

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

11 Representative(s) Wiles offered the following:

13 **Amendment (with title amendment)**

14 On page 12, line 5, through page 79, line 31,
15 remove from the bill: all of said lines

17 and insert in lieu thereof:

18 Section 3. Section 229.003, Florida Statutes, is
19 amended to read:

20 229.003 Florida education governance reorganization.--

21 (1) Effective July 1, 2002, ~~January 7, 2003~~, the
22 Florida Board of Education, created pursuant to s. 229.004,
23 shall be responsible for overseeing kindergarten through
24 graduate school education, in accordance with the
25 implementation process in s. 229.0072 and the policies and
26 guiding principles in s. 229.002 and the mission and goals of
27 s. 229.007.

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

30 (2)(3) Effective July 1, 2002, ~~January 7, 2003~~, there
31 are is established the following education governance officers

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1 in addition to the Commissioner of Education:

2 (a) ~~A~~ Chancellor of Public Schools, ~~K-12 Education~~
3 appointed by the Commissioner of Education.

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

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

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

11

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

16 ~~(3)(4) Effective July 1, 2000,~~The Governor shall
17 appoint a seven-member board of trustees for the Florida
18 Virtual On-Line High School, which shall be a body corporate
19 with all the powers of a body corporate.

20 ~~(4)(5) Effective July 1, 2002, January 7, 2003,~~the
21 Governor shall appoint for each university in the State
22 University System, an 11-member ~~a nine-member~~ board of
23 trustees, which shall be a body corporate with all the powers
24 of a body corporate. In addition to the 11 members, a student
25 body president shall serve as an ex officio nonvoting member
26 of the board of trustees. There shall be no state residency
27 requirement for university board members, but the Governor
28 shall consider diversity and regional representation. Each
29 appointee is subject to confirmation by the Senate in the
30 regular legislative session immediately following his or her
31 appointment ~~All members of the board of trustees of Florida~~

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1 ~~Atlantic University must reside within the service area of the~~
2 ~~university; three must be residents of Broward County, three~~
3 ~~must be residents of Palm Beach County, and three may be~~
4 ~~residents of any county within the service area.~~

5 (5) Effective July 1, 2002:

6 (a) The Board of Regents is abolished.

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

14 (c) The State Board of Community Colleges is
15 abolished.

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

24 (e) The Postsecondary Education Planning Commission is
25 abolished.

26 (f) The Center for Education Policy Research and
27 Improvement is created and assigned for administrative
28 purposes to the Office of Program Policy Analysis and
29 Government Accountability (OPPAGA).

30 (g) All personnel, unexpended balances of
31 appropriations, and allocations of the Postsecondary Education

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1 Planning Commission are transferred to the Center for
2 Education Policy Research and Improvement.

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

7 (i) Notwithstanding the provisions of s. 20.15, the
8 Commissioner of Education shall commence the reorganization of
9 the Department of Education in accordance with s. 229.0073,
10 which shall include an Office of the Commissioner of Education
11 comprised of the general areas of operation that are common to
12 all delivery sectors and, in addition, shall include:

13 1. The creation of an Office of Technology and
14 Information Services, an Office of Workforce and Economic
15 Development, an Office of Educational Facilities and SMART
16 Schools Clearinghouse, and an Office of Student Financial
17 Assistance.

18 2. The creation of a Division of Colleges and
19 Universities.

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

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

22 5. The creation of a Division of Independent
23 Education.

24 6. The merger of the powers, duties, and staffs of the
25 State Board of Independent Colleges and Universities and the
26 State Board of Nonpublic Career Education, except as relating
27 to any independent nonprofit college or university whose
28 students are eligible to receive the William L. Boyd, IV,
29 Florida resident access grants pursuant to s. 240.605, into a
30 single Commission for Independent Education administratively
31 housed within the Division of Independent Education.

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

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

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

12 ~~(c) The State Board of Independent Colleges and~~
13 ~~Universities.~~

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

15 ~~(e) The Division of Workforce Development of the~~
16 ~~Department of Education.~~

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

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

19 ~~(h) The Division of Human Resource Development of the~~
20 ~~Department of Education.~~

21 ~~(i) The Division of Support Services of the Department~~
22 ~~of Education.~~

23 ~~(j) The Division of Administration of the Department~~
24 ~~of Education.~~

25 ~~(k) The Division of Financial Services of the~~
26 ~~Department of Education.~~

27 ~~(l) The Division of Technology of the Department of~~
28 ~~Education.~~

29 ~~(m) The Office of Student Financial Assistance of the~~
30 ~~Department of Education.~~

31 ~~(n) The Division of Universities of the Department of~~

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1 ~~Education.~~

2 ~~(o) The Division of Community Colleges of the~~
3 ~~Department of Education.~~

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

6 229.0031 Center for Education Policy Research and
7 Improvement.--Effective July 1, 2002, there is created the
8 Center for Education Policy Research and Improvement to
9 conduct and review education research, provide independent
10 analysis on education progress, and provide independent
11 evaluation of education issues of statewide concern. The
12 center shall have an independent advisory council and shall be
13 housed for administrative purposes in the Office of Program
14 Policy Analysis and Government Accountability. Administrative
15 functions of the center shall be provided by the Office of
16 Legislative Services pursuant to joint policies of the
17 Legislature.

18 (1) The center shall:

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

26 (b) Annually review and make recommendations to the
27 Legislature regarding the activities of research centers and
28 institutes supported with state funds in order to assess the
29 return on the state's investment in research conducted by
30 public postsecondary education institutions. Such
31 recommendations shall include the responses of the university

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1 presidents.

2 (c) Explore national and state emerging educational
3 issues and examine how these issues should be addressed by
4 education institutions in Florida.

5 (d) Prepare and submit for approval by the Florida
6 Board of Education a long-range performance plan for K-20
7 education in Florida. Annually review the implementation of
8 the plan and make recommendations for improvement.

9 (e) Annually report on the progress of public schools
10 and postsecondary education institutions toward meeting
11 educational goals and standards as defined by s. 229.007.
12 Recommend to the Legislature and the Florida Board of
13 Education legislation and rules for the educational
14 accountability system that support the policies and guiding
15 principles of s. 229.002.

16 (f) Evaluate and report on issues pertaining to
17 student learning gains.

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

21 (h) Provide public education institutions and the
22 public with information on the K-20 education accountability
23 system and recommend refinements and improvements.

24 (i) Apply for and receive grants for the study of K-20
25 education system improvement consistent with its
26 responsibilities.

27 (j) Conduct annual studies upon the request of the
28 Legislature or the Florida Board of Education.

29 (2) The center shall operate under the guidance of an
30 independent nine-member advisory council and the guiding
31 principles of s. 229.002.

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1 (3) The advisory council shall be composed of five
2 members appointed by the Governor, two members appointed by
3 the Speaker of the House of Representatives, and two members
4 appointed by the President of the Senate. Each member shall be
5 appointed for a term of 6 years. However, for purposes of
6 continuity, the Governor shall appoint two members, the
7 Speaker of the House of Representatives shall appoint one
8 member, and the President of the Senate shall appoint one
9 member for a first term of 4 years. Members appointed for 4
10 years shall be eligible for one reappointment. Advisory
11 council members shall not include elected officials or
12 employees of public or independent education entities. Members
13 shall serve without compensation, but shall be reimbursed for
14 per diem and travel as provided in s. 112.061. Members who
15 miss two consecutive meetings shall be subject to replacement
16 by the appointing officer. The advisory council shall meet at
17 least four times per year and shall advise the center
18 executive director and staff on all matters pertaining to the
19 duties and responsibilities of the center. The advisory
20 council shall annually evaluate the performance of the center
21 executive director and shall report such evaluations to the
22 Governor.

23 (4) The executive director of the Center for Education
24 Policy Research and Improvement shall direct the activities of
25 the center and appoint and supervise all staff. The executive
26 director shall have broad knowledge and experience in
27 educational accountability, governance, policy, research, and
28 practice. The executive director shall be appointed by the
29 Governor and confirmed by the Florida Board of Education, and
30 shall serve at the pleasure of the advisory council. The
31 executive director shall staff the meetings of the advisory

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1 council and shall document and communicate the findings and
2 recommendations of the advisory council. The executive
3 director shall report to the Florida Board of Education on at
4 least a quarterly basis to inform the board of the center's
5 findings.

6 (5) The center shall be staffed and funded as provided
7 for in the General Appropriations Act. The center shall have
8 access to all education performance and accountability data
9 collected or maintained by the Department of Education. During
10 the reorganization of the Department of Education as provided
11 for in this act, staff and funding may be transferred from the
12 Department of Education to the center to fulfill its statutory
13 functions.

14 Section 5. Section 229.004, Florida Statutes, is
15 amended to read:

16 229.004 Florida Board of Education.--

17 (1)(a) In accordance with the implementation process
18 in s. 229.0072 ~~Effective January 7, 2003,~~ the Florida Board of
19 Education is established as a body corporate. The board shall
20 be a ~~part-time~~ citizen board consisting of seven members
21 appointed by the Governor to staggered 4-year terms, subject
22 to confirmation by the Senate, provided, however, that Senate
23 confirmation is not required for the members of the Florida
24 Board of Education to perform the duties as prescribed in this
25 education governance reorganization implementation act.
26 Members of the board shall serve without compensation, but
27 shall be entitled to reimbursement of travel and per diem
28 expenses in accordance with s. 112.061. Members may be
29 reappointed by the Governor for additional terms not to exceed
30 8 years of consecutive service.

31 (b) The Governor shall appoint the first chair of the

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

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

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

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

26 (b) Establish and aggressively enforce efficient and
27 effective performance management objectives.

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

30 (d) Issue guidelines for the development of
31 legislative budget requests for operations and fixed capital

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1 outlay for the coordinated K-20 system.

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

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

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

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

15 (4) The board, with the Commissioner of Education,
16 shall be responsible for:

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

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

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

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1 Preparation.

2 (d) The work of ~~with~~ the Executive Director of
3 Independent Nonpublic and Nontraditional Education to
4 establish, and maintain optimal efficiency of, a Division ~~an~~
5 Office of Independent Nonpublic and Nontraditional Education,
6 within the guidelines of ss. 229.0061 and 229.0073 ~~Services.~~

7 Section 6. Section 229.005, Florida Statutes, is
8 amended to read:

9 229.005 Florida education governance officers.--

10 (1) COMMISSIONER OF EDUCATION.--The Commissioner of
11 Education shall work with the Florida Board of Education and
12 oversee the other education governance officers to focus ~~be~~
13 ~~appointed by the Board of Education from candidates of~~
14 ~~national caliber and respected and proven organizational~~
15 ~~leadership with established experience in administering~~
16 ~~broad-based policy. The commissioner shall be a person who is~~
17 ~~eminently capable of focusing~~ the entire kindergarten through
18 graduate school education system on accomplishing to
19 ~~accomplish~~ the policies and guiding principles of s. 229.002
20 and achieving the mission and goals of s. 229.007. The
21 commissioner shall ~~have the ability to successfully provide~~
22 education policy and planning direction, program development,
23 performance management, and funding allocation recommendations
24 across the spectrum of kindergarten through graduate school
25 education, ~~and the ability to achieve and safeguard the will~~
26 ~~of the people of Florida as expressed in s. 1, Art. IX of the~~
27 ~~Florida Constitution, that "adequate provision shall be made~~
28 ~~by law for a uniform, efficient, safe, secure, and high~~
29 ~~quality system of free public schools that allows students to~~
30 ~~obtain a high quality education and for the establishment,~~
31 ~~maintenance, and operation of institutions of higher learning~~

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1 ~~and other public education programs that the needs of the~~
2 ~~people may require."~~

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

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

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1 the individual college or university and its students.

2 (4) CHANCELLOR OF COMMUNITY COLLEGES ~~AND CAREER~~
3 ~~PREPARATION~~.--The Chancellor of Community Colleges ~~and Career~~
4 ~~Preparation~~ shall be appointed by the Commissioner of
5 Education based on his or her ability to work as a division
6 vice president of the seamless K-20 education system with the
7 Florida Board of Education and the other education governance
8 officers to comply with the policies and guiding principles of
9 s. 229.002, to achieve the mission and goals of s. 229.007, to
10 enhance the quality of education in Florida's community
11 colleges, and to work directly with each of the community
12 college presidents and boards of trustees in focusing on the
13 education needs of the communities and students they serve.

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

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

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

6 229.006 Education Governance Reorganization Transition
7 Task Force.--

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

15 (a) Five members appointed by the Governor;

16 (b) Three members appointed by the President of the
17 Senate; and

18 (c) Three members appointed by the Speaker of the
19 House of Representatives.

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

30 (4) Having completed its recommendations to the
31 Legislature by March 1, 2001, the transition task force shall

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1 redirect its focus to provide guidance and monitoring of the
2 implementation process pursuant to s. 229.0072 and to
3 regularly report to the Governor, the Legislature, the chief
4 transition officer, and the public on the progress of the
5 reorganization implementation process. If any implementation
6 activity is determined by a majority vote of the task force to
7 be inconsistent with the intent of this act, the chair of the
8 task force shall report such activity directly to the State
9 Board of Education, and the State Board of Education shall act
10 immediately to resolve the dispute.~~recommend to the~~
11 ~~Legislature.~~

12 ~~(a) How best to achieve education system integration~~
13 ~~by:~~

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

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

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

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

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

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

3 ~~(d) Whether an Office of Policy Research should be~~
4 ~~established to explore emerging issues, locate successful and~~
5 ~~innovative educational programs, and make recommendations to~~
6 ~~the Governor, the Florida Board of Education, and the~~
7 ~~Legislature and, if so, its mission, staffing, and location.~~

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

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

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

15 ~~(a) Standards, definitions, and guidelines for~~
16 ~~universities, colleges, community colleges, schools, and other~~
17 ~~education institutions to ensure the quality of education,~~
18 ~~systemwide coordination, and efficient progress toward~~
19 ~~attainment of their appropriate missions.~~

20 ~~(b) Rules and procedures as necessary to be followed~~
21 ~~by university boards of trustees, community college boards of~~
22 ~~trustees, and other boards of trustees, as determined~~
23 ~~appropriate, for recruitment and selection of presidents,~~
24 ~~procedures for annual evaluations of presidents, and~~
25 ~~procedures for interaction between presidents, the boards of~~
26 ~~trustees, and the new Florida Board of Education.~~

27 ~~(c) A systemwide strategic plan for postsecondary~~
28 ~~institutions that considers the role, in their respective~~
29 ~~communities, of each of the institutions.~~

30 ~~(d) Methodologies for degree program approval,~~
31 ~~establishment of matriculation and tuition fees, and~~

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1 ~~coordination of colleges' and universities' budget requests.~~

2 ~~(e) Any additional statutory changes needed during the~~
3 ~~2002 legislative session to complete the education governance~~
4 ~~reorganization transition.~~

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

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

11 ~~(b) Rulemaking authority for the new Florida Board of~~
12 ~~Education and a plan and timetable for transition or~~
13 ~~coordination of existing education sector agency rules and~~
14 ~~rulemaking authority recommendations, if any, for education~~
15 ~~agencies.~~

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

18 ~~(5)(7)~~ By March ~~May~~ 1, 2003, the transition task force
19 shall have completed its duties and shall make its final
20 report to the Governor, the Florida Board of Education, the
21 Commissioner of Education, the President of the Senate, the
22 Speaker of the House of Representatives, and the minority
23 leaders of each chamber. The final report shall include, but
24 is not limited to:

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

28 (b) The status of all pending and completed actions on
29 orders and rules, all enforcement matters, and all
30 delegations, interagency agreements, and contracts with
31 federal, state, regional, and local governments and private

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1 entities.

2 (c) Identification of any remaining or potential
3 duplication in the administration of state education laws and
4 rules, with specific recommendations to eliminate such
5 duplication and promote more efficient administration.

6 Section 8. Section 229.0061, Florida Statutes, is
7 created to read:

8 229.0061 Florida's K-20 education system; guidelines
9 for implementation; guidelines for structure, functions, and
10 organization.--

11 (1) GUIDELINES FOR IMPLEMENTATION.--

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

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

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

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

29 (2) GUIDELINES FOR STRUCTURE, FUNCTIONS, AND
30 ORGANIZATION.--

31 (a) Roles of the Legislature, the Florida Board of

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1 Education, the education governance officers, and the
2 institutional boards of trustees and school boards.--The
3 Legislature shall establish education policy, enact education
4 laws, and appropriate and allocate education resources. The
5 Florida Board of Education shall enforce all laws, rules, and
6 guidelines and shall timely provide direction, resources,
7 assistance, intervention when needed, and strong incentives
8 and disincentives to force accountability for results. In
9 terms of major areas of responsibility, the Legislature, the
10 Florida Board of Education, the education governance officers,
11 and the institutional boards of trustees and school boards
12 shall each perform essential constituent roles.

13 (b) Florida Board of Education.--The Florida Board of
14 Education shall serve as the body corporate for Florida's
15 seamless K-20 education system; implement the coordinated
16 education vision; and, together with the commissioner,
17 chancellors, and executive director, oversee the success of
18 that vision. The Florida Board of Education shall:

19 1. Enforce systemwide education policies and goals.
20 2. Recommend annually the coordinated education budget
21 and authorize the allocation of resources in accordance with
22 law and rule. Any program recommended by the Florida Board of
23 Education which requires state funding for more than 1 year
24 must be presented in a multiyear budget plan.

25 3. Adopt long-term and short-term education plans.

26 4. Enforce education accountability standards and
27 measures of all components of the K-20 education system.

28 5. Accurately and continuously assess data and monitor
29 and report performance.

30 6. Provide high-quality assistance and intervention
31 when and where needed.

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1 7. Provide timely and accurate information on all
2 public and independent education services.

3 8. Recommend to the Legislature the missions of the
4 public colleges and universities and community colleges.

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

15 1. Legal.

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

19 3. Strategic planning and budget development.

20 4. General administration.

21 5. Assessment and accountability.

22 6. Data management, education technology, and an
23 education data warehouse.

24 7. Access and opportunity, including student financial
25 assistance.

26 8. Policy research and development, except the Center
27 for Education Policy Research and Improvement.

28 9. Florida Board of Education personnel.

29 10. Workforce and economic development.

30 11. Educational facilities.

31 12. Technology and information services.

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

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1 grant opportunities, and substantive policy changes affecting
2 the division.

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

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

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

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

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

19 9. Direct the provision of state services to
20 institutions under the division.

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

25 11. Serve as the primary point of contact and
26 communication for the division.

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

30 1. Provide strategic planning and budget development
31 for their institution or school district.

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

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

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

11 229.007 Florida's K-20 education performance
12 accountability system; legislative intent; mission, goals, and
13 systemwide measures.--

14 (1) LEGISLATIVE INTENT.--It is the intent of the
15 Legislature that:

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

20 1. What is the public getting in return for funds it
21 invests in education?

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

24 3. How are the major delivery sectors performing to
25 promote student achievement?

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

30 (b) The Florida Board of Education recommend to the
31 Legislature systemwide performance standards; the Legislature

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1 establish systemwide performance measures and standards; and
2 the systemwide measures and standards provide Floridians with
3 information on what the public is getting in return for the
4 funds it invests in education and how well the K-20 system
5 educates its students.

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

12 (2) MISSION, GOALS, AND SYSTEMWIDE MEASURES.--The
13 mission of Florida's K-20 education system, when it becomes
14 fully operational, shall be to increase the proficiency of all
15 students within one seamless, efficient system, by providing
16 them with the opportunity to expand their knowledge and skills
17 through learning opportunities and research valued by
18 students, parents, and communities, and to maintain an
19 accountability system that measures student progress toward
20 the following goals:

21 (a) Highest student achievement, as measured by:
22 student FCAT performance and annual learning gains; the number
23 and percentage of schools that improve at least one school
24 performance grade designation or maintain a school performance
25 grade designation of "A" pursuant to s. 229.57; graduation or
26 completion rates at all learning levels; and other measures
27 identified in law or rule.

28 (b) Seamless articulation and maximum access, as
29 measured by: the percentage of students who demonstrate
30 readiness for the educational level they are entering, from
31 kindergarten through postsecondary education and into the

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1 workforce; the number and percentage of students needing
2 remediation; the percentage of Floridians who complete
3 associate, baccalaureate, professional, and postgraduate
4 degrees; the number and percentage of credits that articulate;
5 the extent to which each set of exit-point requirements
6 matches the next set of entrance-point requirements; and other
7 measures identified in law or rule.

8 (c) Skilled workforce and economic development, as
9 measured by: the number and percentage of graduates employed
10 in their areas of preparation; the percentage of Floridians
11 with high school diplomas and postsecondary education
12 credentials; the percentage of business and community members
13 who find that Florida's graduates possess the skills they
14 need; and other measures identified in law or rule.

15 (d) Quality efficient services, as measured by: cost
16 per completer or graduate; average cost per noncompleter at
17 each educational level; cost disparity across institutions
18 offering the same degrees; the percentage of education
19 customers at each educational level who are satisfied with the
20 education provided; and other measures identified in law or
21 rule.

22 Section 10. Section 229.0072, Florida Statutes, is
23 created to read:

24 229.0072 Reorganization implementation process.--In
25 order to best achieve the legislative purpose of the Florida
26 Education Governance Reorganization Implementation Act:

27 (1) The Governor shall appoint the members of the
28 boards of trustees of the state universities in accordance
29 with s. 229.008.

30 (2) Effective July 1, 2002, the Governor shall appoint
31 a seven-member Florida Board of Education. The Florida Board

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1 of Education shall be housed within, and operate under the
2 direction of, the State Board of Education. The Florida Board
3 of Education shall appoint a chief transition officer who
4 shall serve as the board's primary liaison with all entities
5 involved in the reorganization of education. The chief
6 transition officer shall be responsible directly to the
7 Florida Board of Education and shall serve as staff to the
8 board on all action items relating to the reorganization.
9 During the reorganization implementation period, the chief
10 transition officer shall:
11 (a) Be responsible for proposing actions regarding all
12 education governance reorganization implementation issues.
13 (b) Be responsible for integration of the Department
14 of Education as it is reorganized into an agency of the
15 Governor.
16 (c) Serve as secretary of the Florida Board of
17 Education.
18 (d) Serve as the head of the Education Reorganization
19 Workgroup.
20 (e) Serve as the head of the K-20 education leadership
21 team.
22 (3) The Florida Board of Education shall establish a
23 detailed procedure for the implementation of a systemwide K-20
24 technology plan which includes a month-by-month timeline with
25 monthly progress reports to the board.
26 (4) Subject to review and approval of the State Board
27 of Education, the Florida Board of Education shall:
28 (a) Adopt rules pursuant to ss. 120.536(1) and 120.54
29 to implement provisions of law conferring duties upon it. The
30 rules shall be submitted to the State Board of Education. If
31 any rule is not disapproved by the State Board of Education

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- 1 within 45 days after its receipt, the rule shall be filed
2 immediately with the Department of State.
- 3 (b) Prepare and submit a coordinated K-20 education
4 budget to the Governor and Legislature that clearly defines
5 the individual needs of the divisions within the Department of
6 Education. No school district shall use public funds to
7 support activities of an employee organization. The Florida
8 Board of Education shall adopt rules implementing this
9 restriction on the use of public funds and shall not allow
10 such use of public funds to be included in its recommended
11 budget, except for collective bargaining negotiations.
- 12 (c) Establish a work plan and timeline for the orderly
13 implementation of the transition, including a fully detailed
14 plan and timeline for the devolution of duties, as
15 appropriate, to the university boards of trustees.
- 16 (d) Establish accountability standards for existing
17 legislative performance goals, standards, and measures, and
18 order the development of mechanisms to implement new
19 legislative goals, standards, and measures.
- 20 (e) Supervise the coordination of institutions and
21 delivery sectors.
- 22 (f) Establish policies for university and community
23 college boards of trustees to follow in selecting presidents.
- 24 (g) Approve plans and reports, and take other
25 necessary actions pertaining to the supervision of education.
- 26 (h) Effectuate the timely implementation of the
27 seamless K-20 education system.
- 28 (i) Establish advisory boards to provide the support
29 needed to address issues such as public education facilities
30 planning; student issues; instructional issues; distance
31 learning and technology; academic quality, freedom, and

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1 responsibility; and research.

2 (j) Develop and review recommendations on issues of
3 statewide importance, such as technology systems and
4 facilities.

5 (k) Adopt criteria and implementation plans for future
6 growth issues, such as new colleges and universities and
7 campus mergers; and provide for cooperative agreements between
8 and within public and private education sectors.

9 (l) Advise the State Board of Education regarding the
10 issuance of bonds.

11 (m) Appoint advisory bodies, as necessary, on an ad
12 hoc basis.

13 (n) Develop and recommend to the Education Governance
14 Reorganization Transition Task Force, the Governor, the chief
15 transition officer, the Commissioner of Education, and the
16 Legislature, no later than January 1, 2003, for adoption
17 during 2003, a clear, concise new School Code, comprised of
18 the revision of chapters 228-246, to accomplish the
19 implementation, administration, and operation of Florida's
20 seamless K-20 education system in accordance with the
21 guidelines included in s. 229.0061.

22 (o) Receive, review, and make decisions regarding
23 charter school appeals, which decisions shall be binding
24 notwithstanding any provision of law to the contrary.

25 (5) Effective July 1, 2002, the Commissioner of
26 Education shall:

27 (a) Work with the Florida Board of Education to
28 achieve full implementation of the seamless K-20 education
29 system.

30 (b) Commence reorganization of the Department of
31 Education as a state agency of the Governor in accordance with

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1 legislative guidelines pursuant to s. 229.0073, the
2 requirements of s. 229.003(5), and requests of the Florida
3 Board of Education as approved by the State Board of
4 Education.

5 (c) As secretary of the State Board of Education,
6 assist the chief transition officer in determining the agenda
7 for the Florida Board of Education and provide the Florida
8 Board of Education and the State Board of Education the full
9 support of the reorganized Department of Education.

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

12 229.0073 Reorganization of the Department of
13 Education.--Effective July 1, 2002, notwithstanding the
14 provisions of s. 20.15, the chief transition officer's
15 Education Reorganization Workgroup is established to direct
16 and provide oversight for the reorganization of Florida's K-20
17 Department of Education. The workgroup shall be comprised of
18 the Commissioner of Education, the Governor or his designee,
19 the chief transition officer, the Chancellor of Colleges and
20 Universities, the Chancellor of Community Colleges, the
21 Chancellor of Public Schools, and the Executive Director of
22 Independent Education, who shall consult with the legislative
23 members of the Education Governance Reorganization Transition
24 Task Force. The reorganization shall:

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

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

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1 (3) Establish an Office of the Commissioner of
2 Education that includes the general areas of operation that
3 are common to all delivery sectors, such as administration,
4 communication, legal services, financial aid, and government
5 and public relations, in order to increase efficiency, improve
6 service delivery to students, and fully support the
7 operational needs of the Florida Board of Education.

8 (4) Establish the following divisions within the
9 department:

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

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

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

28 (d) Division of Independent Education.--The
29 independent education providers within the state, including
30 home education programs that meet the requirements of s.
31 232.0201, private K-12 institutions as described in s.

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1 229.808, independent colleges and universities, except those
2 identified under paragraph (c), and private postsecondary
3 career preparation and vocational training institutions.

4 1. The division shall be under an executive director
5 and shall house a new commission, appointed by the Governor,
6 to oversee licensing of independent postsecondary
7 institutions, consumer protection, and program improvement.

8 The commission shall have the powers and duties of the State
9 Board of Independent Colleges and Universities specified in
10 chapter 246, except the powers and duties relating to those
11 institutions identified under paragraph (c), and of the State
12 Board of Nonpublic Career Education.

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

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

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

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

25 (a) Office of Technology and Information Services.--In
26 conjunction with the Chancellor of Public Schools, the
27 Chancellor of Community Colleges, and the Chancellor of
28 Colleges and Universities, the office shall be responsible for
29 developing a systemwide technology plan, making budget
30 recommendations to the commissioner, providing data collection
31 and management for the system, and coordinating services with

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1 other state, local, and private agencies. The office shall
2 develop a method to address the need for a statewide approach
3 to planning and operations of library and information services
4 to achieve a single K-20 education system library information
5 portal and a unified higher education library management
6 system. The Florida Virtual High School shall be
7 administratively housed within the office.

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

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

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

29 (6) Establish a K-20 education leadership team,
30 including, but not limited to, the chief transition officer
31 and the education governance officers. The leadership team

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1 shall be responsible for systemwide horizontal and vertical
2 communication, and assisting the achievement of the seamless
3 K-20 education system.

4 Section 12. Section 229.0074, Florida Statutes, is
5 created to read:

6 229.0074 Division of Independent Education.--

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

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

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

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

8 (c) Participate with the other division heads in key
9 education decisionmaking processes.

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

13 (e) Serve as a key spokesperson for the independent
14 education sector.

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

18 (g) Establish a clearinghouse of information.

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

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

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

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

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

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

5 (n) Communicate relevant decisions to the independent
6 education sector.

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

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

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

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

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1 seamless K-20 education system. The commission shall appoint
2 an executive director to serve as secretary of the commission
3 and shall elect a chair and other officers as needed from
4 among its membership. Members of the commission shall be
5 appointed by the Governor and confirmed by the Senate. The
6 commission shall be composed of six members, as follows:

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

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

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

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

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

21 (5) The establishment of the Division of Independent
22 Education shall not be construed to advance the extension or
23 expansion of government regulation on independent or home
24 education programs.

25 Section 13. Section 229.008, Florida Statutes, is
26 created to read:

27 229.008 Boards of trustees of the state
28 universities.--

29 (1)(a) Effective July 1, 2002, and no later than
30 November 1, 2002, the Governor shall appoint an 11-member
31 board of trustees for each university in the State University

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1 System, each member to be confirmed by the Senate in the
2 regular legislative session immediately following his or her
3 appointment. In addition, a student body president shall serve
4 as an ex officio nonvoting member of his or her university
5 board of trustees. The ex officio student member shall provide
6 input to the board of trustees regarding agenda issues. There
7 shall be no state residency requirement for university board
8 members, but the Governor shall consider diversity and
9 regional representation. Members of the boards of trustees
10 shall receive no compensation but may be reimbursed for travel
11 and per diem expenses as provided in s. 112.061.

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

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

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

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

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

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

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

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

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

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1 such action, including reasonable attorney's fees and expenses
2 together with costs of appeal, and may save harmless and
3 protect such person from any financial loss resulting from the
4 lawful performance of his or her duties and responsibilities.

5 Claims based on such actions or omissions may, in the
6 discretion of the university board of trustees, be settled
7 prior to or after the filing of suit thereon. The board of
8 trustees may arrange for and pay the premium for appropriate
9 insurance to cover all such losses and expenses.

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

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

16 229.0081 Powers and duties of university boards of
17 trustees.--

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

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

31 (a) Selecting the president to serve at the pleasure

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1 of the board and perform such duties as are assigned by the
2 board or otherwise provided by law or by rule.

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

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

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

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

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

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

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

30 (i) Purchasing, acquiring, receiving, holding, owning,
31 managing, leasing, selling, disposing of, and conveying title

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1 to real property, in accordance with rules and guidelines of
2 the Florida Board of Education.

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

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

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

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

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

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

31 (p) Considering the past actions of any person

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1 applying for admission, enrollment, or employment, and
2 establishing policies to deny admission, enrollment, or
3 employment to an applicant because of misconduct if determined
4 to be in the best interest of the university.

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

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

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

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

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

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

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1 seamless education system.

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

9 (5) Effective July 1, 2003, within proviso in the
10 General Appropriations Act and law, each board of trustees
11 shall set university tuition and fees. The sum of the activity
12 and service, health, and athletic fees a student is required
13 to pay to register for a course shall not exceed 40 percent of
14 the matriculation fee established in law or in the General
15 Appropriations Act. No university shall be required to lower
16 any fee in effect on the effective date of this act in order
17 to comply with this subsection. Within the 40 percent cap,
18 universities may not increase the aggregate sum of activity
19 and service, health, and athletic fees more than 5 percent per
20 year unless specifically authorized in law or in the General
21 Appropriations Act. This subsection does not prohibit a
22 university from increasing or assessing optional fees related
23 to specific activities that are not required as a part of
24 registration for courses.

25 (6) Effective July 1, 2003, each board of trustees
26 shall implement the university facilities plan in accordance
27 with law and guidelines of the Commissioner of Education's
28 Office of Educational Facilities and SMART Schools
29 Clearinghouse.

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

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1 Education.

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

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

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

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

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

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

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

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1 to be rendered to or by the university, provided such
2 contracts are within law and guidelines of the Florida Board
3 of Education and in conformance with policies of the
4 university board of trustees, and are for the implementation
5 of approved programs of the university.

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

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

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

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

21 (10) Award degrees.

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

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

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

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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. Section 229.0083, Florida Statutes, is
25 created to read:

26 229.0083 School Readiness Act; legislative intent;
27 division of responsibilities.--

28 (1) The School Readiness Act, chapter 99-357, Laws of
29 Florida, created the Florida Partnership for School Readiness
30 to fulfill three major purposes: to administer school
31 readiness program services that help parents prepare eligible

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1 children for school; to coordinate the provision of school
2 readiness services on a full-day, full-year, full-choice basis
3 to the extent possible in order to enable parents to work and
4 be financially self-sufficient; and to establish a uniform
5 screening instrument to be implemented by the Department of
6 Education and administered by the school districts upon entry
7 into kindergarten to assess the readiness for school of all
8 children. Readiness for kindergarten is the outcome measure of
9 the success of each school readiness program that receives
10 state or federal funds.

11 (2) It is the intent of the Legislature that school
12 readiness services shall be an integrated and seamless system
13 of services with a developmentally appropriate education
14 component for the state's eligible birth-to-kindergarten
15 population described in s. 411.01(6) and shall not be
16 construed as part of the seamless K-20 education system until
17 the administration of the uniform screening system upon entry
18 into kindergarten.

19 (3) The Legislature finds that, because of a variety
20 of factors, not all children come to school equally ready to
21 learn and that, in order to more effectively assess and
22 monitor programs designed to help prepare Florida's children
23 to attend school, educators and policymakers need more
24 objective information regarding the school readiness of
25 Florida's children. However, nothing contained in the School
26 Readiness Act, chapter 99-357, Laws of Florida, is intended
27 to:

28 (a) Relieve parents and guardians of their own
29 obligations to ready their children for school; or

30 (b) Create any obligation to provide publicly funded
31 school readiness programs or services beyond those authorized

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1 by the Legislature.

2 (4)(a) Notwithstanding s. 411.01(4):

3 1. The Florida Partnership for School Readiness is
4 assigned to the Agency for Workforce Innovation pursuant to
5 subsection (7).

6 2. Four members shall be added to the Florida
7 Partnership for School Readiness as follows:

8 a. Two members shall be added to the partnership from
9 the child care industry, one representing the private
10 for-profit sector appointed by the Governor from a list of two
11 nominees submitted by the President of the Senate and one
12 representing faith-based providers appointed by the Governor
13 from a list of two nominees submitted by the Speaker of the
14 House of Representatives. Neither shall have a direct contract
15 with any local coalition to provide school readiness services.

16 b. Two members shall be added to the partnership from
17 the business community, one appointed by the Governor from a
18 list of two nominees submitted by the President of the Senate
19 and one appointed by the Governor from a list of two nominees
20 submitted by the Speaker of the House of Representatives.
21 Neither shall be involved in any business related to school
22 readiness services.

23 3. The executive director of the partnership shall
24 serve at the pleasure of the Governor.

25 (b) Notwithstanding any other provision of law to the
26 contrary, minimum child care licensing standards shall be
27 developed to provide for reasonable, affordable, and safe
28 before-school and after-school care. Standards, at a minimum,
29 shall allow for a credentialed director to supervise multiple
30 before-school and after-school sites.

31 (c) Notwithstanding s. 411.01(5)(d):

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- 1 1. Instructional staff must be trained pursuant to s.
2 402.305(2)(d).
- 3 2. Reimbursement rates shall not have the effect of
4 limiting parental choice or creating standards or levels of
5 services that have not been authorized by the Legislature.
- 6 3. The Florida Partnership for School Readiness shall
7 review and revise coalition plans at least annually.
- 8 (d) Notwithstanding s. 20.50:
- 9 1. The Agency for Workforce Innovation shall
10 administer school readiness funds, plans, and policies
11 pursuant to contract with the Florida Partnership for School
12 Readiness and shall prepare and submit a unified budget
13 request for the school readiness program in accordance with
14 chapter 216.
- 15 2. All instructions to local school readiness
16 coalitions shall emanate from the Agency for Workforce
17 Innovation pursuant to policies of the Legislature, plans of
18 the Florida Partnership for School Readiness, and the contract
19 between the Florida Partnership for School Readiness and the
20 agency.
- 21 (e) The Agency for Workforce Innovation shall prepare
22 a plan that provides for the distribution and expenditure of
23 all state and federal school readiness funds for children
24 participating in public or private school readiness programs
25 based upon an equity and performance funding formula. The plan
26 shall be submitted to the Governor and the Legislative Budget
27 Commission. Upon approval, the Legislative Budget Commission
28 shall authorize the transfer of funds to the Agency for
29 Workforce Innovation for distribution in accordance with the
30 provisions of the formula.
- 31 (5) The Florida Partnership for School Readiness

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1 shall:

2 (a) Coordinate the birth-to-kindergarten services for
3 children who are eligible pursuant to s. 411.01(6) and the
4 programmatic, administrative, and fiscal standards pursuant to
5 s. 411.01 and this section for all public providers of school
6 readiness programs.

7 (b) Continue to provide unified leadership for school
8 readiness through local school readiness coalitions.

9 (c) Focus on improving the educational quality of all
10 publicly funded school readiness programs.

11 (6) The Department of Education shall implement a
12 school readiness uniform screening, including a pilot program
13 during the 2002-2003 school year, to validate the system
14 recommended by the Florida Partnership for School Readiness as
15 part of a comprehensive evaluation design. Beginning with the
16 2002-2003 school year, the department shall require that all
17 school districts administer the school readiness uniform
18 screening to each kindergarten student in the district school
19 system upon the student's entry into kindergarten. Children
20 who enter public school for the first time in first grade must
21 undergo a uniform screening adopted for use in first grade.
22 The department shall incorporate school readiness data into
23 the K-20 data warehouse for longitudinal tracking. The
24 department shall provide the partnership and the Agency for
25 Workforce Innovation with complete and full access to
26 kindergarten uniform screening data at the student, school,
27 district, and state levels in a format that will enable the
28 partnership and the agency to prepare reports needed by state
29 policymakers and local school readiness coalitions to assess
30 progress toward school readiness goals and provide input for
31 continuous improvement of local school readiness services and

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1 programs.

2 (7) Effective July 1, 2002, the Florida Partnership
3 for School Readiness is transferred by a type two transfer,
4 pursuant to s. 20.06(2), from the Executive Office of the
5 Governor to the Agency for Workforce Innovation.

6 (8) Effective July 1, 2002, the Child Care Executive
7 Partnership Program, child care and early childhood resource
8 and referral, and the subsidized child care program including
9 statewide staff as referenced in the interagency agreement
10 between the Department of Children and Family Services and the
11 Florida Partnership for School Readiness signed on March 15,
12 2001, shall be transferred by a type two transfer, pursuant to
13 s. 20.06(2), to the Agency for Workforce Innovation.

14 (9) Effective July 1, 2002, the prekindergarten early
15 intervention, migrant prekindergarten, and Florida First Start
16 programs, including statewide staff as referenced in the
17 interagency agreement between the Department of Education and
18 the Florida Partnership for School Readiness, shall be
19 transferred by a type two transfer, pursuant to s. 20.06(2),
20 to the Agency for Workforce Innovation.

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

27 Section 17. Paragraph (a) of subsection (6) and
28 subsection (10) of section 216.136, Florida Statutes, are
29 amended to read:

30 216.136 Consensus estimating conferences; duties and
31 principals.--

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1 (6) SOCIAL SERVICES ESTIMATING CONFERENCE.--
2 (a) Duties.--
3 1. The Social Services Estimating Conference shall
4 develop such official information relating to the social
5 services system of the state, including forecasts of social
6 services caseloads, as the conference determines is needed for
7 the state planning and budgeting system. ~~Such official~~
8 ~~information shall include, but not be limited to, subsidized~~
9 ~~child care caseloads mandated by the Family Support Act of~~
10 ~~1988.~~
11 ~~2. In addition, the Social Services Estimating~~
12 ~~Conference shall develop estimates and forecasts of the~~
13 ~~unduplicated count of children eligible for subsidized child~~
14 ~~care as defined in s. 402.3015(1). These estimates and~~
15 ~~forecasts shall not include children enrolled in the~~
16 ~~prekindergarten early intervention program established in s.~~
17 ~~230.2305.~~
18 ~~3. The Department of Children and Family Services and~~
19 ~~the Department of Education shall provide information on~~
20 ~~caseloads and waiting lists for the subsidized child care and~~
21 ~~prekindergarten early intervention programs requested by the~~
22 ~~Social Services Estimating Conference or individual conference~~
23 ~~principals, in a timely manner.~~
24 2.4. The Social Services Estimating Conference shall
25 develop information relating to the Florida Kidcare program,
26 including, but not limited to, outreach impacts, enrollment,
27 caseload, utilization, and expenditure information that the
28 conference determines is needed to plan for and project future
29 budgets and the drawdown of federal matching funds. The
30 agencies required to collect and analyze Florida Kidcare
31 program data under s. 409.8134 shall be participants in the

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1 Social Services Estimating Conference for purposes of
2 developing information relating to the Florida Kidcare
3 program.
4 (10) SCHOOL READINESS PROGRAM ESTIMATING CONFERENCE.--
5 (a) Duties.--
6 1. The School Readiness Program Estimating Conference
7 shall develop ~~such~~ estimates and forecasts of the unduplicated
8 count of children ~~number of individuals~~ eligible for school
9 readiness programs in accordance with the standards of
10 eligibility established in s. 411.01(6) ~~by state or federal~~
11 ~~statute or administrative rule~~ as the conference determines
12 are needed to support the state planning, budgeting, and
13 appropriations processes.
14 ~~2. In addition, the School Readiness Program~~
15 ~~Estimating Conference shall estimate the unduplicated count of~~
16 ~~children who are eligible for services under the school~~
17 ~~readiness program.~~
18 2.3. The Florida Partnership for School Readiness
19 shall provide information on needs and waiting lists for
20 school readiness program services requested by the School
21 Readiness Program Estimating Conference or individual
22 conference principals in a timely manner.
23 (b) Principals.--The Executive Office of the Governor,
24 the Director of Economic and Demographic Research, and
25 professional staff who have forecasting expertise from the
26 Florida Partnership for School Readiness, the Agency for
27 Workforce Innovation, the Department of Children and Family
28 Services, the Department of Education, the Senate, and the
29 House of Representatives, or their designees, are the
30 principals of the School Readiness Program Estimating
31 Conference. The principal representing the Executive Office of

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1 the Governor shall preside over sessions of the conference.

2 Section 18. Effective January 1, 2003, paragraph (a)
3 of subsection (1) of section 232.01, Florida Statutes, is
4 amended to read:

5 232.01 School attendance.--

6 (1)(a)1. All children who have attained the age of 6
7 years or who will have attained the age of 6 years by February
8 1 of any school year or who are older than 6 years of age but
9 who have not attained the age of 16 years, except as
10 hereinafter provided, are required to attend school regularly
11 during the entire school term.

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

16 ~~3. Children who will have attained the age of 3 years~~
17 ~~on or before September 1 of the school year are eligible for~~
18 ~~admission to prekindergarten early intervention programs~~
19 ~~during that school year as provided in s. 230.2305 or a~~
20 ~~preschool program as provided in s. 228.061.~~

21 Section 19. Effective July 1, 2003, subsection (5) of
22 section 236.08104, Florida Statutes, is amended to read:

23 236.08104 Supplemental academic instruction;
24 categorical fund.--

25 (5) Beginning in the 1999-2000 school year, dropout
26 prevention programs as defined in ss. 230.2316(3)(a), (b), and
27 (c) and, 230.23161, ~~and 230.23166~~ shall be included in Group 1
28 programs under s. 236.081(1)(d)3.

29 Section 20. Effective January 1, 2003, paragraphs (b)
30 and (c) of subsection (1) and subsection (4) of section
31 445.023, Florida Statutes, are amended to read:

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1 445.023 Program for dependent care for families with
2 children with special needs.--

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

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

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

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

26 Section 21. Effective January 1, 2003, subsections (1)
27 and (2) of section 228.061, paragraph (o) of subsection (4) of
28 section 230.23, sections 230.2303, 230.2305, and 230.2306,
29 Florida Statutes, are repealed.

30 Section 22. Effective July 1, 2003, section 230.23166,
31 paragraph (d) of subsection (1) of section 232.01, paragraph

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1 (e) of subsection (1) of section 234.01, and paragraph (f) of
2 subsection (1) of section 236.083, Florida Statutes, are
3 repealed.

4 Section 23. Effective January 1, 2003, section 402.28,
5 subsection (1) of section 402.281, sections 402.3015,
6 402.3027, and 402.3028, subsection (18) of section 402.305,
7 section 402.3052, paragraph (c) of subsection (2) of section
8 402.3135, and subsections (2) and (6) of section 402.45,
9 Florida Statutes, are repealed.

10 Section 24. Effective January 1, 2003, paragraph (a)
11 of subsection (1) of section 391.304, paragraphs (l), (q),
12 (s), and (t) of subsection (4), paragraph (g) of subsection
13 (5), and paragraph (c) of subsection (9) of section 411.01,
14 and sections 411.201, 411.202, 411.203, 411.205, 411.22,
15 411.221, 411.222, 411.223, 411.224, 411.23, and 411.231,
16 Florida Statutes, are repealed.

17 Section 25. Section 229.0084, Florida Statutes, is
18 created to read:

19 229.0084 Legislative findings and intent.--

20 (1) It is the finding of the Legislature that student
21 achievement, from kindergarten through graduate school, is
22 dependent upon a number of factors, including the quality of
23 schools, the quality of instruction, and the personal efforts
24 and responsibilities of the students and their parents.

25 Nothing contained in Florida law shall make the state or local
26 school districts the guarantors that students will fully avail
27 themselves of the opportunities provided them to attain high
28 academic achievement.

29 (2) Nothing contained in this act shall authorize the
30 state or any school district to regulate, control, or
31 interfere with the autonomy of independent K-12 schools or

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1 home education programs, or their governance, curriculum,
2 accreditation, testing, or other practices.

3 Section 26. Section 228.082, Florida Statutes, is
4 amended to read:

5 228.082 The Florida Virtual ~~On-Line~~ High School.--

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

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

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

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

27 (c) To ensure students are informed of the
28 opportunities offered by the Florida Virtual High School, the
29 commissioner shall provide the board of trustees access to the
30 records of public school students in a format prescribed by
31 the board of trustees.

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1
2 The board of trustees of the Florida Virtual High School shall
3 identify appropriate performance measures and standards based
4 on student achievement that reflect the school's statutory
5 mission and priorities, and shall implement an accountability
6 system for the school that includes assessment of its
7 effectiveness and efficiency in providing quality services
8 that encourage high student achievement, seamless
9 articulation, and maximum access.

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

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

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

30 2.(c) The fiscal year for the Florida Virtual ~~On-Line~~
31 High School shall be the state fiscal year as provided in s.

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1 216.011(1)(n).

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

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

28 (d)(e) The board of trustees shall annually prepare
29 and submit to the Florida Board of Education a legislative
30 budget request, including funding requests for computers for
31 public school students who do not have access to public school

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1 computers, in accordance with chapter 216 and s. 235.41. The
2 legislative budget request of the Florida Virtual ~~On-Line~~ High
3 School shall be prepared using the same format, procedures,
4 and timelines required for the submission of the legislative
5 budget of the Department of Education.

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

13 1. The board of trustees shall determine the
14 compensation, including salaries and fringe benefits, and
15 other conditions of employment for such personnel.

16 2. The board of trustees may establish and maintain a
17 personnel loan or exchange program by which persons employed
18 by the board for the Florida Virtual ~~On-Line~~ High School as
19 academic administrative and instructional staff may be loaned
20 to, or exchanged with persons employed in like capacities by,
21 public agencies either within or without this state, or by
22 private industry. With respect to public agency employees, the
23 program authorized by this subparagraph shall be consistent
24 with the requirements of part II of chapter 112. The salary
25 and benefits of board personnel participating in the loan or
26 exchange program shall be continued during the period of time
27 they participate in a loan or exchange program, and such
28 personnel shall be deemed to have no break in creditable or
29 continuous service or employment during such time. The salary
30 and benefits of persons participating in the personnel loan or
31 exchange program who are employed by public agencies or

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1 private industry shall be paid by the originating employers of
2 those participants, and such personnel shall be deemed to have
3 no break in creditable or continuous service or employment
4 during such time.

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

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

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

29 ~~(f)(g)~~ The board of trustees shall establish
30 priorities for admission of students in accordance with
31 paragraph (1)(b).

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

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

15 (i)~~(j)~~ The board of trustees shall provide for the
16 content and custody of student and employee personnel records.
17 Student records shall be subject to the provisions of s.
18 228.093. Employee records shall be subject to the provisions
19 of s. 231.291.

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

26
27 The Governor shall designate the initial chair of the board of
28 trustees to serve a term of 4 years. Members of the board of
29 trustees shall serve without compensation, but may be
30 reimbursed for per diem and travel expenses pursuant to s.
31 112.061. The board of trustees shall be a body corporate with

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1 all the powers of a body corporate and such authority as is
2 needed for the proper operation and improvement of the Florida
3 Virtual ~~On-Line~~ High School. The board of trustees is
4 specifically authorized to adopt rules, policies, and
5 procedures, consistent with law and rules of the Florida Board
6 of Education related to governance, personnel, budget and
7 finance, administration, programs, curriculum and instruction,
8 travel and purchasing, technology, students, contracts and
9 grants, and property as necessary for optimal, efficient
10 operation of the Florida Virtual ~~On-Line~~ High School. Tangible
11 personal property owned by the board of trustees shall be
12 subject to the provisions of chapter 273.

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

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

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

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

30 (4) Under no circumstance may the credit of the state
31 be pledged on behalf of the Florida Virtual ~~On-Line~~ High

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1 School.

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

7 (a) The operations and accomplishments of the Florida
8 Virtual On-Line High School.

9 (b) The marketing and operational plan for the Florida
10 Virtual On-Line High School, including recommendations
11 regarding methods for improving the delivery of education
12 through the Internet and other distance learning technology.

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

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

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

30 (f) Recommendations regarding an accountability
31 mechanism to assess the effectiveness of the services provided

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1 by the Florida Virtual ~~On-Line~~ High School.

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

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

9 Section 27. The Department of Education shall maximize
10 the available federal indirect cost allowed on all federal
11 grants. Beginning with the 2002-2003 fiscal year, none of the
12 funds received from indirect cost allowance shall be expended
13 by the department without specific appropriation by the
14 Legislature. Funds received pursuant to s. 240.241, Florida
15 Statutes, are specifically exempt from this provision.

16 Section 28. Effective June 30, 2002, section 229.8065,
17 Florida Statutes, is repealed.

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

20 229.085 Custody of educational funds.--

21 (2) There is created in the Department of Education
22 the Projects, Contracts, and Grants Trust Fund. ~~if, in~~
23 ~~executing the terms of such grants or contracts for specific~~
24 ~~projects, the employment of personnel shall be required, such~~
25 ~~personnel shall not be subject to the requirements of s.~~
26 ~~216.262(1)(a).~~ The personnel employed to plan and administer
27 grants or contracts for specific ~~such~~ projects shall be
28 considered in time-limited employment not to exceed the
29 duration of the grant or until completion of the project,
30 whichever first occurs. Such employees shall not acquire
31 retention rights under the Career Service System, the

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1 provisions of s. 110.051(1) to the contrary notwithstanding.
2 Any employee holding permanent career service status in a
3 Department of Education position who is appointed to a
4 position under the Projects, Contracts, and Grants Trust Fund
5 shall retain such permanent status in the career service
6 position.

7 Section 30. By October 31, 2002, the Florida Board of
8 Education shall provide recommendations to the Governor, the
9 Speaker of the House of Representatives, and the President of
10 the Senate for a performance-based funding model for the State
11 University System. The recommendations shall provide that at
12 least 10 percent of legislatively appropriated funds shall be
13 allocated based on performance standards which are tied to the
14 mission of each university.

15 Section 31. Subsections (2), (4), and (5), paragraphs
16 (b), (c), and (d) of subsection (1), and paragraphs (a), (c),
17 (d), and (e) of subsection (3) of section 235.217, Florida
18 Statutes, are repealed.

19 Section 32. Sections 240.145, 240.147, 240.227,
20 240.307, subsection (2) of section 240.209, and subsection (4)
21 of section 240.311, Florida Statutes, are repealed.

22 Section 33. Except as otherwise provided herein, this
23 act shall take effect on July 1, 2002.
24
25

26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

- 28 On page 6, lines 16 and 26,
- 29 On page 7, lines 2 and 15,
- 30 On page 8, line 21,

31 remove from the title of the bill: 2002

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1 and insert in lieu thereof:
2 2003
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