for all  
6 employees of the university in accordance with law and with  
7 rules and guidelines of the Florida Board of Education,  
8 including: compensation and other conditions of employment,  
9 recruitment and selection, nonreappointment, standards for  
10 performance and conduct, evaluation, benefits and hours of  
11 work, recognition, inventions and works, travel, learning  
12 opportunities, academic freedom and responsibility, promotion,  
13 assignment, demotion, transfer, tenure and permanent status,  
14 ethical obligations and conflicts of interest, restrictive  
15 covenants, disciplinary actions, complaints, appeals and  
16 grievance procedures, and separation and termination from  
17 employment.

18           (n) Establishing and maintaining a personnel exchange  
19 program.

20           (o) Governing admission of students subject to the  
21 rules of the Florida Board of Education.

22           (p) Considering the past actions of any person  
23 applying for admission, enrollment, or employment, and  
24 establishing policies to deny admission, enrollment, or  
25 employment to an applicant because of misconduct if determined  
26 to be in the best interest of the university.

27           (q) Ensuring compliance with federal laws,  
28 regulations, and requirements.

29           (r) Using, maintaining, protecting, and controlling  
30 university-owned or university-controlled buildings and  
31 grounds, property and equipment, name, trademarks and other

1 proprietary marks, and the financial and other resources of  
2 the university. Such authority may include placing  
3 restrictions on activities and on access to facilities,  
4 firearms, food, tobacco, alcoholic beverages, distribution of  
5 printed materials, human subjects, animals, and sound.

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

8 (t) Administering a procurement program for the  
9 purchase, lease, or acquisition in any manner (including  
10 purchase by installment or lease-purchase contract which may  
11 provide for the payment of interest on the unpaid portion of  
12 the purchase price and for the granting of a security interest  
13 in the items purchased) of goods, materials, equipment, and  
14 services required by the university.

15 (u) Supervising faculty practice plans for the  
16 academic health science centers.

17 (v) Prescribing conditions for university health  
18 services support organizations to be certified and to use  
19 university property and services.

20 (w) Prescribing conditions, which include audit review  
21 and oversight by the board of trustees, for university  
22 direct-support organizations to use university property and  
23 services.

24 (3) Each board of trustees shall actively implement a  
25 plan, in accordance with guidelines of the Florida Board of  
26 Education, for working on a regular basis with the other  
27 university boards of trustees, representatives of the  
28 community college boards of trustees, and representatives of  
29 the district school boards, to achieve the goals of the  
30 seamless education system.

31

1           (4) Notwithstanding the provisions of s. 216.351, a  
2 state university board of trustees may authorize the rent or  
3 lease of parking facilities, provided that such facilities are  
4 funded through parking fees or parking fines imposed by a  
5 university. A board of trustees may authorize a university to  
6 charge fees for parking at such rented or leased parking  
7 facilities.

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

24           (6) Effective July 1, 2002, each board of trustees  
25 shall implement the university facilities plan in accordance  
26 with law and guidelines of the Commissioner of Education's  
27 Office of Educational Facilities and SMART Schools  
28 Clearinghouse.

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

1           Section 15. Section 229.0082, Florida Statutes, is  
2 created to read:

3           229.0082 University presidents; powers and  
4 duties.--The president is the chief executive officer of the  
5 university, shall be corporate secretary of the state  
6 university board of trustees, and is responsible for the  
7 operation and administration of the university. Each  
8 university president shall:

9           (1) Recommend the adoption of rules, as appropriate,  
10 to the state university board of trustees to implement  
11 provisions of law governing the operation and administration  
12 of the university, which shall include the specific powers and  
13 duties enumerated in this section. Such rules shall be  
14 consistent with the mission of the university and the rules  
15 and policies of the Florida Board of Education.

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

18           (3) Establish and implement policies and procedures to  
19 recruit, appoint, transfer, promote, compensate, evaluate,  
20 reward, demote, discipline, and remove personnel, within law  
21 and rules of the Florida Board of Education and in accordance  
22 with rules or policies approved by the university board of  
23 trustees.

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

27           (5) Approve, execute, and administer contracts for and  
28 on behalf of the university board of trustees for the  
29 acquisition of commodities, goods, equipment, services, leases  
30 of real and personal property, and planning and construction  
31 to be rendered to or by the university, provided such

1 contracts are within law and guidelines of the Florida Board  
2 of Education and in conformance with policies of the  
3 university board of trustees, and are for the implementation  
4 of approved programs of the university.

5 (6) Act for the university board of trustees as  
6 custodian of all university property. The authority vested in  
7 the university president under this subsection includes the  
8 authority to prioritize the use of university space, property,  
9 equipment, and resources and the authority to impose charges  
10 for the use of those items.

11 (7) Establish the internal academic calendar of the  
12 university within general guidelines of the Florida Board of  
13 Education.

14 (8) Administer the university's program of  
15 intercollegiate athletics.

16 (9) Recommend to the board of trustees the  
17 establishment and termination of undergraduate and  
18 master's-level degree programs within the approved role and  
19 scope of the university.

20 (10) Award degrees.

21 (11) Recommend to the board of trustees a schedule of  
22 tuition and fees to be charged by the university, within law  
23 and rules of the Florida Board of Education.

24 (12) Organize the university to efficiently and  
25 effectively achieve the goals of the university.

26 (13) Review periodically the operations of the  
27 university in order to determine how effectively and  
28 efficiently the university is being administered and whether  
29 it is meeting the goals of its strategic plan adopted by the  
30 Florida Board of Education.

31

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

4           (15) Approve the internal procedures of student  
5 government organizations and provide purchasing, contracting,  
6 and budgetary review processes for these organizations.

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

10           (17) Maintain all data and information pertaining to  
11 the operation of the university, and report on the attainment  
12 by the university of institutional and statewide performance  
13 accountability goals.

14           (18) Adjust property records and dispose of  
15 state-owned tangible personal property in the university's  
16 custody in accordance with procedures established by the  
17 university board of trustees. Notwithstanding the provisions  
18 of s. 273.055(5), all moneys received from the disposition of  
19 state-owned tangible personal property shall be retained by  
20 the university and disbursed for the acquisition of tangible  
21 personal property and for all necessary operating  
22 expenditures. The university shall maintain records of the  
23 accounts into which such moneys are deposited.

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

29           Section 17. Effective July 1, 2001, the Child Care  
30 Executive Partnership Program, child care and early childhood  
31 resource and referral, and the subsidized child care program,

1 including but not limited to statewide staff as referenced in  
2 the interagency agreement between the Department of Children  
3 and Family Services and the Florida Partnership for School  
4 Readiness signed on March 15, 2001, are transferred by a type  
5 two transfer, pursuant to s. 20.06(2), Florida Statutes, to  
6 the Agency for Workforce Innovation.

7 Section 18. Effective July 1, 2001, the  
8 prekindergarten early intervention, migrant prekindergarten,  
9 and Florida First Start programs, including but not limited to  
10 statewide staff as referenced in the interagency agreement  
11 between the Department of Education and the Florida  
12 Partnership for School Readiness, 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 19. For purposes of administration of the  
16 Early Learning Opportunities Act and the Even Start Family  
17 Literacy Programs, pursuant to Pub. L. No. 106-554, the Agency  
18 for Workforce Innovation is designated as the lead agency and  
19 must comply with lead agency responsibilities pursuant to  
20 federal law.

21 Section 20. Section 411.01, Florida Statutes, is  
22 amended to read:

23 411.01 Florida Partnership for School Readiness;  
24 school readiness coalitions.--

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

27 (2) LEGISLATIVE INTENT.--

28 (a) The Legislature recognizes that school readiness  
29 programs increase children's chances of achieving future  
30 educational success and becoming productive members of  
31 society. It is the intent of the Legislature that such

1 programs be developmentally appropriate, research-based,  
2 involve parents as their child's first teacher, serve as  
3 preventive measures for children at risk of future school  
4 failure, enhance the educational readiness of eligible  
5 children, and support family education. Each school readiness  
6 program shall provide the elements necessary to prepare  
7 at-risk children for school, including health screening and  
8 referral and an appropriate educational program.

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

13 (c) It is the intent of the Legislature that school  
14 readiness programs not exist as isolated programs, but build  
15 upon existing services and work in cooperation with other  
16 programs for young children, and that school readiness  
17 programs be coordinated and funding integrated to achieve full  
18 effectiveness.

19 (d) It is the intent of the Legislature that the  
20 administrative staff at the state level for school readiness  
21 programs be kept to the minimum necessary to carry out the  
22 duties of the Florida Partnership for School Readiness, as the  
23 school readiness programs are to be locally designed,  
24 operated, and managed, with the Florida Partnership for School  
25 Readiness adopting a system for measuring school readiness;  
26 developing school readiness program performance standards,  
27 outcome measurements, and data design and review; and  
28 approving and reviewing local school readiness coalitions and  
29 plans.

30 (e) It is the intent of the Legislature that  
31 appropriations for combined school readiness programs shall



1 not be less than the programs would receive in any fiscal year  
2 on an uncombined basis.

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

14 (g) It is the intent of the Legislature that the  
15 federal child care income tax credit be preserved for school  
16 readiness programs.

17 (h) It is the intent of the Legislature that school  
18 readiness services shall be an integrated and seamless system  
19 of services with a developmentally appropriate education  
20 component for the state's eligible birth-to-kindergarten  
21 population described in subsection (6) and shall not be  
22 construed as part of the seamless K-20 education system except  
23 for the administration of the uniform screening system upon  
24 entry into kindergarten.

25 (3) SCHOOL READINESS PROGRAM.--

26 (a) The school readiness program shall be phased in on  
27 a coalition-by-coalition basis. Each coalition's school  
28 readiness program shall have available to it funding from all  
29 the coalition's early education and child care programs that  
30 are funded with state, federal, lottery, or local funds,  
31 including but not limited to Florida First Start programs,

1 Even-Start literacy programs, prekindergarten early  
2 intervention programs, Head Start programs, programs offered  
3 by public and private providers of child care, migrant  
4 prekindergarten programs, Title I programs, subsidized child  
5 care programs, and teen parent programs, together with any  
6 additional funds appropriated or obtained for purposes of this  
7 section. These programs and their funding streams shall be  
8 components of the coalition's integrated school readiness  
9 program, with the goal of preparing children for success in  
10 school.

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

12 1. Relieve parents and guardians of their own  
13 obligations to ready their children for school; or

14 2. Create any obligation to provide publicly funded  
15 school readiness programs or services beyond those authorized  
16 by the Legislature.

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

18 (a) ~~There is created~~ The Florida Partnership for  
19 School Readiness was created to fulfill three major purposes:  
20 to administer school readiness program services that help  
21 parents prepare eligible children for school; to coordinate  
22 the provision of school readiness services on a full-day,  
23 full-year, full-choice basis to the extent possible in order  
24 to enable parents to work and be financially self-sufficient;  
25 and to establish a uniform screening instrument to be  
26 implemented by the Department of Education and administered by  
27 the school districts upon entry into kindergarten to assess  
28 the readiness for school of all children. Readiness for  
29 kindergarten is the outcome measure of the success of each  
30 school readiness program that receives state or federal funds.  
31 ~~with responsibility for adopting and maintaining coordinated~~

1 ~~programmatic, administrative, and fiscal policies and~~  
2 ~~standards for all school readiness programs, while allowing a~~  
3 ~~wide range of programmatic flexibility and differentiation.~~  
4 The partnership is assigned to the Agency for Workforce  
5 Innovation ~~Executive Office of the Governor~~ for administrative  
6 purposes.

7 (b) The Florida Partnership for School Readiness  
8 shall:

9 1. Coordinate the birth-to-kindergarten services for  
10 children who are eligible pursuant to subsection (6) and the  
11 programmatic, administrative, and fiscal standards pursuant to  
12 this section for all public providers of school readiness  
13 programs.

14 2. Continue to provide unified leadership for school  
15 readiness through local school readiness coalitions.

16 3. Focus on improving the educational quality of all  
17 publicly funded school readiness programs.

18 (c)~~(b)~~1. The Florida Partnership for School Readiness  
19 shall include the Lieutenant Governor, the Commissioner of  
20 Education, the Secretary of Children and Family Services, and  
21 the Secretary of Health, or their designees, and the chair of  
22 the Child Care Executive Partnership Board, and the  
23 chairperson of the Board of Directors of Workforce Florida,  
24 Inc. When the Lieutenant Governor or an agency head appoints a  
25 designee, the designee must be an individual who attends  
26 consistently, and, in the event that the Lieutenant Governor  
27 or agency head and his or her designee both attend a meeting,  
28 only one of them may vote.

29 2. The partnership shall also include 14 ~~10~~ members of  
30 the public who shall be business, community, and civic leaders  
31 in the state who are not elected to public office. These

1 members and their families must not have a direct contract  
2 with any local coalition to provide school readiness services  
3 ~~be providers in the early education and child care industry.~~  
4 The members must be geographically and demographically  
5 representative of the state. Each member shall be appointed by  
6 the Governor. ~~Eight of the members shall be appointed~~ from a  
7 list of ~~10~~ nominees, ~~of which five must be~~ submitted by the  
8 President of the Senate and ~~five must be submitted by~~ the  
9 Speaker of the House of Representatives. By July 1, 2001, four  
10 members shall be appointed as follows: two members shall be  
11 from the child care industry, one representing the private  
12 for-profit sector appointed by the Governor from a list of two  
13 nominees submitted by the President of the Senate and one  
14 representing faith-based providers appointed by the Governor  
15 from a list of two nominees submitted by the Speaker of the  
16 House of Representatives; and two members shall be from the  
17 business community, one appointed by the Governor from a list  
18 of two nominees submitted by the President of the Senate and  
19 one appointed by the Governor from a list of two nominees  
20 submitted by the Speaker of the House of Representatives.  
21 Members shall be appointed to 4-year terms of office. ~~However,~~  
22 ~~of the initial appointees, two shall be appointed to 1-year~~  
23 ~~terms, two shall be appointed to 2-year terms, three shall be~~  
24 ~~appointed to 3-year terms, and three shall be appointed to~~  
25 ~~4-year terms.~~The members of the partnership shall elect a  
26 chairperson annually from the nongovernmental members of the  
27 partnership. Any vacancy on the partnership shall be filled in  
28 the same manner as the original appointment.

29 (d)(c) The partnership shall meet at least quarterly  
30 but may meet as often as it deems necessary to carry out its  
31 duties and responsibilities. Members of the partnership shall

1 participate without proxy at the quarterly meetings. The  
2 partnership may take official action by a majority vote of the  
3 members present at any meeting at which a quorum is present.  
4 ~~The partnership shall hold its first meeting by October 1,~~  
5 ~~1999.~~

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

10 (f)~~(e)~~ Members of the partnership shall serve without  
11 compensation but are entitled to reimbursement for per diem  
12 and travel expenses incurred in the performance of their  
13 duties as provided in s. 112.061, and reimbursement for other  
14 reasonable, necessary, and actual expenses.

15 (g)~~(f)~~ For the purposes of tort liability, the members  
16 of the partnership and its employees shall be governed by s.  
17 768.28.

18 (h)~~(g)~~ The partnership shall appoint an executive  
19 director who shall to serve at the its pleasure of the  
20 Governor. The executive director who shall perform the duties  
21 assigned to him or her by the partnership. The executive  
22 director shall be responsible for hiring, subject to the  
23 approval of the partnership, all employees and staff members,  
24 who shall serve under his or her direction and control.

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

30  
31

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

4           1. Be responsible for the prudent use of all public  
5 and private funds in accordance with all legal and contractual  
6 requirements.

7           2. Provide final approval and periodic review of  
8 coalitions and plans.

9           3. Provide leadership for enhancement of school  
10 readiness in this state by aggressively establishing a unified  
11 approach to the state's efforts toward enhancement of school  
12 readiness. In support of this effort, the partnership may  
13 develop and implement specific strategies that address the  
14 state's school readiness programs.

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

18           5. Provide technical assistance to coalitions.

19           6. Assess gaps in service.

20           7. Provide technical assistance to counties that form  
21 a multicounty coalition.

22           8.a. ~~By July 1, 2000,~~ Adopt a system for measuring  
23 school readiness that provides objective data regarding the  
24 expectations for school readiness, and establish a method for  
25 collecting the data and guidelines for using the data. The  
26 measurement, the data collection, and the use of the data must  
27 serve the statewide school readiness goal. The criteria for  
28 determining which data to collect should be the usefulness of  
29 the data to state policymakers and local program  
30 administrators in administering programs and allocating state  
31 funds, and must include the tracking of school readiness

1 system information back to individual school readiness  
2 programs to assist in determining program effectiveness.

3 ~~b. By December 31, 2000, the partnership shall also~~  
4 Adopt a system for evaluating the performance of students  
5 through the third grade to compare the performance of those  
6 who participated in school readiness programs with the  
7 performance of students who did not participate in school  
8 readiness programs in order to identify strategies for  
9 continued successful student performance.

10 ~~9. By June 1, 2000,~~ Develop and adopt performance  
11 standards and outcome measures.

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

22 (k)~~(j)~~ The partnership may adopt rules necessary to  
23 administer the provisions of this section which relate to  
24 preparing and implementing the system for school readiness,  
25 collecting data, approving local school readiness coalitions  
26 and plans, providing a method whereby a coalition can serve  
27 two or more counties, awarding incentives to coalitions, and  
28 issuing waivers.

29 (l)~~(k)~~ The Florida Partnership for School Readiness  
30 shall have all powers necessary to carry out the purposes of  
31 this section, including, but not limited to, the power to

1 receive and accept grants, loans, or advances of funds from  
2 any public or private agency and to receive and accept from  
3 any source contributions of money, property, labor, or any  
4 other thing of value, to be held, used, and applied for the  
5 purposes of this section.

6 ~~(l) The Florida Partnership for School Readiness shall~~  
7 ~~be an independent, nonpartisan body and shall not be~~  
8 ~~identified or affiliated with any one agency, program, or~~  
9 ~~group.~~

10 (m) The Florida Partnership for School Readiness shall  
11 have a budget, shall be financed through an annual  
12 appropriation made for this purpose in the General  
13 Appropriations Act, and shall be subject to compliance audits  
14 and annual financial audits by the Auditor General.

15 (n) The partnership shall coordinate the efforts  
16 toward school readiness in this state and provide independent  
17 policy analyses and recommendations to the Governor, the  
18 Florida State Board of Education, and the Legislature.

19 (o) ~~By July 1, 2000,~~The partnership shall prepare and  
20 submit to the Florida State Board of Education a system for  
21 measuring school readiness. The system must include a uniform  
22 screening, which shall provide objective data regarding the  
23 following expectations for school readiness which shall  
24 include, at a minimum:

25 1. The child's immunizations and other health  
26 requirements as necessary, including appropriate vision and  
27 hearing screening and examinations.

28 2. The child's physical development.

29 3. The child's compliance with rules, limitations, and  
30 routines.

31 4. The child's ability to perform tasks.



- 1           5. The child's interactions with adults.
- 2           6. The child's interactions with peers.
- 3           7. The child's ability to cope with challenges.
- 4           8. The child's self-help skills.
- 5           9. The child's ability to express his or her needs.
- 6           10. The child's verbal communication skills.
- 7           11. The child's problem-solving skills.
- 8           12. The child's following of verbal directions.
- 9           13. The child's demonstration of curiosity,
- 10 persistence, and exploratory behavior.
- 11           14. The child's interest in books and other printed
- 12 materials.
- 13           15. The child's paying attention to stories.
- 14           16. The child's participation in art and music
- 15 activities.
- 16           17. The child's ability to identify colors, geometric
- 17 shapes, letters of the alphabet, numbers, and spatial and
- 18 temporal relationships.
- 19           (p) The partnership shall prepare a plan for
- 20 implementing the system for measuring school readiness in such
- 21 a way that all children in this state will undergo the uniform
- 22 screening established by the partnership when they enter
- 23 kindergarten. Children who enter public school for the first
- 24 time in first grade must undergo a uniform screening approved
- 25 by the partnership for use in first grade. Because children
- 26 with disabilities may not be able to meet all of the
- 27 identified expectations for school readiness, the plan for
- 28 measuring school readiness shall incorporate mechanisms for
- 29 recognizing the potential variations in expectations for
- 30 school readiness when serving children with disabilities and
- 31

1 shall provide for communities to serve children with  
2 disabilities.

3 ~~(q) The partnership shall recommend to the Governor,~~  
4 ~~the Commissioner of Education, and the State Board of~~  
5 ~~Education rules, and revisions or repeal of rules, which would~~  
6 ~~increase the effectiveness of programs that prepare children~~  
7 ~~for school.~~

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

11 ~~(s) By February 1, 2000, the partnership shall work~~  
12 ~~with the Office of the Comptroller for electronic funds~~  
13 ~~transfer.~~

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

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

19 (s)~~(v)~~ The partnership shall submit an annual report  
20 of its activities to the Governor, the executive director of  
21 the Florida Healthy Kids Corporation, the President of the  
22 Senate, the Speaker of the House of Representatives, and the  
23 minority leaders of both houses of the Legislature. In  
24 addition, the partnership's reports and recommendations shall  
25 be made available to the Florida State Board of Education,  
26 other appropriate state agencies and entities, district school  
27 boards, central agencies for child care, and county health  
28 departments. The annual report must provide an analysis of  
29 school readiness activities across the state, including the  
30 number of children who were served in the programs and the  
31 number of children who were ready for school.

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

5  
6 To ensure that the system for measuring school readiness is  
7 comprehensive and appropriate statewide, as the system is  
8 developed and implemented, the partnership must consult with  
9 representatives of district school systems, providers of  
10 public and private child care, health care providers, large  
11 and small employers, experts in education for children with  
12 disabilities, and experts in child development.

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

14           (a) School readiness coalitions.--

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

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

25           a. A Department of Children and Family Services  
26 district administrator or his or her designee who is  
27 authorized to make decisions on behalf of the department.

28           b. A district superintendent of schools or his or her  
29 designee who is authorized to make decisions on behalf of the  
30 district.

31

1 c. A regional workforce development board chair or  
2 director, where applicable.

3 d. A county health department director or his or her  
4 designee.

5 e. A children's services council or juvenile welfare  
6 board chair or executive director, if applicable.

7 f. A child care licensing agency head.

8 g. One member appointed by a Department of Children  
9 and Family Services district administrator.

10 h. One member appointed by a board of county  
11 commissioners.

12 i. One member appointed by a district school board.

13 j. A central child care agency administrator.

14 k. A Head Start director.

15 l. A representative of private child care providers.

16 m. A representative of faith-based child care  
17 providers.

18

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

26 3. No member of a coalition may appoint a designee to  
27 act in his or her place. A member may send a representative to  
28 coalition meetings, but that representative will have no  
29 voting privileges. When a district superintendent of schools  
30 or a district administrator for the Department of Children and  
31 Family Services appoints a designee to a school readiness

1 coalition, the designee will be the voting member of the  
2 coalition, and any individual attending in his or her place,  
3 including the district administrator or superintendent, will  
4 have no voting privileges.

5 ~~4. The school readiness coalition shall replace the~~  
6 ~~district interagency coordinating council required under s.~~  
7 ~~230.2305.~~

8 4.5. Members of the coalition are subject to the  
9 ethics provisions in part III of chapter 112.

10 5.6. For the purposes of tort liability, the members  
11 of the school readiness coalition and its employees shall be  
12 governed by s. 768.28.

13 6.7. Multicounty coalitions shall include  
14 representation from each county.

15 7.8. The terms of all appointed members of the  
16 coalition must be staggered. Appointed members may serve a  
17 maximum of two terms. When a vacancy occurs in an appointed  
18 position, the coalition must advertise the vacancy.

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

28 (c) Program expectations.--

29 1. The school readiness program must meet the  
30 following expectations:

31

- 1           a. The program must prepare preschool children to  
2 enter kindergarten ready to learn, as measured by criteria  
3 established by the Florida Partnership for School Readiness.
- 4           b. The program must provide extended-day and  
5 extended-year services to the maximum extent possible to meet  
6 the needs of parents who work.
- 7           c. There must be coordinated staff development and  
8 teaching opportunities.
- 9           d. There must be expanded access to community services  
10 and resources for families to help achieve economic  
11 self-sufficiency.
- 12           e. There must be a single point of entry and unified  
13 waiting list.
- 14           f. As long as funding or eligible populations do not  
15 decrease, the program must serve at least as many children as  
16 were served prior to implementation of the program.
- 17           g. There must be a community plan to address the needs  
18 of all eligible children.
- 19           h. The program must meet all state licensing  
20 guidelines, where applicable.
- 21           2. The school readiness coalition must implement a  
22 comprehensive program of readiness services that enhance the  
23 cognitive, social, and physical development of children to  
24 achieve the performance standards and outcome measures  
25 specified by the partnership. At a minimum, these programs  
26 must contain the following elements:
- 27           a. Developmentally appropriate curriculum.
- 28           b. A character development program to develop basic  
29 values.
- 30           c. An age-appropriate assessment of each child's  
31 development.

1           d. A pretest administered to children when they enter  
2 a program and a posttest administered to children when they  
3 leave the program.

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

5           f. A healthful and safe environment.

6           g. A resource and referral network to assist parents  
7 in making an informed choice.

8           (d) Implementation.--

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

16           2. Each school readiness coalition shall develop a  
17 plan for implementing the school readiness program to meet the  
18 requirements of this section and the performance standards and  
19 outcome measures established by the partnership. The plan must  
20 include a written description of the role of the program in  
21 the coalition's effort to meet the first state education goal,  
22 readiness to start school, including a description of the plan  
23 to involve the prekindergarten early intervention programs,  
24 Head Start Programs, programs offered by public or private  
25 providers of child care, preschool programs for children with  
26 disabilities, programs for migrant children, Title I programs,  
27 subsidized child care programs, and teen parent programs. The  
28 plan must also demonstrate how the program will ensure that  
29 each 3-year-old and 4-year-old child in a publicly funded  
30 school readiness program receives scheduled activities and  
31 instruction designed to prepare children to enter kindergarten

1 ready to learn. Prior to implementation of the program, the  
2 school readiness coalition must submit the plan to the  
3 partnership for approval. The partnership may approve the  
4 plan, reject the plan, or approve the plan with conditions.  
5 The Florida Partnership for School Readiness shall review  
6 coalition plans at least annually.~~plan shall be reviewed,~~  
7 ~~revised, and approved biennially.~~

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

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

14 b. A choice of settings and locations in licensed,  
15 registered, religious-exempt, or school-based programs to be  
16 provided to parents.

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

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

25 e. Performance standards and outcome measures  
26 established by the partnership or alternatively, standards and  
27 outcome measures to be used until such time as the partnership  
28 adopts such standards and outcome measures.

29 f. Reimbursement rates that have been developed by the  
30 coalition. Reimbursement rates shall not have the effect of  
31



1 limiting parental choice or creating standards or levels of  
2 services that have not been authorized by the Legislature.

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

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

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

17 j. Strategies to meet the needs of unique populations,  
18 such as migrant workers.

19

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

30

31

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, 230.2316, 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.--

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

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

1 ~~operation of a school readiness coalition in each county that~~  
2 ~~does not have an approved coalition by March 1, 2001.~~

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

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

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

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

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

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

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

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

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

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

13

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

22 (7) PARENTAL CHOICE.--

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

1 (b) If it is determined that a provider has provided  
2 any cash to the beneficiary in return for receiving the  
3 purchase order, the coalition or its fiscal agent shall refer  
4 the matter to the Division of Public Assistance Fraud for  
5 investigation.

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

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

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

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

26 (b) Notwithstanding s. 20.50:

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

31

1 request for the school readiness program in accordance with  
2 chapter 216.

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

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

19 (d)~~(b)~~ All state funds budgeted for a county for the  
20 programs specified in subsection (3), along with the pro rata  
21 share of the state administrative costs of those programs in  
22 the amount as determined by the partnership, all federal funds  
23 and required local matching funds for a county for programs  
24 specified in subsection (3), and any additional funds  
25 appropriated or obtained for purposes of this section, shall  
26 be transferred for the benefit of the coalition for  
27 implementation of its plan, including the hiring of staff to  
28 effectively operate the coalition's school readiness program.  
29 As part of plan approval and periodic plan review, the  
30 partnership shall require that administrative costs be kept to  
31 the minimum necessary for efficient and effective



1 administration of the plan, but total administrative  
2 expenditures shall not exceed 5 percent unless specifically  
3 waived by the partnership. The partnership shall annually  
4 report to the Legislature any problems relating to  
5 administrative costs.

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

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

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

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

28 (10) SCHOOL READINESS UNIFORM SCREENING.--The  
29 Department of Education shall implement a school readiness  
30 uniform screening, including a pilot program during the  
31 2001-2002 school year, to validate the system recommended by

1 the Florida Partnership for School Readiness as part of a  
2 comprehensive evaluation design. Beginning with the 2002-2003  
3 school year, the department shall require that all school  
4 districts administer the school readiness uniform screening to  
5 each kindergarten student in the district school system upon  
6 the student's entry into kindergarten. Children who enter  
7 public school for the first time in first grade must undergo a  
8 uniform screening adopted for use in first grade. The  
9 department shall incorporate school readiness data into the  
10 K-20 data warehouse for longitudinal tracking. Notwithstanding  
11 s. 228.093, the department shall provide the partnership and  
12 the Agency for Workforce Innovation with complete and full  
13 access to kindergarten uniform screening data at the student,  
14 school, district, and state levels in a format that will  
15 enable the partnership and the agency to prepare reports  
16 needed by state policymakers and local school readiness  
17 coalitions to access progress toward school readiness goals  
18 and provide input for continuous improvement of local school  
19 readiness services and programs.

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

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

30 Section 21. Notwithstanding any other provision of law  
31 to the contrary, minimum child care licensing standards shall

1 be developed to provide for reasonable, affordable, and safe  
2 before-school and after-school care. Standards, at a minimum,  
3 shall allow for a credentialed director to supervise multiple  
4 before-school and after-school sites.

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

8 216.136 Consensus estimating conferences; duties and  
9 principals.--

10 (6) SOCIAL SERVICES ESTIMATING CONFERENCE.--

11 (a) Duties.--

12 1. The Social Services Estimating Conference shall  
13 develop such official information relating to the social  
14 services system of the state, including forecasts of social  
15 services caseloads, as the conference determines is needed for  
16 the state planning and budgeting system. Such official  
17 information shall include, but not be limited to, subsidized  
18 child care caseloads mandated by the Family Support Act of  
19 1988.

20 ~~2. In addition, the Social Services Estimating~~  
21 ~~Conference shall develop estimates and forecasts of the~~  
22 ~~unduplicated count of children eligible for subsidized child~~  
23 ~~care as defined in s. 402.3015(1). These estimates and~~  
24 ~~forecasts shall not include children enrolled in the~~  
25 ~~prekindergarten early intervention program established in s.~~  
26 ~~230.2305.~~

27 ~~3. The Department of Children and Family Services and~~  
28 ~~the Department of Education shall provide information on~~  
29 ~~caseloads and waiting lists for the subsidized child care and~~  
30 ~~prekindergarten early intervention programs requested by the~~

31

1 ~~Social Services Estimating Conference or individual conference~~  
2 ~~principals, in a timely manner.~~

3       ~~2.4.~~ The Social Services Estimating Conference shall  
4 develop information relating to the Florida Kidcare program,  
5 including, but not limited to, outreach impacts, enrollment,  
6 caseload, utilization, and expenditure information that the  
7 conference determines is needed to plan for and project future  
8 budgets and the drawdown of federal matching funds. The  
9 agencies required to collect and analyze Florida Kidcare  
10 program data under s. 409.8134 shall be participants in the  
11 Social Services Estimating Conference for purposes of  
12 developing information relating to the Florida Kidcare  
13 program.

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

15       (a) Duties.--

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

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

28       ~~2.3.~~ The Florida Partnership for School Readiness  
29 shall provide information on needs and waiting lists for  
30 school readiness program services requested by the School  
31

1 Readiness Program Estimating Conference or individual  
2 conference principals in a timely manner.

3 (b) Principals.--The Executive Office of the Governor,  
4 the Director of Economic and Demographic Research, and  
5 professional staff who have forecasting expertise from the  
6 Florida Partnership for School Readiness, the Agency for  
7 Workforce Innovation, the Department of Children and Family  
8 Services, the Department of Education, the Senate, and the  
9 House of Representatives, or their designees, are the  
10 principals of the School Readiness Program Estimating  
11 Conference. The principal representing the Executive Office of  
12 the Governor shall preside over sessions of the conference.

13 Section 23. Effective January 1, 2002, paragraph (a)  
14 of subsection (1) of section 232.01, Florida Statutes, is  
15 amended to read:

16 232.01 School attendance.--

17 (1)(a)1. All children who have attained the age of 6  
18 years or who will have attained the age of 6 years by February  
19 1 of any school year or who are older than 6 years of age but  
20 who have not attained the age of 16 years, except as  
21 hereinafter provided, are required to attend school regularly  
22 during the entire school term.

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

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

1           Section 24. Effective January 1, 2002, paragraphs (b)  
2 and (c) of subsection (1) and subsection (4) of section  
3 445.023, Florida Statutes, are amended to read:

4           445.023 Program for dependent care for families with  
5 children with special needs.--

6           (1) There is created the program for dependent care  
7 for families with children with special needs. This program  
8 is intended to provide assistance to families with children  
9 who meet the following requirements:

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

13           (c) The family meets the income guidelines established  
14 under s. ~~411.01(6)402.3015~~. Financial eligibility for this  
15 program shall be based solely on the guidelines used for  
16 ~~subsidized child care~~, notwithstanding any financial  
17 eligibility criteria to the contrary in s. 414.075, s.  
18 414.085, or s. 414.095.

19           (4) In addition to school readiness ~~child care~~  
20 services provided under s. 411.01 ~~402.3015~~, dependent care may  
21 be provided for children age 13 years and older who are in  
22 need of care due to disability and where such care is needed  
23 for the parent to accept or continue employment or otherwise  
24 participate in work activities. The amount of subsidy shall be  
25 consistent with the rates for special needs child care  
26 established by the department. Dependent care needed for  
27 employment may be provided as transitional services for up to  
28 2 years after eligibility for temporary cash assistance ends.

29           Section 25. Effective January 1, 2002, subsections (1)  
30 and (2) of section 228.061, paragraph (o) of subsection (4) of  
31

1 section 230.23, sections 230.2303, 230.2305, and 230.2306,  
2 Florida Statutes, are repealed.

3 Section 26. Effective January 1, 2002, section 402.28,  
4 subsection (1) of section 402.281, sections 402.3015,  
5 402.3027, and 402.3028, subsection (18) of section 402.305,  
6 section 402.3052, paragraph (c) of subsection (2) of section  
7 402.3135, and subsections (2) and (6) of section 402.45,  
8 Florida Statutes, are repealed.

9 Section 27. Effective January 1, 2002, paragraph (a)  
10 of subsection (1) of section 391.304 and section 411.222,  
11 Florida Statutes, are repealed.

12 Section 28. Section 228.082, Florida Statutes, is  
13 amended to read:

14 228.082 The Florida Virtual ~~On-Line~~ High School.--

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

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

30 1. Students who need expanded access to courses in  
31 order to meet their educational goals, such as home education

1 students and students in inner-city and rural high schools who  
2 do not have access to higher-level courses.

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

5 (c) To ensure students are informed of the  
6 opportunities offered by the Florida Virtual High School, the  
7 commissioner shall provide the board of trustees access to the  
8 records of public school students in a format prescribed by  
9 the board of trustees.

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

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



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

5           ~~(b) Until not more than 60 days after the initial~~  
6 ~~meeting of the board, the current governance structure of the~~  
7 ~~Florida On-Line High School shall be maintained.~~

8           2.(c) The fiscal year for the Florida Virtual On-Line  
9 High School shall be the state fiscal year as provided in s.  
10 216.011(1)(n).

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

23           (c)(d) The board of trustees shall aggressively seek  
24 avenues to generate revenue to support its future endeavors,  
25 and shall enter into agreements with distance learning  
26 providers. The board of trustees and may acquire, enjoy, use,  
27 and dispose of patents, copyrights, and trademarks and any  
28 licenses and other rights or interests thereunder or therein.  
29 Ownership of all such patents, copyrights, trademarks,  
30 licenses, and rights or interests thereunder or therein shall  
31 vest in the state, with the board having full right of use and

1 full right to retain the revenues derived therefrom. Any funds  
2 realized from patents, copyrights, trademarks, or licenses  
3 shall be used to support the school's research and development  
4 activities in order to improve courseware and services to its  
5 students.

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

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

22 1. The board of trustees shall determine the  
23 compensation, including salaries and fringe benefits, and  
24 other conditions of employment for such personnel.

25 2. The board of trustees may establish and maintain a  
26 personnel loan or exchange program by which persons employed  
27 by the board for the Florida Virtual ~~On-Line~~ High School as  
28 academic administrative and instructional staff may be loaned  
29 to, or exchanged with persons employed in like capacities by,  
30 public agencies either within or without this state, or by  
31 private industry. With respect to public agency employees, the

1 program authorized by this subparagraph shall be consistent  
2 with the requirements of part II of chapter 112. The salary  
3 and benefits of board personnel participating in the loan or  
4 exchange program shall be continued during the period of time  
5 they participate in a loan or exchange program, and such  
6 personnel shall be deemed to have no break in creditable or  
7 continuous service or employment during such time. The salary  
8 and benefits of persons participating in the personnel loan or  
9 exchange program who are employed by public agencies or  
10 private industry shall be paid by the originating employers of  
11 those participants, and such personnel shall be deemed to have  
12 no break in creditable or continuous service or employment  
13 during such time.

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

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

26         5. All employees except temporary, seasonal, and  
27 student employees may be state employees for the purpose of  
28 being eligible to participate in the Florida Retirement System  
29 and receive benefits. The classification and pay plan,  
30 including terminal leave and other benefits, and any  
31 amendments thereto, shall be subject to review and approval by

1 the Department of Management Services and the Executive Office  
2 of the Governor prior to adoption. In the event that the board  
3 of trustees assumes responsibility for governance pursuant to  
4 this section before approval is obtained, employees shall be  
5 compensated pursuant to the system in effect for the employees  
6 of the fiscal agent.

7 (f)~~(g)~~ The board of trustees shall establish  
8 priorities for admission of students in accordance with  
9 paragraph (1)(b).

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

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

24 (i)~~(j)~~ The board of trustees shall provide for the  
25 content and custody of student and employee personnel records.  
26 Student records shall be subject to the provisions of s.  
27 228.093. Employee records shall be subject to the provisions  
28 of s. 231.291.

29 (j)~~(k)~~ The financial records and accounts of the  
30 Florida Virtual ~~On-Line~~ High School shall be maintained under  
31 the direction of the board of trustees and under regulations

1 prescribed by the Florida State Board of Education for the  
2 uniform system of financial records and accounts for the  
3 schools of the state.

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

22 (3)(a) Until fiscal year 2003-2004, the Commissioner  
23 of Education shall include the Florida Virtual On-Line High  
24 School as a grant-in-aid appropriation in the department's  
25 legislative budget request to the Florida State Board of  
26 Education, the Governor, and the Legislature, -

27 ~~(a) subject to any guidelines imposed in the General~~  
28 ~~Appropriations Act, funds for the operation of the Florida~~  
29 ~~On-Line High School shall be requested and appropriated within~~  
30 ~~the Department of Education as a grant-in-aid category until~~

31

1 ~~such time as the Legislature authorizes a different funding~~  
2 ~~mechanism.~~

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

6 ~~(c) Priorities for the delivery of services by the~~  
7 ~~Florida On-Line High School shall ensure that priority access~~  
8 ~~is provided equitably across the state.~~

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

12 (5) ~~By January 1, 2001,~~The board of trustees shall  
13 annually submit to the Governor, the Legislature, the  
14 Commissioner of Education,and the Florida Board of Education  
15 ~~Reorganization Transition Commission~~ a complete and detailed  
16 report setting forth:

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

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

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

25 (d) A copy of an annual financial and compliance audit  
26 of the accounts and records of the Florida Virtual ~~On-Line~~  
27 High School, conducted by an independent certified public  
28 accountant and performed in accordance with rules adopted by  
29 the Auditor General.

30 (e) Recommendations regarding the unit cost of  
31 providing services to students. In order to most effectively

1 develop public policy regarding any future funding of the  
2 Florida Virtual ~~On-Line~~ High School, it is imperative that the  
3 cost of the program is accurately identified. The identified  
4 cost of the program must be based on reliable data ~~and reflect~~  
5 ~~the costs associated with maintaining a state-of-the-art~~  
6 ~~on-line high school, including the costs associated with~~  
7 ~~maintaining a high-quality research and development effort to~~  
8 ~~locate and assimilate, or develop, Internet-based courses.~~

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

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

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

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

26 Section 30. Effective June 30, 2002, section 229.8065,  
27 Florida Statutes, is repealed.

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

30 229.085 Custody of educational funds.--

31

1           (2) There is created in the Department of Education  
2 the Projects, Contracts, and Grants Trust Fund. ~~If, in~~  
3 ~~executing the terms of such grants or contracts for specific~~  
4 ~~projects, the employment of personnel shall be required, such~~  
5 ~~personnel shall not be subject to the requirements of s.~~  
6 ~~216.262(1)(a).~~ The personnel employed to plan and administer  
7 grants or contracts for specific ~~such~~ projects shall be  
8 considered in time-limited employment not to exceed the  
9 duration of the grant or until completion of the project,  
10 whichever first occurs. Such employees shall not acquire  
11 retention rights under the Career Service System, the  
12 provisions of s. 110.051(1) to the contrary notwithstanding.  
13 Any employee holding permanent career service status in a  
14 Department of Education position who is appointed to a  
15 position under the Projects, Contracts, and Grants Trust Fund  
16 shall retain such permanent status in the career service  
17 position.

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

20           240.205 Board of Regents incorporated.--The Board of  
21 Regents is hereby created as a body corporate with all the  
22 powers of a body corporate for all the purposes created by, or  
23 that may exist under, the provisions of this chapter or laws  
24 amendatory hereof and shall:

25           (6) Acquire real and personal property and contract  
26 for the sale and disposal of same and approve and execute  
27 contracts for the acquisition of commodities, goods,  
28 equipment, contractual services, leases of real and personal  
29 property, and construction. The acquisition may include  
30 purchase by installment or lease-purchase. Such contracts may  
31 provide for payment of interest on the unpaid portion of the



1 purchase price. ~~The board may also acquire the same~~  
2 ~~commodities, goods, equipment, contractual services, leases,~~  
3 ~~and construction for use by a university when the contractual~~  
4 ~~obligation exceeds \$1 million.~~ Title to all real property,  
5 however acquired, shall be vested in the Board of Trustees of  
6 the Internal Improvement Trust Fund and shall be transferred  
7 and conveyed by it. Notwithstanding any other provisions of  
8 this subsection, the Board of Regents shall comply with the  
9 provisions of s. 287.055 for the procurement of professional  
10 services as defined therein.

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

15 Section 34. Sections 240.145, 240.147, 240.227,  
16 240.307, subsection (2) of section 240.209, and subsection (4)  
17 of section 240.311, Florida Statutes, are repealed.

18 Section 35. Section 240.3836, Florida Statutes, is  
19 amended to read:

20 240.3836 Site-determined baccalaureate degree access  
21 ~~program; funding.~~--

22 (1) The Legislature recognizes that public and private  
23 postsecondary education institutions play essential roles in  
24 improving the quality of life and economic well-being of the  
25 state and its residents. The Legislature also recognizes that  
26 economic development needs and the educational needs of  
27 place-bound, nontraditional students have increased the demand  
28 for local access to baccalaureate degree programs. In some,  
29 but not all, geographic regions, baccalaureate degree programs  
30 are being delivered successfully at the local community  
31 college through agreements between the community college and

1 4-year postsecondary institutions within or outside of the  
2 state. It is therefore the intent of the Legislature to  
3 further expand access to baccalaureate degree programs through  
4 the use of community colleges ~~apply this concept in the~~  
5 ~~creation and funding of a program that supports local economic~~  
6 ~~development and responds to public demand for increased access~~  
7 ~~to baccalaureate degrees in areas of the state that are~~  
8 ~~underserved by 4-year institutions.~~

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

13 (a) A community college may enter into a formal  
14 agreement with the state university in its service area for  
15 the community college to deliver specified baccalaureate  
16 degree programs. The agreement must be submitted to the  
17 Florida Board of Education for approval. The community  
18 college's proposal must include the following information:

19 1. Demand for the baccalaureate degree program is  
20 identified by the workforce development board, local  
21 businesses and industry, local chambers of commerce, and  
22 potential students.

23 2. Unmet need for graduates of the proposed degree  
24 program is substantiated.

25 3. The community college has the facilities and  
26 academic resources to deliver the program.

27  
28 The proposal must be submitted to the Council for Education  
29 Policy Research and Improvement for review and comment. Upon  
30 approval of the Florida Board of Education for the specific  
31 degree program or programs, the community college shall pursue

1 regional accreditation by the Commission on Colleges of the  
2 Southern Association of Colleges and Schools. Any additional  
3 baccalaureate degree programs the community college wishes to  
4 offer must be approved by the Florida Board of Education.

5 (b) A community college may develop a proposal to  
6 deliver specified baccalaureate degree programs in its  
7 district. The proposal must be submitted to the Florida Board  
8 of Education for approval. The community college's proposal  
9 must include the following information:

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

14 2. Unmet need for graduates of the proposed degree  
15 program is substantiated.

16 3. The community college has the facilities and  
17 academic resources to deliver the program.

18  
19 The proposal must be submitted to the Council for Education  
20 Policy Research and Improvement for review and comment. Upon  
21 approval of the Florida Board of Education for the specific  
22 degree program or programs, the community college shall pursue  
23 regional accreditation by the Commission on Colleges of the  
24 Southern Association of Colleges and Schools. Any additional  
25 baccalaureate degree programs the community college wishes to  
26 offer must be approved by the Florida Board of Education.

27 (3) A community college may not terminate its  
28 associate in arts or associate in science degree programs as a  
29 result of the authorization provided in subsection (2). The  
30 Legislature intends that the primary mission of a community  
31 college, including a community college that offers

1 baccalaureate degree programs, continues to be the provision  
2 of associate degrees that provide access to a university.

3 ~~(2) Categorical funding is authorized for the~~  
4 ~~site-determined baccalaureate degree access program created by~~  
5 ~~this section. Funds may not be used to support the~~  
6 ~~construction, renovation, or remodeling of facilities. This~~  
7 ~~program is voluntary and does not preclude other mutually~~  
8 ~~agreed upon arrangements between community colleges and 4-year~~  
9 ~~institutions for the delivery of baccalaureate degrees on~~  
10 ~~community college sites.~~

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

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

24 ~~(b) Determine the number of students interested in~~  
25 ~~pursuing each proposed baccalaureate degree program and~~  
26 ~~identify the enrollment patterns, any special characteristics~~  
27 ~~of those students, and any unique combination or modification~~  
28 ~~of course offerings that may be necessary to meet student~~  
29 ~~enrollment needs.~~

30 ~~(c) Submit a proposal to the Postsecondary Education~~  
31 ~~Planning Commission requesting validation of the need for the~~

- 1 ~~proposed baccalaureate degree program and tentative approval~~  
2 ~~for program funding. The proposal must include:~~
- 3       1. ~~A description of each proposed baccalaureate degree~~  
4 ~~program identifying the junior-level and senior-level courses~~  
5 ~~to be offered and designating whether the program should be~~  
6 ~~offered for a cohort group or as an ongoing degree program.~~
  - 7       2. ~~Evidence that local occupational forecasts support~~  
8 ~~the existence of jobs for graduates of the proposed~~  
9 ~~baccalaureate degree programs.~~
  - 10       3. ~~An estimated number of students to be served by~~  
11 ~~each proposed degree program.~~
  - 12       4. ~~An assurance that the community college's existing~~  
13 ~~facilities are sufficient to meet the additional demands for~~  
14 ~~classroom and laboratory space for the proposed degree~~  
15 ~~programs.~~
  - 16       5. ~~Evidence that the college has requested the~~  
17 ~~participation of no fewer than three regionally accredited~~  
18 ~~4-year postsecondary institutions, including at least one~~  
19 ~~member of the State University System. Any member of the~~  
20 ~~State University System and any independent, regionally~~  
21 ~~accredited, 4-year institution that is chartered in, and has~~  
22 ~~its primary campus located in, Florida may be a partner in a~~  
23 ~~site-determined baccalaureate degree access program at any~~  
24 ~~community college.~~
  - 25       6. ~~A tentative agreement between the community college~~  
26 ~~and the 4-year postsecondary institution selected to offer the~~  
27 ~~upper-level courses leading to the proposed degree or degrees.~~
  - 28       7. ~~Any additional provisions that the Postsecondary~~  
29 ~~Education Planning Commission considers pertinent to the~~  
30 ~~proposal.~~
- 31

1           ~~(4) The Postsecondary Education Planning Commission,~~  
2 ~~after soliciting comments from the Board of Regents and the~~  
3 ~~State Board of Community Colleges, shall validate the need for~~  
4 ~~each baccalaureate degree program proposed for delivery~~  
5 ~~according to this section and shall notify the community~~  
6 ~~college that its proposal has been approved or rejected. The~~  
7 ~~commission shall establish procedures for the timely~~  
8 ~~submission, review, and approval of the proposals and~~  
9 ~~agreements required by this section. These procedures must be~~  
10 ~~designed to allow the initiation of approved baccalaureate~~  
11 ~~degree programs at least 3 times each fiscal year.~~

12           ~~(5) Once the Postsecondary Education Planning~~  
13 ~~Commission validates the need for the proposed baccalaureate~~  
14 ~~degree program and notifies the community college that its~~  
15 ~~proposal has been approved, the community college shall~~  
16 ~~finalize an agreement with the regionally accredited, public~~  
17 ~~or nonpublic, 4-year postsecondary institution selected to~~  
18 ~~provide the upper-level instructional services in the approved~~  
19 ~~baccalaureate degree program. The commission shall identify~~  
20 ~~the common aspects that each agreement must address,~~  
21 ~~including, but not limited to:~~

22           ~~(a) A course delivery pattern based on the student~~  
23 ~~enrollment patterns and characteristics included in the~~  
24 ~~approved proposal.~~

25           ~~(b) An articulation provision that guarantees~~  
26 ~~acceptance of students who hold an associate in arts or~~  
27 ~~associate in science degree and satisfy any other~~  
28 ~~prerequisites for admission to the specific baccalaureate~~  
29 ~~degree program.~~

30           ~~(c) The provision of library services and student~~  
31 ~~support services.~~

1           ~~(d) An agreement that the participating 4-year~~  
2 ~~postsecondary institution will continue offering instructional~~  
3 ~~services at least until all qualified members of the initial~~  
4 ~~group of students have had an opportunity to complete the~~  
5 ~~degree program.~~

6           ~~(e) The specific and measurable performance criteria~~  
7 ~~that the Postsecondary Education Planning Commission may use~~  
8 ~~to evaluate the outcomes and outputs of the baccalaureate~~  
9 ~~degree program within an identified timeframe.~~

10           ~~(f) An agreement that in-state student tuition for the~~  
11 ~~degree program will not exceed the matriculation fee for the~~  
12 ~~State University System unless the proposal approved by the~~  
13 ~~Postsecondary Education Planning Commission allows the~~  
14 ~~participating institutions to charge differentiated tuition~~  
15 ~~and fees to encourage student attendance and participation.~~  
16 ~~Out-of-state students shall pay full costs. Notwithstanding~~  
17 ~~s. 240.605, students participating in a site-determined~~  
18 ~~baccalaureate degree program may not receive a Florida~~  
19 ~~Resident Access Grant.~~

20           ~~(6) Each participating community college must submit~~  
21 ~~the agreement required by this section to the Postsecondary~~  
22 ~~Education Planning Commission for review and final approval~~  
23 ~~before initiating an approved site-determined baccalaureate~~  
24 ~~degree access program. Subject to the availability of~~  
25 ~~legislative appropriations specifically provided for this~~  
26 ~~purpose, the Postsecondary Education Planning Commission must~~  
27 ~~recommend to the Commissioner of Education the total funds to~~  
28 ~~be released to each participating community college for the~~  
29 ~~initiation of the approved site-determined baccalaureate~~  
30 ~~degree access program. The community college shall distribute~~  
31 ~~funds to the participating 4-year postsecondary institution at~~

1 ~~the rate specified in the approved agreement. The~~  
2 ~~Postsecondary Education Planning Commission shall not~~  
3 ~~recommend the release of funding for any program that is~~  
4 ~~terminated before or after the evaluation required by this~~  
5 ~~section. The total funds to be released for the initiation of~~  
6 ~~an approved program shall be based on the number of fundable~~  
7 ~~upper-level student credit hours for each term. Unless~~  
8 ~~otherwise provided in an appropriations act, the funding per~~  
9 ~~credit hour shall be an amount equal to the state funds,~~  
10 ~~excluding student fees, appropriated to the State University~~  
11 ~~System for each full-time equivalent student enrolled in~~  
12 ~~upper-level course work. Student credit hours funded under~~  
13 ~~this program may not be duplicated in any other calculation of~~  
14 ~~state funding for the 4-year institution.~~

15 ~~(7) The Postsecondary Education Planning Commission~~  
16 ~~may require the participating community colleges and 4-year~~  
17 ~~postsecondary institutions to submit information necessary to~~  
18 ~~monitor the annual performance of the program. Within 90 days~~  
19 ~~after the 2nd and 4th year of the site-determined~~  
20 ~~baccalaureate degree access program, the commission shall~~  
21 ~~submit to the chairs of the education and fiscal committees of~~  
22 ~~the Legislature a progress report, including an evaluation of~~  
23 ~~the funding mechanism created by this section. The commission~~  
24 ~~shall review each site-determined baccalaureate degree access~~  
25 ~~program funded under this section to ascertain whether the~~  
26 ~~performance measures specified in the agreement between the~~  
27 ~~participating community college and the 4-year institution~~  
28 ~~have been met. Each program must be reviewed 4 years after~~  
29 ~~initiation unless a shorter timeframe is specified in the~~  
30 ~~agreement. The performance measures must include the student~~  
31 ~~graduation rate, the employment rate of program graduates both~~



1 ~~within and outside the community college service area, the~~  
2 ~~continuing need to offer the specific baccalaureate degree~~  
3 ~~program in the community college service area, and such other~~  
4 ~~information as the Postsecondary Education Planning Commission~~  
5 ~~may determine necessary for program and performance~~  
6 ~~evaluation. Based on its evaluation, the commission shall~~  
7 ~~either approve continuation of the program, require~~  
8 ~~modifications prior to program approval, or recommend that the~~  
9 ~~participating institutions terminate the program after all~~  
10 ~~qualified members of the initial group of students have an~~  
11 ~~opportunity to complete the degree program. The commission~~  
12 ~~must submit to the Commissioner of Education for inclusion in~~  
13 ~~the legislative budget a request for funding for approved~~  
14 ~~site-determined baccalaureate degree access programs.~~

15 ~~(8) If no accredited 4-year institution is willing to~~  
16 ~~provide a baccalaureate degree program approved by the~~  
17 ~~Postsecondary Education Planning Commission under this~~  
18 ~~section, the community college board of trustees may ask the~~  
19 ~~commission to evaluate the college's request to offer the~~  
20 ~~degree program. If the commission is satisfied that the~~  
21 ~~community college should offer the degree program, it shall~~  
22 ~~recommend to the Legislature the enactment of statutory~~  
23 ~~authority for the community college to offer that specific~~  
24 ~~baccalaureate degree program.~~

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

28 240.2011 State University System defined.--The State  
29 University System shall consist of the following:

30 (5) The University of South Florida, with a main  
31 campus located in Hillsborough County and two fiscally

1 autonomous campuses, one in Pinellas County, named the  
2 University of South Florida St. Petersburg, and the other  
3 named the University of South Florida Sarasota/Manatee.

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

7 Section 37. Section 240.527, Florida Statutes, is  
8 amended to read:

9 (Substantial rewording of section. See  
10 s. 240.527, F.S., for present text.)

11 240.527 The University of South Florida St.  
12 Petersburg.--

13 (1) The St. Petersburg campus of the University of  
14 South Florida is established and shall be known as the  
15 "University of South Florida St. Petersburg."

16 (a) The Legislature intends that the University of  
17 South Florida St. Petersburg be operated and maintained as a  
18 separate organizational and budget entity of the University of  
19 South Florida, and that all legislative appropriations for the  
20 University of South Florida St. Petersburg be set forth as  
21 separate line items in the annual General Appropriations Act.

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

24 (c) As soon as possible, but no later than the  
25 effective date of this act, the President of the University of  
26 South Florida shall begin the process of application to the  
27 Commission on Colleges of the Southern Association of Colleges  
28 and Schools for separate accreditation of the University of  
29 South Florida St. Petersburg. If the application is not  
30 approved or is provisionally approved, the University of South  
31

1 Florida shall correct any identified deficiencies and shall  
2 continue to work for accreditation.

3 (2) The Board of Trustees of the University of South  
4 Florida shall appoint to the Campus Board, from  
5 recommendations of the President of the University of South  
6 Florida, five residents of Pinellas County. If a resident of  
7 Pinellas County is appointed to the Board of Trustees of the  
8 University of South Florida, the board shall appoint that  
9 member to serve jointly as a member of the Campus Board. If  
10 more than one Pinellas County resident is appointed to the  
11 Board of Trustees, the board shall select one joint member.  
12 The Board of Trustees may reappoint a member to the Campus  
13 Board for one additional term. The Campus Board has the powers  
14 and duties provided by law, which include the authority to:

15 (a) Review and approve an annual legislative budget  
16 request to be submitted to the Commissioner of Education. The  
17 Campus Executive Officer shall prepare the legislative budget  
18 request in accordance with guidelines established by the  
19 Florida Board of Education. This request must include items  
20 for campus operations and fixed capital outlay.

21 (b) Approve and submit an annual operating plan and  
22 budget for review and consultation by the Board of Trustees of  
23 the University of South Florida. The campus operating budget  
24 must reflect the actual funding available to that campus from  
25 separate line-item appropriations contained in each annual  
26 General Appropriations Act, which line-item appropriations  
27 must initially reflect the funds reported to the Legislature  
28 for the University of South Florida St. Petersburg campus for  
29 fiscal year 2000-2001 and any additional funds provided in the  
30 fiscal year 2001-2002 legislative appropriation.

31

1           (c) Enter into central support services contracts with  
2 the Board of Trustees of the University of South Florida for  
3 any services that the St. Petersburg campus cannot provide  
4 more economically, including payroll processing, accounting,  
5 technology, construction administration, and other desired  
6 services. However, all legal services for the campus must be  
7 provided by a central services contract with the university.  
8 The Board of Trustees of the University of South Florida and  
9 the Campus Board shall determine in a letter of agreement any  
10 allocation or sharing of student fee revenue between the  
11 University of South Florida's main campus and the St.  
12 Petersburg campus.

13

14 The Board of Trustees of the University of South Florida may  
15 lawfully delegate other powers and duties to the Campus Board  
16 for the efficient operation and improvement of the campus and  
17 for the purpose of vesting in the campus the attributes  
18 necessary to meet the requirements for separate accreditation  
19 by the Southern Association of Colleges and Schools.

20           (3) The University of South Florida St. Petersburg  
21 shall be administered by a Campus Executive Officer who shall  
22 be appointed by, report directly to, and serve at the pleasure  
23 of the President of the University of South Florida. The  
24 President shall consult with the Campus Board before hiring or  
25 terminating the Campus Executive Officer. The Campus Executive  
26 Officer has authority and responsibility as provided in law,  
27 including the authority to:

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

30

31

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

4           (c) Recommend to the Campus Board an annual campus  
5 operating budget.

6           (d) Recommend to the Campus Board appropriate services  
7 and terms and conditions to be included in annual central  
8 support services contracts.

9           (e) Carry out any additional responsibilities assigned  
10 or delegated by the President of the University of South  
11 Florida for the efficient operation and improvement of the  
12 campus, especially any authority necessary for the purpose of  
13 vesting in the campus attributes necessary to meet the  
14 requirements for separate accreditation.

15           (4) Students enrolled at the University of South  
16 Florida, including those enrolled at a branch campus, have the  
17 same rights and obligations as provided by law, policy, or  
18 rule adopted by the University of South Florida, the Florida  
19 Department of Education, or other lawful entity. The  
20 University of South Florida shall provide a comprehensive and  
21 coordinated system of student registration so that a student  
22 enrolled at any campus of the University of South Florida has  
23 the ability to register for courses at any other campus of the  
24 University of South Florida.

25           (5) The following entities are not affected by this  
26 section and remain under the administrative control of the  
27 University of South Florida:

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

30           (b) The Florida Institute of Oceanography, which is a  
31 Type One Institute.

1           (c) The University of South Florida Pediatric Research  
2 Center.

3           (d) The University of South Florida/USGS joint  
4 facility.

5           Section 38. The University of South Florida  
6 Sarasota/Manatee.--

7           (1) The Sarasota/Manatee campus of the University of  
8 South Florida is established and shall be known as the  
9 "University of South Florida Sarasota/Manatee."

10           (a) The Legislature intends that the University of  
11 South Florida Sarasota/Manatee be operated and maintained as a  
12 separate organizational and budget entity of the University of  
13 South Florida and that all legislative appropriations for the  
14 University of South Florida Sarasota/Manatee be set forth as  
15 separate line items in the annual General Appropriations Act.

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

18           (c) As soon as possible, but no later than July 1,  
19 2002, the President of the University of South Florida shall  
20 begin the process of application to the Commission on Colleges  
21 of the Southern Association of Colleges and Schools for  
22 separate accreditation of the University of South Florida  
23 Sarasota/Manatee. If the application is not approved or is  
24 provisionally approved, the University of South Florida shall  
25 correct any identified deficiencies and shall continue to work  
26 for accreditation.

27           (2) The Board of Trustees of the University of South  
28 Florida shall appoint to the Campus Board, from  
29 recommendations of the President of the University of South  
30 Florida, three residents of Manatee County and two residents  
31 of Sarasota County, to serve 4-year staggered terms. If one or

1 more residents of Sarasota County or Manatee County are  
2 appointed to the Board of Trustees of the University of South  
3 Florida, the board shall, at the next vacancy of the Campus  
4 Board, appoint one of those members to serve jointly as a  
5 member of the Campus Board. The Board of Trustees may  
6 reappoint a member to the Campus Board for one additional  
7 term. The Campus Board has the powers and duties provided by  
8 law, which include the authority to:

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

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

25 (c) Enter into central support services contracts with  
26 the Board of Trustees of the University of South Florida for  
27 any services that the campus at Sarasota/Manatee cannot  
28 provide more economically, including payroll processing,  
29 accounting, technology, construction administration, and other  
30 desired services. However, all legal services for the campus  
31 must be provided by a central services contract with the

1 university. The Board of Trustees of the University of South  
2 Florida and the Campus Board shall determine in a letter of  
3 agreement any allocation or sharing of student fee revenue  
4 between the University of South Florida's main campus and the  
5 Sarasota/Manatee campus.

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

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

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

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

26 (c) Recommend to the Campus Board an annual campus  
27 operating budget.

28 (d) Recommend to the Campus Board appropriate services  
29 and terms and conditions to be included in annual central  
30 support services contracts.

31



1           (e) Carry out any additional responsibilities assigned  
2 or delegated by the President of the University of South  
3 Florida for the efficient operation and improvement of the  
4 campus, especially any authority necessary for the purpose of  
5 vesting in the campus attributes necessary to meet the  
6 requirements for separate accreditation.

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

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

20           Section 39. New College of Florida.--

21           (1) MISSION AND GOALS.--As a member of the State  
22 University System of Florida, New College of Florida preserves  
23 its distinctive mission as a residential liberal arts honors  
24 college. To maintain this mission, New College of Florida has  
25 the following goals:

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

29           (b) To engage in undergraduate educational reform by  
30 combining educational innovation with educational excellence.

31

1           (c) To provide programs of study that allow students  
2 to design their educational experience as much as possible in  
3 accordance with their individual interests, values, and  
4 abilities.

5           (d) To challenge undergraduates not only to master  
6 existing bodies of knowledge but also to extend the frontiers  
7 of knowledge through original research.

8           (2) ACCREDITATION.--As soon as possible, New College  
9 of Florida shall apply to the Commission on Colleges of the  
10 Southern Association of Colleges and Schools for separate  
11 accreditation.

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

15           (a) Three residents of Sarasota County.

16           (b) Two residents of Manatee County.

17           (c) Until the expiration date of the terms of office  
18 of the members who are on the board June 30, 2001, seven  
19 members selected from the Board of Trustees of the New College  
20 Foundation.

21  
22 In addition, a student body president shall shall be a voting  
23 member of the board.

24           Section 40. St. Petersburg College.--

25           (1) LEGISLATIVE INTENT.--The Legislature intends to  
26 create an innovative means to increase access to baccalaureate  
27 degree level education in populous counties that are  
28 underserved by public baccalaureate degree granting  
29 institutions. This education is intended to address the  
30 state's workforce needs, especially the need for teachers,

31

1 nurses, and business managers in agencies and firms that  
2 require expertise in technology.

3 (2) ST. PETERSBURG COLLEGE; MISSION; POLICIES.--St.  
4 Petersburg Junior College is redesignated as St. Petersburg  
5 College. The college shall immediately seek accreditation from  
6 the Southern Association of Colleges and Schools as a  
7 baccalaureate degree granting college.

8 (a) The primary mission of St. Petersburg College is  
9 to provide high-quality undergraduate education at an  
10 affordable price for students and the state. The purpose is to  
11 promote economic development by preparing people for  
12 occupations that require a bachelor's degree and are in demand  
13 by existing or emerging public and private employers in this  
14 state.

15 (b) St. Petersburg College shall maintain the mission  
16 and policies of a Florida community college, including the  
17 open-door admissions policy and the authority to offer all  
18 programs consistent with a public community college's  
19 authority.

20 (c) St. Petersburg College shall maintain the  
21 distinction between the college and its university center. St.  
22 Petersburg College is limited to community college programs  
23 and to selected baccalaureate degree level programs that meet  
24 community needs and are authorized as provided by this  
25 section. The University Center may make available more diverse  
26 program offerings, but those programs are offered by a  
27 participating college or university and are not to be  
28 classified or funded as programs of St. Petersburg College.

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

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

3           (3) STUDENTS; FEES.--

4           (a) St. Petersburg College shall maintain separate  
5 records for students who are enrolled in courses classified in  
6 the upper division and lower division of a baccalaureate  
7 program, according to the common course numbering and  
8 designation system. A student shall be reported as a community  
9 college student for enrollment in a lower-division course and  
10 as a baccalaureate degree program student for enrollment in an  
11 upper-division course.

12           (b) The Board of Trustees of St. Petersburg College  
13 shall establish the level of matriculation, tuition, and other  
14 authorized student fees.

15           1. For each credit hour of enrollment in a certificate  
16 level course or lower-division level college credit course,  
17 matriculation and tuition fees must be within the range  
18 authorized in law and rule for a community college student at  
19 that level.

20           2. For each credit hour of enrollment in an  
21 upper-division level course, matriculation and tuition fees  
22 must be in an amount established by the Board of Trustees of  
23 St. Petersburg College. However, fees for upper-division  
24 students must reflect the fact that the college does not incur  
25 the costs of major research programs. Therefore, the board  
26 shall establish fees for upper-division students within a  
27 range that is lower than the fees established for students at  
28 a public university but higher than the fees for community  
29 college students.

30           3. Other mandatory fees and local fees must be at the  
31 same level for all lower-division students. For upper-division

1 students, other mandatory fees and local fees must be at a  
2 level less than fees established for University of South  
3 Florida students, regardless of program enrollment or level.  
4 However, students in workforce development education courses  
5 maintain the authorized fee exemptions described in s.  
6 239.117, Florida Statutes, and may be exempt from local fees  
7 imposed by the Board of Trustees, at the board's discretion.  
8 (4) DEGREES.--  
9 (a) In addition to the certificates, diplomas, and  
10 degrees authorized in s. 240.301, Florida Statutes, St.  
11 Petersburg College may offer selected baccalaureate degrees.  
12 Initially, the college may offer programs that lead to a  
13 baccalaureate degree in the following fields:  
14 1. Bachelor of Science in Nursing. This program must  
15 be designed to articulate with the associate in science degree  
16 in nursing. St. Petersburg College shall continue to offer the  
17 associate in science degree in nursing.  
18 2. Bachelor of Arts and Bachelor of Science in  
19 Elementary Education.  
20 3. Bachelor of Arts and Bachelor of Science in Special  
21 Education.  
22 4. Bachelor of Arts and Bachelor of Science in  
23 Secondary Education.  
24 5. Bachelor of Applied Science in fields selected by  
25 the Board of Trustees of St. Petersburg College. The Board of  
26 Trustees shall base the selection on an analysis of workforce  
27 needs and opportunities in the following counties: Pinellas,  
28 Pasco, Hernando, and other counties approved by the Florida  
29 Department of Education. For each program selected, St.  
30 Petersburg College must offer a related associate in science  
31 or associate in applied science degree program, and the

1 baccalaureate degree level program must be designed to  
2 articulate fully with at least one associate in science degree  
3 program. The college is encouraged to develop articulation  
4 agreements for enrollment of graduates of related associate in  
5 applied science degree programs.

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

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

13 (d) Master's degree level programs and doctoral  
14 programs may be provided by agreement with a college or  
15 university participating in the University Center of St.  
16 Petersburg College.

17 (e) For those students living outside Pinellas County,  
18 St. Petersburg College shall recruit for the upper-division  
19 only those students who have earned an associate degree. In  
20 recruiting upper-division students in Pasco and Hernando  
21 Counties, St. Petersburg College shall work cooperatively with  
22 Pasco-Hernando Community College and shall seek to offer  
23 courses and programs at Pasco-Hernando Community College when  
24 feasible. The nursing programs, in particular, must be  
25 conducted cooperatively, and programs at St. Petersburg  
26 College shall not conflict with Pasco-Hernando Community  
27 College's and the University of South Florida's cooperative  
28 nursing program.

29 (5) BOARDS.--

30 (a) The Board of Trustees of St. Petersburg Junior  
31 College is renamed the Board of Trustees of St. Petersburg

1 College and serves as its governing board. The Governor shall  
2 appoint members as provided in s. 240.313, Florida Statutes,  
3 and the board has the duties and authorities granted in ss.  
4 240.315 and 240.319, Florida Statutes, and by rules of the  
5 Florida Board of Education.

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

9 (c) The Board of Trustees of St. Petersburg College  
10 may continue to award degrees, diplomas, and certificates as  
11 authorized for St. Petersburg Junior College, and in the name  
12 of St. Petersburg Junior College, until St. Petersburg College  
13 receives its accreditation.

14 (d) A coordinating board shall assist the Board of  
15 Trustees in its deliberations concerning issues that affect  
16 the upper-division of St. Petersburg College. The coordinating  
17 board consists of the President of the University of South  
18 Florida, the President of St. Petersburg College, the  
19 President of Pasco-Hernando Community College, and the chairs  
20 of the boards of trustees of those institutions.

21 (e) Beginning 4 years after the college receives  
22 accreditation to offer baccalaureate degrees, the Board of  
23 Trustees of St. Petersburg College may determine additional  
24 programs to be offered, with the approval of the coordinating  
25 board. The determination must consider community needs and  
26 economic opportunities.

27 (f) The coordinating board shall meet at the request  
28 of the President of the University of South Florida or the  
29 President of St. Petersburg College.

30 (g) If the coordinating board cannot decide an issue  
31 of importance to the programs designed for upper-division

1 students, the chief educational officer of this state shall  
2 resolve the issue.

3 (6) EMPLOYEES.--

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

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

10 (7) FACILITIES.--St. Petersburg College may request  
11 funding from the Public Education Capital Outlay and Debt  
12 Service Trust Fund as a community college and as a university.  
13 The municipalities in Pinellas County, the Board of County  
14 Commissioners of Pinellas County, and all other governmental  
15 entities are authorized to cooperate with the Board of  
16 Trustees of St. Petersburg College in establishing this  
17 institution. The acquisition and donation of lands, buildings,  
18 and equipment for the use of St. Petersburg College are  
19 authorized as a public purpose. The Board of County  
20 Commissioners of Pinellas County and all municipalities in  
21 Pinellas County may exercise the power of eminent domain to  
22 acquire lands, buildings, and equipment for the use of St.  
23 Petersburg College, regardless of whether such lands,  
24 buildings, and equipment are located in a community  
25 redevelopment area.

26 (8) STATE FUNDING.--

27 (a) The Legislature intends to fund St. Petersburg  
28 College as a community college for its workforce development  
29 education programs and for its lower-division level college  
30 credit courses and programs.

31



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

4           (c) During the 2001-2002 fiscal year, St. Petersburg  
5 College shall estimate the appropriate level of funding for  
6 these programs. By March 1, 2002, the college shall complete a  
7 cost study and shall submit to the Legislature a proposal for  
8 cost accounting and legislative budget requests designed to  
9 acknowledge its unique classification. The cost study must  
10 indicate actual costs projected for the first 4 years of  
11 operation as a baccalaureate degree level institution, with  
12 the first students expected to enroll in the upper division in  
13 the fall semester of 2002.

14           Section 41. Nothing contained within this act shall be  
15 construed to adversely impact the accreditation of the  
16 University of South Florida.

17           Section 42. Florida Bright Futures Scholarship Testing  
18 Program.--

19           (1) By January 1, 2002, the Articulation Coordinating  
20 Committee shall identify the minimum scores, maximum credit,  
21 and course or courses for which credit is to be awarded for  
22 each College Level Examination Program (CLEP) general  
23 examination, CLEP subject examination, College Board Advanced  
24 Placement Program examination, and International Baccalaureate  
25 examination. In addition, the Articulation Coordinating  
26 Committee shall identify such courses in the general education  
27 core curriculum of each state university and community  
28 college.

29           (2) Each community college and state university must  
30 award credit for specific courses for which competency has  
31 been demonstrated by successful passage of one of these

1 examinations unless the award of credit duplicates credit  
2 already awarded. Community colleges and universities may not  
3 exempt students from courses without the award of credit if  
4 competencies have been so demonstrated.

5 (3) Beginning with initial award recipients for the  
6 2002-2003 academic year and continuing thereafter, students  
7 eligible for a Florida Academic Scholars award or a Florida  
8 Medallion Scholars award who are admitted to and enroll in a  
9 community college or state university shall, prior to  
10 registering for courses that may be earned through a CLEP  
11 examination and no later than registration for their second  
12 term, complete at least five examinations from those specified  
13 in subsection (1) in the following areas: English; humanities;  
14 mathematics; natural sciences; and social sciences. Successful  
15 completion of dual enrollment courses, Advanced Placement  
16 examinations, and International Baccalaureate examinations  
17 taken prior to high school graduation satisfy this  
18 requirement. The Articulation Coordinating Committee shall  
19 identify the examinations that satisfy each component of this  
20 requirement.

21 (4) Initial award recipients for the 2001-2002  
22 academic year who are eligible for a Florida Academic Scholars  
23 award or a Florida Medallion Scholars award and who are  
24 admitted to and enroll in a community college or state  
25 university may choose, prior to registering for courses that  
26 may be earned through CLEP examination, to complete up to five  
27 CLEP examinations, one in each of the following areas:  
28 English; humanities; mathematics; natural sciences; and social  
29 sciences.

30 (5) Each community college and state university shall  
31 pay for the CLEP examinations required pursuant to this

1 section from the funds appropriated from the Educational  
2 Enhancement Trust Fund. Institutions shall pay no more than  
3 \$46 per examination for the program, which shall include  
4 access to a student guide to prepare for the test. The  
5 Department of Education shall negotiate with the College Board  
6 for a reduced rate for the examinations. The institution shall  
7 not charge the student for preparation and administration of  
8 the test, access to a student guide to prepare for the test,  
9 or recordkeeping and reporting of each student's test results  
10 to the department.

11 (6) The credit awarded pursuant to this section shall  
12 apply toward the 120 hours of college credit required pursuant  
13 to s. 240.115(6).

14 (7) The maximum number of credit hours for which a  
15 student is eligible to receive a Florida Bright Futures  
16 Scholarship Program award shall be reduced by the number of  
17 hours for which credit is awarded pursuant to this section.

18 (8) Beginning with the 2002-2003 award recipients, the  
19 Department of Education shall track and annually report on the  
20 effectiveness of the program, and include information on the  
21 number of students participating in the program; the CLEP  
22 examinations taken and the passage rate of Florida Academic  
23 Scholars and Florida Medallion Scholars award recipients; the  
24 use of Advanced Placement and International Baccalaureate  
25 examinations and dual enrollment courses to satisfy the  
26 requirements of the program; and the course credit provided.

27 Section 43. Notwithstanding subsection (7) of section  
28 3 of chapter 2000-321, Laws of Florida, section 240.551,  
29 Florida Statutes, shall not stand repealed on January 7, 2003,  
30 and is reenacted and amended to read:

31 240.551 Florida Prepaid College Program.--

1           (1) LEGISLATIVE INTENT.--The Legislature recognizes  
2 that educational opportunity at the postsecondary level is a  
3 critical state interest. It further recognizes that  
4 educational opportunity is best ensured through the provision  
5 of postsecondary institutions that are geographically and  
6 financially accessible. Accordingly, it is the intent of the  
7 Legislature that a program be established through which many  
8 of the costs associated with postsecondary attendance may be  
9 paid in advance and fixed at a guaranteed level for the  
10 duration of undergraduate enrollment. It is similarly the  
11 intent of the Legislature to provide a program that fosters  
12 timely financial planning for postsecondary attendance and to  
13 encourage employer participation in such planning through  
14 program contributions on behalf of employees and the  
15 dependents of employees.

16           (2) DEFINITIONS.--

17           (a) "Advance payment contract" means a contract  
18 entered into by the board and a purchaser pursuant to this  
19 section.

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

21           (c) "Fund" means the Florida Prepaid College Trust  
22 Fund.

23           (d) "Program" means the Florida Prepaid College  
24 Program.

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

28           (f) "Qualified beneficiary" means:

29           1. A resident of this state at the time a purchaser  
30 enters into an advance payment contract on behalf of the  
31 resident;

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

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

10           (g) "Registration fee" means matriculation fee,  
11 financial aid fee, building fee, and Capital Improvement Trust  
12 Fund fee.

13           (h) "State postsecondary institution" means any  
14 community college identified in s. 240.3031 or university  
15 identified in s. 240.2011.

16           (3) FLORIDA PREPAID COLLEGE PROGRAM; CREATION.--There  
17 is created a Florida Prepaid College Program to provide a  
18 medium through which the cost of registration and dormitory  
19 residence may be paid in advance of enrollment in a state  
20 postsecondary institution at a rate lower than the projected  
21 corresponding cost at the time of actual enrollment. Such  
22 payments shall be combined and invested in a manner that  
23 yields, at a minimum, sufficient interest to generate the  
24 difference between the prepaid amount and the cost of  
25 registration and dormitory residence at the time of actual  
26 enrollment. Students who enroll in a state postsecondary  
27 institution pursuant to this section shall be charged no fees  
28 in excess of the terms delineated in the advance payment  
29 contract.

30           (4) FLORIDA PREPAID COLLEGE TRUST FUND.--There is  
31 created within the State Board of Administration the Florida

1 Prepaid College Trust Fund. The fund shall consist of state  
2 appropriations, moneys acquired from other governmental or  
3 private sources, and moneys remitted in accordance with  
4 advance payment contracts. All funds deposited into the trust  
5 fund may be invested pursuant to s. 215.47. Dividends,  
6 interest, and gains accruing to the trust fund shall increase  
7 the total funds available for the program. Notwithstanding the  
8 provisions of chapter 717, funds associated with terminated  
9 contracts pursuant to subsection (12) and canceled contracts  
10 for which no refunds have been claimed shall increase the  
11 total funds available for the program. However, the board  
12 shall establish procedures for notifying purchasers who  
13 subsequently cancel their contracts of any unclaimed refund  
14 and shall establish a time period after which no refund may be  
15 claimed by a purchaser who canceled a contract. Any balance  
16 contained within the fund at the end of a fiscal year shall  
17 remain therein and shall be available for carrying out the  
18 purposes of the program. In the event that dividends,  
19 interest, and gains exceed the amount necessary for program  
20 administration and disbursements, the board may designate an  
21 additional percentage of the fund to serve as a contingency  
22 fund. Moneys contained within the fund shall be exempt from  
23 the investment requirements of s. 18.10. Any funds of a  
24 direct-support organization created pursuant to subsection  
25 (22) shall be exempt from the provisions of this subsection.

26 (5) PROGRAM ADMINISTRATION.--

27 (a) The Florida Prepaid College Program shall be  
28 administered by the Florida Prepaid College Board as an agency  
29 of the state. The Florida Prepaid College Board is hereby  
30 created as a body corporate with all the powers of a body  
31 corporate for the purposes delineated in this section. For

1 the purposes of s. 6, Art. IV of the State Constitution, the  
2 board shall be assigned to and administratively housed within  
3 the State Board of Administration, but it shall independently  
4 exercise the powers and duties specified in this section.

5 (b) The board shall consist of seven members to be  
6 composed of the Insurance Commissioner and Treasurer, the  
7 Comptroller, the Chancellor of the Board of Regents, the  
8 Executive Director of the State Board of Community Colleges,  
9 and three members appointed by the Governor and subject to  
10 confirmation by the Senate. Each member appointed by the  
11 Governor shall possess knowledge, skill, and experience in the  
12 areas of accounting, actuary, risk management, or investment  
13 management. Each member of the board not appointed by the  
14 Governor may name a designee to serve the board on behalf of  
15 the member; however, any designee so named shall meet the  
16 qualifications required of gubernatorial appointees to the  
17 board. Members appointed by the Governor shall serve terms of  
18 3 years. Any person appointed to fill a vacancy on the board  
19 shall be appointed in a like manner and shall serve for only  
20 the unexpired term. Any member shall be eligible for  
21 reappointment and shall serve until a successor qualifies.  
22 Members of the board shall serve without compensation but  
23 shall be reimbursed for per diem and travel in accordance with  
24 s. 112.061. Each member of the board shall file a full and  
25 public disclosure of his or her financial interests pursuant  
26 to s. 8, Art. II of the State Constitution and corresponding  
27 statute.

28 (c) The board shall annually elect a board member to  
29 serve as chair and a board member to serve as vice chair and  
30 shall designate a secretary-treasurer who need not be a member  
31 of the board. The secretary-treasurer shall keep a record of

1 the proceedings of the board and shall be the custodian of all  
2 printed material filed with or by the board and of its  
3 official seal. Notwithstanding the existence of vacancies on  
4 the board, a majority of the members shall constitute a  
5 quorum. The board shall take no official action in the absence  
6 of a quorum. The board shall meet, at a minimum, on a  
7 quarterly basis at the call of the chair.

8 (6) FLORIDA PREPAID COLLEGE BOARD; DUTIES.--The board  
9 shall:

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

13 (b) Administer the fund in a manner that is  
14 sufficiently actuarially sound to defray the obligations of  
15 the program. The board shall annually evaluate or cause to be  
16 evaluated the actuarial soundness of the fund. If the board  
17 perceives a need for additional assets in order to preserve  
18 actuarial soundness, the board may adjust the terms of  
19 subsequent advance payment contracts to ensure such soundness.

20 (c) Establish a comprehensive investment plan for the  
21 purposes of this section with the approval of the State Board  
22 of Administration. The comprehensive investment plan shall  
23 specify the investment policies to be utilized by the board in  
24 its administration of the fund. The board may place assets of  
25 the fund in savings accounts or use the same to purchase fixed  
26 or variable life insurance or annuity contracts, securities,  
27 evidence of indebtedness, or other investment products  
28 pursuant to the comprehensive investment plan and in such  
29 proportions as may be designated or approved under that plan.  
30 Such insurance, annuity, savings, or investment products shall  
31 be underwritten and offered in compliance with the applicable



1 federal and state laws, regulations, and rules by persons who  
2 are duly authorized by applicable federal and state  
3 authorities. Within the comprehensive investment plan, the  
4 board may authorize investment vehicles, or products incident  
5 thereto, as may be available or offered by qualified companies  
6 or persons. A contract purchaser may not direct the investment  
7 of his or her contribution to the trust fund, and a contract  
8 beneficiary may not direct the contribution made on his or her  
9 behalf to the trust fund. Board members and employees of the  
10 board are not prohibited from purchasing advance payment  
11 contracts by virtue of their fiduciary responsibilities as  
12 members of the board or official duties as employees of the  
13 board.

14 (d) Solicit proposals and contract, pursuant to s.  
15 287.057, for the marketing of the Florida Prepaid College  
16 Program. The entity designated pursuant to this paragraph  
17 shall serve as a centralized marketing agent for the program  
18 and shall be solely responsible for the marketing of the  
19 program. Any materials produced for the purpose of marketing  
20 the program shall be submitted to the board for review. No  
21 such materials shall be made available to the public before  
22 the materials are approved by the board. Any educational  
23 institution may distribute marketing materials produced for  
24 the program; however, all such materials shall have been  
25 approved by the board prior to distribution. Neither the state  
26 nor the board shall be liable for misrepresentation of the  
27 program by a marketing agent.

28 (e) Solicit proposals and contract, pursuant to s.  
29 287.057, for a trustee services firm to select and supervise  
30 investment programs on behalf of the board. The goals of the  
31 board in selecting a trustee services firm shall be to obtain

1 the highest standards of professional trustee services, to  
2 allow all qualified firms interested in providing such  
3 services equal consideration, and to provide such services to  
4 the state at no cost and to the purchasers at the lowest cost  
5 possible. The trustee services firm shall agree to meet the  
6 obligations of the board to qualified beneficiaries if moneys  
7 in the fund fail to offset the obligations of the board as a  
8 result of imprudent selection or supervision of investment  
9 programs by such firm. Evaluations of proposals submitted  
10 pursuant to this paragraph shall include, but not be limited  
11 to, the following criteria:

12           1. Adequacy of trustee services for supervision and  
13 management of the program, including current operations and  
14 staff organization and commitment of management to the  
15 proposal.

16           2. Capability to execute program responsibilities  
17 within time and regulatory constraints.

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

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

23           5. Adequacy of technical assistance and services  
24 proposed for staff.

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

27           7. Adequacy of facilities, equipment, and electronic  
28 data processing services.

29           8. Detailed projections of administrative costs,  
30 including the amount and type of insurance coverage, and  
31 detailed projections of total costs.

1           (f) Solicit proposals and contract, pursuant to s.  
2 287.057, for product providers to develop investment  
3 portfolios on behalf of the board to achieve the purposes of  
4 this section. Product providers shall be limited to authorized  
5 insurers as defined in s. 624.09, banks as defined in s.  
6 658.12, associations as defined in s. 665.012, authorized  
7 Securities and Exchange Commission investment advisers, and  
8 investment companies as defined in the Investment Company Act  
9 of 1940. All product providers shall have their principal  
10 place of business and corporate charter located and registered  
11 in the United States. In addition, each product provider shall  
12 agree to meet the obligations of the board to qualified  
13 beneficiaries if moneys in the fund fail to offset the  
14 obligations of the board as a result of imprudent investing by  
15 such provider. Each authorized insurer shall evidence superior  
16 performance overall on an acceptable level of surety in  
17 meeting its obligations to its policyholders and other  
18 contractual obligations. Only qualified public depositories  
19 approved by the Insurance Commissioner and Treasurer shall be  
20 eligible for board consideration. Each investment company  
21 shall provide investment plans as specified within the request  
22 for proposals. The goals of the board in selecting a product  
23 provider company shall be to provide all purchasers with the  
24 most secure, well-diversified, and beneficially administered  
25 postsecondary education expense plan possible, to allow all  
26 qualified firms interested in providing such services equal  
27 consideration, and to provide such services to the state at no  
28 cost and to the purchasers at the lowest cost possible.  
29 Evaluations of proposals submitted pursuant to this paragraph  
30 shall include, but not be limited to, the following criteria:  
31

- 1           1. Fees and other costs charged to purchasers that  
2 affect account values or operational costs related to the  
3 program.
- 4           2. Past and current investment performance, including  
5 investment and interest rate history, guaranteed minimum rates  
6 of interest, consistency of investment performance, and any  
7 terms and conditions under which moneys are held.
- 8           3. Past experience and ability to provide timely and  
9 accurate service in the areas of records administration,  
10 benefit payments, investment management, and complaint  
11 resolution.
- 12           4. Financial history and current financial strength  
13 and capital adequacy to provide products, including operating  
14 procedures and other methods of protecting program assets.
- 15           (7) FLORIDA PREPAID COLLEGE BOARD; POWERS.--The board  
16 shall have the powers necessary or proper to carry out the  
17 provisions of this section, including, but not limited to, the  
18 power to:
- 19           (a) Adopt an official seal and rules.
- 20           (b) Sue and be sued.
- 21           (c) Make and execute contracts and other necessary  
22 instruments.
- 23           (d) Establish agreements or other transactions with  
24 federal, state, and local agencies, including state  
25 universities and community colleges.
- 26           (e) Invest funds not required for immediate  
27 disbursement.
- 28           (f) Appear in its own behalf before boards,  
29 commissions, or other governmental agencies.
- 30           (g) Hold, buy, and sell any instruments, obligations,  
31 securities, and property determined appropriate by the board.

1           (h) Require a reasonable length of state residence for  
2 qualified beneficiaries.

3           (i) Restrict the number of participants in the  
4 community college plan, university plan, and dormitory  
5 residence plan, respectively. However, any person denied  
6 participation solely on the basis of such restriction shall be  
7 granted priority for participation during the succeeding year.

8           (j) Segregate contributions and payments to the fund  
9 into various accounts and funds.

10          (k) Contract for necessary goods and services, employ  
11 necessary personnel, and engage the services of private  
12 consultants, actuaries, managers, legal counsel, and auditors  
13 for administrative or technical assistance.

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

17          (m) Require and collect administrative fees and  
18 charges in connection with any transaction and impose  
19 reasonable penalties, including default, for delinquent  
20 payments or for entering into an advance payment contract on a  
21 fraudulent basis.

22          (n) Procure insurance against any loss in connection  
23 with the property, assets, and activities of the fund or the  
24 board.

25          (o) Impose reasonable time limits on use of the  
26 tuition benefits provided by the program. However, any such  
27 limitation shall be specified within the advance payment  
28 contract.

29          (p) Delineate the terms and conditions under which  
30 payments may be withdrawn from the fund and impose reasonable  
31 fees and charges for such withdrawal. Such terms and

1 conditions shall be specified within the advance payment  
2 contract.

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

5 (r) Require that purchasers of advance payment  
6 contracts verify, under oath, any requests for contract  
7 conversions, substitutions, transfers, cancellations, refund  
8 requests, or contract changes of any nature. Verification  
9 shall be accomplished as authorized and provided for in s.  
10 92.525(1)(a).

11 (s) Delegate responsibility for administration of the  
12 comprehensive investment plan required in paragraph (6)(c) to  
13 a person the board determines to be qualified. Such person  
14 shall be compensated by the board. Directly or through such  
15 person, the board may contract with a private corporation or  
16 institution to provide such services as may be a part of the  
17 comprehensive investment plan or as may be deemed necessary or  
18 proper by the board or such person, including, but not limited  
19 to, providing consolidated billing, individual and collective  
20 recordkeeping and accountings, and asset purchase, control,  
21 and safekeeping.

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

27 (u) Solicit proposals and contract, pursuant to s.  
28 287.057, for the services of a records administrator. The  
29 goals of the board in selecting a records administrator shall  
30 be to provide all purchasers with the most secure,  
31 well-diversified, and beneficially administered postsecondary

1 education expense plan possible, to allow all qualified firms  
2 interested in providing such services equal consideration, and  
3 to provide such services to the state at no cost and to the  
4 purchasers at the lowest cost possible. Evaluations of  
5 proposals submitted pursuant to this paragraph shall include,  
6 but not be limited to, the following criteria:

7         1. Fees and other costs charged to purchasers that  
8 affect account values or operational costs related to the  
9 program.

10         2. Past experience in records administration and  
11 current ability to provide timely and accurate service in the  
12 areas of records administration, audit and reconciliation,  
13 plan communication, participant service, and complaint  
14 resolution.

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

17         4. Financial history and current financial strength  
18 and capital adequacy to provide administrative services  
19 required by the board.

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

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

24         (8) QUALIFIED STATE TUITION PROGRAM

25 STATUS.--Notwithstanding any other provision of this section,  
26 the board may adopt rules necessary to enable the program to  
27 retain its status as a "qualified state tuition program" in  
28 order to maintain its tax exempt status or other similar  
29 status of the program, purchasers, and qualified beneficiaries  
30 under the Internal Revenue Code of 1986, as defined in s.  
31 220.03(1). The board shall inform purchasers of changes to the

1 tax or securities status of contracts purchased through the  
2 program.

3 (9) PREPAID COLLEGE PLANS.--At a minimum, the board  
4 shall make advance payment contracts available for two  
5 independent plans to be known as the community college plan  
6 and the university plan. The board may also make advance  
7 payment contracts available for a dormitory residence plan.

8 (a)1. Through the community college plan, the advance  
9 payment contract shall provide prepaid registration fees for a  
10 specified number of undergraduate semester credit hours not to  
11 exceed the average number of hours required for the conference  
12 of an associate degree. The cost of participation in the  
13 community college plan shall be based primarily on the average  
14 current and projected registration fees within the Florida  
15 Community College System and the number of years expected to  
16 elapse between the purchase of the plan on behalf of a  
17 qualified beneficiary and the exercise of the benefits  
18 provided in the plan by such beneficiary. Qualified  
19 beneficiaries shall bear the cost of any laboratory fees  
20 associated with enrollment in specific courses. Each qualified  
21 beneficiary shall be classified as a resident for tuition  
22 purposes, pursuant to s. 240.1201, regardless of his or her  
23 actual legal residence.

24 2. Effective July 1, 1998, the board may provide  
25 advance payment contracts for additional fees delineated in s.  
26 240.35, not to exceed the average number of hours required for  
27 the conference of an associate degree, in conjunction with  
28 advance payment contracts for registration fees. The cost of  
29 purchasing such fees shall be based primarily on the average  
30 current and projected fees within the Florida Community  
31 College System and the number of years expected to elapse



1 between the purchase of the plan on behalf of the beneficiary  
2 and the exercise of benefits provided in the plan by such  
3 beneficiary. Community college plan contracts purchased prior  
4 to July 1, 1998, shall be limited to the payment of  
5 registration fees as defined in subsection (2).

6 (b)1. Through the university plan, the advance payment  
7 contract shall provide prepaid registration fees for a  
8 specified number of undergraduate semester credit hours not to  
9 exceed the average number of hours required for the conference  
10 of a baccalaureate degree. The cost of participation in the  
11 university plan shall be based primarily on the current and  
12 projected registration fees within the State University System  
13 and the number of years expected to elapse between the  
14 purchase of the plan on behalf of a qualified beneficiary and  
15 the exercise of the benefits provided in the plan by such  
16 beneficiary. Qualified beneficiaries shall bear the cost of  
17 any laboratory fees associated with enrollment in specific  
18 courses. Each qualified beneficiary shall be classified as a  
19 resident for tuition purposes pursuant to s. 240.1201,  
20 regardless of his or her actual legal residence.

21 2. Effective July 1, 1998, the board may provide  
22 advance payment contracts for additional fees delineated in s.  
23 240.235(1), for a specified number of undergraduate semester  
24 credit hours not to exceed the average number of hours  
25 required for the conference of a baccalaureate degree, in  
26 conjunction with advance payment contracts for registration  
27 fees. Such contracts shall provide prepaid coverage for the  
28 sum of such fees, to a maximum of 45 percent of the cost of  
29 registration fees. The costs of purchasing such fees shall be  
30 based primarily on the average current and projected cost of  
31 these fees within the State University System and the number

1 of years expected to elapse between the purchase of the plan  
2 on behalf of the qualified beneficiary and the exercise of the  
3 benefits provided in the plan by such beneficiary. University  
4 plan contracts purchased prior to July 1, 1998, shall be  
5 limited to the payment of registration fees as defined in  
6 subsection (2).

7 (c) Through the dormitory residence plan, the advance  
8 payment contract may provide prepaid housing fees for a  
9 maximum of 10 semesters of full-time undergraduate enrollment  
10 in a state university. Dormitory residence plans shall be  
11 purchased in increments of 2 semesters. The cost of  
12 participation in the dormitory residence plan shall be based  
13 primarily on the average current and projected housing fees  
14 within the State University System and the number of years  
15 expected to elapse between the purchase of the plan on behalf  
16 of a qualified beneficiary and the exercise of the benefits  
17 provided in the plan by such beneficiary. Qualified  
18 beneficiaries shall have the highest priority in the  
19 assignment of housing within university residence halls.  
20 Qualified beneficiaries shall bear the cost of any additional  
21 elective charges such as laundry service or long-distance  
22 telephone service. Each state university may specify the  
23 residence halls or other university-held residences eligible  
24 for inclusion in the plan. In addition, any state university  
25 may request immediate termination of a dormitory residence  
26 contract based on a violation or multiple violations of rules  
27 of the residence hall or other university-held residences. In  
28 the event that sufficient housing is not available for all  
29 qualified beneficiaries, the board shall refund the purchaser  
30 or qualified beneficiary an amount equal to the fees charged  
31 for dormitory residence during that semester. If a qualified

1 beneficiary fails to be admitted to a state university or  
2 chooses to attend a community college that operates one or  
3 more dormitories or residency opportunities, or has one or  
4 more dormitories or residency opportunities operated by the  
5 community college direct-support organization, the qualified  
6 beneficiary may transfer or cause to have transferred to the  
7 community college, or community college direct-support  
8 organization, the fees associated with dormitory residence.  
9 Dormitory fees transferred to the community college or  
10 community college direct-support organization may not exceed  
11 the maximum fees charged for state university dormitory  
12 residence for the purposes of this section, or the fees  
13 charged for community college or community college  
14 direct-support organization dormitories or residency  
15 opportunities, whichever is less.

16 (10) TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE  
17 COLLEGES AND UNIVERSITIES AND TO AREA TECHNICAL CENTERS.--A  
18 qualified beneficiary may apply the benefits of an advance  
19 payment contract toward:

20 (a) Any eligible independent college or university. An  
21 independent college or university that is located and  
22 chartered in Florida, that is not for profit, that is  
23 accredited by the Commission on Colleges of the Southern  
24 Association of Colleges and Schools or the Accrediting Council  
25 for Independent Colleges and Schools ~~Accrediting Commission of~~  
26 ~~the Association of Independent Colleges and Schools~~, and that  
27 confers degrees as defined in s. 246.021, is eligible for such  
28 application. The board shall transfer, or cause to have  
29 transferred, to the eligible independent college or university  
30 designated by the qualified beneficiary an amount not to  
31 exceed the redemption value of the advance payment contract at

1 ~~within~~ a state postsecondary institution. If the cost of  
2 registration or housing fees at the independent college or  
3 university is less than the corresponding fees at a state  
4 postsecondary institution, the amount transferred shall not  
5 exceed the actual cost of registration or housing fees. A  
6 transfer authorized under this paragraph may not exceed the  
7 number of semester credit hours or semesters of dormitory  
8 residence contracted on behalf of a qualified beneficiary.

9 (b) An eligible out-of-state college or university. An  
10 out-of-state college or university that is not for profit and  
11 is accredited by a regional accrediting association, and that  
12 confers degrees, is eligible for such application. The board  
13 shall transfer, or cause to have transferred, an amount not to  
14 exceed the redemption value of the advance payment contract at  
15 a state postsecondary institution ~~or the original purchase~~  
16 ~~price plus 5 percent compounded interest, whichever is less,~~  
17 ~~after assessment of a reasonable transfer fee.~~ If the cost of  
18 registration or housing fees charged the qualified beneficiary  
19 at the eligible out-of-state college or university is less  
20 than this calculated amount, the amount transferred shall not  
21 exceed the actual cost of registration or housing fees. Any  
22 remaining amount shall be transferred in subsequent semesters  
23 until the transfer value is depleted. A transfer authorized  
24 under this paragraph may not exceed the number of semester  
25 credit hours or semesters of dormitory residence contracted on  
26 behalf of a qualified beneficiary.

27 (c) An applied technology diploma program or  
28 vocational certificate program conducted by a community  
29 college listed in s. 240.3031 or an area technical center  
30 operated by a district school board. The board shall transfer  
31 or cause to be transferred to the community college or area

1 technical center designated by the qualified beneficiary an  
2 amount not to exceed the redemption value of the advance  
3 payment contract at ~~within~~ a state postsecondary institution.  
4 If the cost of the fees charged by the college or center, as  
5 authorized in s. 239.117, is less than the corresponding fees  
6 at a state postsecondary institution, the amount transferred  
7 may not exceed the actual cost of the fees. A transfer  
8 authorized under this paragraph may not exceed the number of  
9 semester credit hours contracted on behalf of a qualified  
10 beneficiary.

11

12 Notwithstanding any other provision in this section, an  
13 institution must be an "eligible educational institution"  
14 under s. 529 of the Internal Revenue Code to be eligible for  
15 the transfer of advance payment contract benefits.

16 (11) ADVANCE PAYMENT CONTRACTS; CONTENTS.--The board  
17 shall construct advance payment contracts for registration and  
18 may construct advance payment contracts for dormitory  
19 residence as provided in this section. Advance payment  
20 contracts constructed for the purposes of this section shall  
21 be exempt from chapter 517 and the Florida Insurance Code.  
22 Such contracts shall include, but not be limited to, the  
23 following:

24 (a) The amount of the payment or payments and the  
25 number of payments required from a purchaser on behalf of a  
26 qualified beneficiary.

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

30 (c) Provisions for late payment charges and for  
31 default.

1 (d) Provisions for penalty fees for withdrawals from  
2 the fund.

3 (e) Except for an advance payment contract entered  
4 into pursuant to subsection (22) or subsection (23), the name  
5 and date of birth of the qualified beneficiary on whose behalf  
6 the contract is drawn and the terms and conditions under which  
7 another person may be substituted as the qualified  
8 beneficiary.

9 (f) The name of any person who may terminate the  
10 contract. The terms of the contract shall specify whether the  
11 contract may be terminated by the purchaser, the qualified  
12 beneficiary, a specific designated person, or any combination  
13 of these persons.

14 (g) The terms and conditions under which a contract  
15 may be terminated, modified, or converted, the name of the  
16 person entitled to any refund due as a result of termination  
17 of the contract pursuant to such terms and conditions, and the  
18 amount of refund, if any, due to the person so named.

19 (h) The number of semester credit hours or semesters  
20 of dormitory residence contracted by the purchaser.

21 (i) The state postsecondary system toward which the  
22 contracted credit hours or semesters of dormitory residence  
23 will be applied.

24 (j) The assumption of a contractual obligation by the  
25 board to the qualified beneficiary to provide for a specified  
26 number of semester credit hours of undergraduate instruction  
27 at a state postsecondary institution, not to exceed the  
28 average number of credit hours required for the conference of  
29 the degree that corresponds to the plan purchased on behalf of  
30 the qualified beneficiary or to provide for a specified number  
31 of semesters of dormitory residence, not to exceed the number

1 of semesters of full-time enrollment required for the  
2 conference of a baccalaureate degree.

3 (k) Other terms and conditions deemed by the board to  
4 be necessary or proper.

5 (12) DURATION OF BENEFITS; ADVANCE PAYMENT  
6 CONTRACT.--An advance payment contract may provide that  
7 contracts which have not been terminated or the benefits  
8 exercised within a specified period of time shall be  
9 considered terminated. Time expended by a qualified  
10 beneficiary as an active duty member of any of the armed  
11 services of the United States shall be added to the period of  
12 time specified pursuant to this subsection. No purchaser or  
13 qualified beneficiary whose advance payment contract is  
14 terminated pursuant to this subsection shall be entitled to a  
15 refund. The board shall retain any moneys paid by the  
16 purchaser for an advance payment contract that has been  
17 terminated in accordance with this subsection. Such moneys  
18 retained by the board are exempt from chapter 717, and such  
19 retained moneys must be used by the board to further the  
20 purposes of this section.

21 (13) REFUNDS.--

22 (a) Except as provided in paragraphs (b), ~~and~~ (c), and  
23 (f), no refund shall exceed the amount paid into the fund by  
24 the purchaser.

25 (b) If the beneficiary is awarded a scholarship, the  
26 terms of which cover the benefits included in the advance  
27 payment contracts, moneys paid for the purchase of the advance  
28 payment contracts shall be refunded ~~returned~~ to the purchaser  
29 in semester installments coinciding with the matriculation by  
30 the beneficiary in an amount which, in total, does not exceed  
31 the redemption value of the advance payment contract at a

1 ~~state postsecondary institution amounts of either the original~~  
2 ~~purchase price plus 5 percent compounded interest, or the~~  
3 ~~current rates at state postsecondary institutions, whichever~~  
4 ~~is less.~~

5 (c) In the event of the death or total disability of  
6 the beneficiary, moneys paid for the purchase of advance  
7 payment contracts shall be refunded ~~returned~~ to the purchaser  
8 in an amount not to exceed the redemption value of the advance  
9 payment contract at a state postsecondary institution ~~together~~  
10 ~~with 5 percent compounded interest, or the current rates at~~  
11 ~~state postsecondary institutions, whichever is less.~~

12 (d) If an advance payment contract is converted from  
13 one registration plan to a plan of lesser value, the amount  
14 refunded shall not exceed the difference between the amount  
15 paid for the original contract and the amount that would have  
16 been paid for the contract to which the plan is converted had  
17 the converted plan been purchased under the same payment plan  
18 at the time the original advance payment contract was  
19 executed.

20 (e) No refund shall be authorized through an advance  
21 payment contract for any school year partially attended but  
22 not completed. For purposes of this section, a school year  
23 partially attended but not completed shall mean any one  
24 semester whereby the student is still enrolled at the  
25 conclusion of the official drop-add period, but withdraws  
26 before the end of such semester. If a beneficiary does not  
27 complete a community college plan or university plan for  
28 reasons other than specified in paragraph (c), the purchaser  
29 shall receive a refund of the amount paid into the fund for  
30 the remaining unattended years of the advance payment contract  
31 pursuant to rules promulgated by the board.



1           (14) CONFIDENTIALITY OF ACCOUNT  
2 INFORMATION.--Information that identifies the purchasers or  
3 beneficiaries of any plan promulgated under this section and  
4 their advance payment account activities is exempt from the  
5 provisions of s. 119.07(1). However, the board may authorize  
6 the program's records administrator to release such  
7 information to a community college, college, or university in  
8 which a beneficiary may enroll or is enrolled. Community  
9 colleges, colleges, and universities shall maintain such  
10 information as exempt from the provisions of s. 119.07(1).

11           (15) OBLIGATIONS OF BOARD; PAYMENT.--The state shall  
12 agree to meet the obligations of the board to qualified  
13 beneficiaries if moneys in the fund fail to offset the  
14 obligations of the board. The Legislature shall appropriate to  
15 the Florida Prepaid College Trust Fund the amount necessary to  
16 meet the obligations of the board to qualified beneficiaries.

17           (16) ASSETS OF THE FUND; EXPENDITURE PRIORITY.--The  
18 assets of the fund shall be maintained, invested, and expended  
19 solely for the purposes of this section and shall not be  
20 loaned, transferred, or otherwise used by the state for any  
21 purpose other than the purposes of this section. This  
22 subsection shall not be construed to prohibit the board from  
23 investing in, by purchase or otherwise, bonds, notes, or other  
24 obligations of the state or an agency or instrumentality of  
25 the state. Unless otherwise specified by the board, assets of  
26 the fund shall be expended in the following order of priority:

27           (a) To make payments to state postsecondary  
28 institutions on behalf of qualified beneficiaries.

29           (b) To make refunds upon termination of advance  
30 payment contracts.

31

1           (c) To pay the costs of program administration and  
2 operations.

3           (17) EXEMPTION FROM CLAIMS OF CREDITORS.--Moneys paid  
4 into or out of the fund by or on behalf of a purchaser or  
5 qualified beneficiary of an advance payment contract made  
6 under this section, which contract has not been terminated,  
7 are exempt, as provided by s. 222.22, from all claims of  
8 creditors of the purchaser or the beneficiary. Neither moneys  
9 paid into the program nor benefits accrued through the program  
10 may be pledged for the purpose of securing a loan.

11           (18) PAYROLL DEDUCTION AUTHORITY.--The state or any  
12 state agency, county, municipality, or other political  
13 subdivision may, by contract or collective bargaining  
14 agreement, agree with any employee to remit payments toward  
15 advance payment contracts through payroll deductions made by  
16 the appropriate officer or officers of the state, state  
17 agency, county, municipality, or political subdivision. Such  
18 payments shall be held and administered in accordance with  
19 this section.

20           (19) DISCLAIMER.--Nothing in this section shall be  
21 construed as a promise or guarantee that a qualified  
22 beneficiary will be admitted to a state postsecondary  
23 institution or to a particular state postsecondary  
24 institution, will be allowed to continue enrollment at a state  
25 postsecondary institution after admission, or will be  
26 graduated from a state postsecondary institution.

27           (20) PROGRAM TERMINATION.--In the event that the state  
28 determines the program to be financially infeasible, the state  
29 may discontinue the provision of the program. Any qualified  
30 beneficiary who has been accepted by and is enrolled or is  
31 within 5 years of enrollment in an eligible independent

1 college or university or state postsecondary institution shall  
2 be entitled to exercise the complete benefits for which he or  
3 she has contracted. All other contract holders shall receive a  
4 refund of the amount paid in and an additional amount in the  
5 nature of interest at a rate that corresponds, at a minimum,  
6 to the prevailing interest rates for savings accounts provided  
7 by banks and savings and loan associations.

8 (21) ANNUAL REPORT.--The board shall annually prepare  
9 or cause to be prepared a report setting forth in appropriate  
10 detail an accounting of the fund and a description of the  
11 financial condition of the program at the close of each fiscal  
12 year. Such report shall be submitted to the President of the  
13 Senate, the Speaker of the House of Representatives, and  
14 members of the State Board of Education on or before March 31  
15 each year. In addition, the board shall make the report  
16 available to purchasers of advance payment contracts. The  
17 board shall provide to the Board of Regents and the State  
18 Board of Community Colleges, by March 31 each year, complete  
19 advance payment contract sales information, including  
20 projected postsecondary enrollments of qualified  
21 beneficiaries. The accounts of the fund shall be subject to  
22 annual audits by the Auditor General or his or her designee.

23 (22) DIRECT-SUPPORT ORGANIZATION; AUTHORITY.--

24 (a) The board may establish a direct-support  
25 organization which is:

26 1. A Florida corporation, not for profit, incorporated  
27 under the provisions of chapter 617 and approved by the  
28 Secretary of State.

29 2. Organized and operated exclusively to receive,  
30 hold, invest, and administer property and to make expenditures  
31 to or for the benefit of the program.

1           3. An organization which the board, after review, has  
2 certified to be operating in a manner consistent with the  
3 goals of the program and in the best interests of the state.  
4 Unless so certified, the organization may not use the name of  
5 the program.

6           (b) The direct-support organization shall operate  
7 under written contract with the board. The contract must  
8 provide for:

9           1. Approval of the articles of incorporation and  
10 bylaws of the direct-support organization by the board.

11           2. Submission of an annual budget for the approval of  
12 the board. The budget must comply with rules adopted by the  
13 board.

14           3. An annual financial and compliance audit of its  
15 financial accounts and records by an independent certified  
16 public accountant in accordance with rules adopted by the  
17 board.

18           4. Certification by the board that the direct-support  
19 organization is complying with the terms of the contract and  
20 in a manner consistent with the goals and purposes of the  
21 board and in the best interest of the state. Such  
22 certification must be made annually and reported in the  
23 official minutes of a meeting of the board.

24           5. The reversion to the board, or to the state if the  
25 board ceases to exist, of moneys and property held in trust by  
26 the direct-support organization for the benefit of the board  
27 or program if the direct-support organization is no longer  
28 approved to operate for the board or if the board ceases to  
29 exist.

30  
31

1           6. The fiscal year of the direct-support organization,  
2 which must begin July 1 of each year and end June 30 of the  
3 following year.

4           7. The disclosure of material provisions of the  
5 contract and of the distinction between the board and the  
6 direct-support organization to donors of gifts, contributions,  
7 or bequests, and such disclosure on all promotional and  
8 fundraising publications.

9           (c) An annual financial and compliance audit of the  
10 financial accounts and records of the direct-support  
11 organization must be performed by an independent certified  
12 public accountant. The audit must be submitted to the board  
13 for review and approval. Upon approval, the board shall  
14 certify the audit report to the Auditor General for review.  
15 The board and Auditor General shall have the authority to  
16 require and receive from the organization or its independent  
17 auditor any detail or supplemental data relative to the  
18 operation of the organization.

19           (d) The identity of donors who desire to remain  
20 anonymous shall be confidential and exempt from the provisions  
21 of s. 119.07(1) and s. 24(a), Art. I of the State  
22 Constitution, and such anonymity shall be maintained in the  
23 auditor's report. Information received by the organization  
24 that is otherwise confidential or exempt by law shall retain  
25 such status. Any sensitive, personal information regarding  
26 contract beneficiaries, including their identities, is exempt  
27 from the provisions of s. 119.07(1) and s. 24(a), Art. I of  
28 the State Constitution.

29           (e) The chair and the executive director of the board  
30 shall be directors of the direct-support organization and  
31

1 shall jointly name, at a minimum,three other individuals to  
2 serve as directors of the organization.

3 (f) The board may authorize the direct-support  
4 organization established in this subsection to use program  
5 property, except money, and use facilities and personal  
6 services subject to the provisions of this section. If the  
7 direct-support organization does not provide equal employment  
8 opportunities to all persons regardless of race, color,  
9 religion, sex, age, or national origin, it may not use the  
10 property, facilities, or personal services of the board. For  
11 the purposes of this subsection, the term "personal services"  
12 includes full-time personnel and part-time personnel as well  
13 as payroll processing as prescribed by rule of the board. The  
14 board shall adopt rules prescribing the procedures by which  
15 the direct-support organization is governed and any conditions  
16 with which such a direct-support organization must comply to  
17 use property, facilities, or personal services of the board.

18 (g) The board may invest funds of the direct-support  
19 organization which have been allocated for the purchase of  
20 advance payment contracts for scholarships with receipts for  
21 advance payment contracts.

22 (23) SCHOLARSHIPS.--A nonprofit organization described  
23 in s. 501 (c)(3) of the United States Internal Revenue Code  
24 and exempt from taxation under s. 501(a) of the United States  
25 Internal Revenue Code may purchase advance payment contracts  
26 for a scholarship program that has been approved by the board  
27 and is operated by the purchasing organization.

28 Section 44. Except as otherwise expressly provided in  
29 this act, this act shall take effect upon becoming a law.  
30  
31