

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) McGriff offered the following:

**Amendment (with title amendment)**

On page 15, line 3 through page 64, line 29,  
remove from the bill: all of said lines

and insert in lieu thereof: Development, an Office of the Florida Partnership for School Readiness, an Office of Educational Facilities and SMART Schools Clearinghouse, and an Office of Student Financial Assistance.

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

3. The creation of a Division of Community Colleges.

4. The creation of a Division of Public Schools.

5. The creation of a Division of Independent Education.

6. The merger of the powers, duties, and staffs of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, except as relating to any independent nonprofit college or university whose students are eligible to receive the William L. Boyd, IV,

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1 Florida resident access grants pursuant to s. 240.605, into a  
2 single Commission for Independent Education administratively  
3 housed within the Division of Independent Education.

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

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

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

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

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

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

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

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

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

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

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

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

30 ~~(l) The Division of Technology of the Department of~~  
31 ~~Education.~~

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1           ~~(m) The Office of Student Financial Assistance of the~~  
2 ~~Department of Education.~~

3           ~~(n) The Division of Universities of the Department of~~  
4 ~~Education.~~

5           ~~(o) The Division of Community Colleges of the~~  
6 ~~Department of Education.~~

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

9           229.0031 Center for Education Policy Research and  
10 Improvement.--Effective July 1, 2001, there is created the  
11 Center for Education Policy Research and Improvement to  
12 conduct and review education research, provide independent  
13 analysis on education progress, and provide independent  
14 evaluation of education issues of statewide concern. The  
15 center shall have an independent advisory council and shall be  
16 housed for administrative purposes in the Office of Program  
17 Policy Analysis and Government Accountability. Administrative  
18 functions of the center shall be provided by the Office of  
19 Legislative Services pursuant to joint policies of the  
20 Legislature.

21           (1) The center shall:

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

29           (b) Annually review and make recommendations to the  
30 Legislature regarding the activities of research centers and  
31 institutes supported with state funds in order to assess the

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1 return on the state's investment in research conducted by  
2 public postsecondary education institutions. Such  
3 recommendations shall include the responses of the university  
4 presidents.

5 (c) Explore national and state emerging educational  
6 issues and examine how these issues should be addressed by  
7 education institutions in Florida.

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

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

19 (f) Evaluate and report on issues pertaining to  
20 student learning gains.

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

24 (h) Provide public education institutions and the  
25 public with information on the K-20 education accountability  
26 system and recommend refinements and improvements.

27 (i) Apply for and receive grants for the study of K-20  
28 education system improvement consistent with its  
29 responsibilities.

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

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

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

26           (4) The executive director of the Center for Education  
27 Policy Research and Improvement shall direct the activities of  
28 the center and appoint and supervise all staff. The executive  
29 director shall have broad knowledge and experience in  
30 educational accountability, governance, policy, research, and  
31 practice. The executive director shall be appointed by the

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1 Governor and confirmed by the Florida Board of Education, and  
2 shall serve at the pleasure of the advisory council. The  
3 executive director shall staff the meetings of the advisory  
4 council and shall document and communicate the findings and  
5 recommendations of the advisory council. The executive  
6 director shall report to the Florida Board of Education on at  
7 least a quarterly basis to inform the board of the center's  
8 findings.

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

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

19 229.004 Florida Board of Education.--

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

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1 reappointed by the Governor for additional terms not to exceed  
2 8 years of consecutive service.

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

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

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

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

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

31 (c) Maximize the effectiveness of local, state, and

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1 federal education linkages and funds.

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

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

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

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

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

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

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

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

30 (c) The work of ~~with~~ the Chancellor of Community  
31 ~~Colleges and Career Preparation~~ to establish, and maintain



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1 optimal efficiency of, a Division ~~an Office~~ of Community  
2 Colleges, within the guidelines of ss. 229.0061 and 229.0073,  
3 and to achieve the mission and goals of s. 229.007 ~~and Career~~  
4 ~~Preparation.~~

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

10 Section 6. Section 229.005, Florida Statutes, is  
11 amended to read:

12 229.005 Florida education governance officers.--

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

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

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

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

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1 universities, and to work directly with each of the college  
2 and state university presidents and boards of trustees in  
3 focusing on the education and ~~educational~~ research needs of  
4 the individual college or university and its students.

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

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

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1 School and with Florida's private school associations, home  
2 education associations, independent ~~nonpublic~~ career education  
3 institutions, and independent colleges and universities to  
4 maximize educational choice and enhance the options,  
5 educational alternatives, and student-focused delivery for  
6 their students.

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

9 229.006 Education Governance Reorganization Transition  
10 Task Force.--

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

18 (a) Five members appointed by the Governor;

19 (b) Three members appointed by the President of the  
20 Senate; and

21 (c) Three members appointed by the Speaker of the  
22 House of Representatives.

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

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1 ~~January 7, 2003, with maximum effectiveness.~~  
2       (4) Having completed its recommendations to the  
3 Legislature by March 1, 2001, the transition task force shall  
4 redirect its focus to provide guidance and monitoring of the  
5 implementation process pursuant to s. 229.0072 and to  
6 regularly report to the Governor, the Legislature, the chief  
7 transition officer, and the public on the progress of the  
8 reorganization implementation process. If any implementation  
9 activity is determined by a majority vote of the task force to  
10 be inconsistent with the intent of this act, the chair of the  
11 task force shall report such activity directly to the State  
12 Board of Education, and the State Board of Education shall act  
13 immediately to resolve the dispute.~~recommend to the~~  
14 ~~Legislature.~~  
15       (a) ~~How best to achieve education system integration~~  
16 ~~by:~~  
17           1. ~~Combining appropriate education functions and~~  
18 ~~policies into or under the new Florida Board of Education.~~  
19           2. ~~Devolving the education delivery services and~~  
20 ~~operational decisions to the appropriate location of delivery~~  
21 ~~to students, specifically the schools, community colleges,~~  
22 ~~colleges, universities, area technical centers, and other~~  
23 ~~education institutions or places where the students receive~~  
24 ~~their education.~~  
25           3. ~~Providing for a single or coordinated kindergarten~~  
26 ~~through graduate school education budget.~~  
27       (b) ~~How best to achieve economies in education~~  
28 ~~services, including recommendations concerning consolidation~~  
29 ~~of information systems and integrated performance and~~  
30 ~~financial accounting systems, while maximizing effectiveness~~  
31 ~~within existing resources and staff.~~

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

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

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

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

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

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

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

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

30           ~~(c) A systemwide strategic plan for postsecondary~~  
31 ~~institutions that considers the role, in their respective~~

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1 ~~communities, of each of the institutions.~~

2 ~~(d) Methodologies for degree program approval,~~  
3 ~~establishment of matriculation and tuition fees, and~~  
4 ~~coordination of colleges' and universities' budget requests.~~

5 ~~(e) Any additional statutory changes needed during the~~  
6 ~~2002 legislative session to complete the education governance~~  
7 ~~reorganization transition.~~

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

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

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

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

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

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

31 (b) The status of all pending and completed actions on

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1 orders and rules, all enforcement matters, and all  
2 delegations, interagency agreements, and contracts with  
3 federal, state, regional, and local governments and private  
4 entities.

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

9 Section 8. Section 229.0061, Florida Statutes, is  
10 created to read:

11 229.0061 Florida's K-20 education system; guidelines  
12 for implementation; guidelines for structure, functions, and  
13 organization.--

14 (1) GUIDELINES FOR IMPLEMENTATION.--

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

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

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

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



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

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

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

- 22           1. Enforce systemwide education policies and goals.
- 23           2. Recommend annually the coordinated education budget  
24 and authorize the allocation of resources in accordance with  
25 law and rule. Any program recommended by the Florida Board of  
26 Education which requires state funding for more than 1 year  
27 must be presented in a multiyear budget plan.
- 28           3. Adopt long-term and short-term education plans.
- 29           4. Enforce education accountability standards and  
30 measures of all components of the K-20 education system.
- 31           5. Accurately and continuously assess data and monitor

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1 and report performance.

2 6. Provide high-quality assistance and intervention  
3 when and where needed.

4 7. Provide timely and accurate information on all  
5 public and independent education services.

6 8. Recommend to the Legislature the missions of the  
7 public colleges and universities and community colleges.

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

18 1. Legal.

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

22 3. Strategic planning and budget development.

23 4. General administration.

24 5. Assessment and accountability.

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

27 7. Access and opportunity, including student financial  
28 assistance.

29 8. Policy research and development, except the Center  
30 for Education Policy Research and Improvement.

31 9. Florida Board of Education personnel.

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

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- 1           2. Supervise all employees and work of the division.
- 2           3. Properly and timely inform education institutions  
3 and the public as to legislative action, including funding,  
4 grant opportunities, and substantive policy changes affecting  
5 the division.
- 6           4. Direct the review of expenditures of public funds  
7 in accordance with legislative intent.
- 8           5. Evaluate the performance of each education  
9 institution under the division and report performance results  
10 to the public, the Legislature, the Commissioner of Education,  
11 the Florida Board of Education, and the institution and its  
12 governing board.
- 13           6. Direct institutional governing boards to take  
14 corrective action to improve unsatisfactory performance  
15 pursuant to law and rules of the Florida Board of Education.
- 16           7. Direct and oversee the development of the  
17 division's accountability system and recommend changes to the  
18 Commissioner of Education and the Florida Board of Education.
- 19           8. Direct the division's activities in order to  
20 coordinate with other divisions to provide a seamless  
21 education system.
- 22           9. Direct the provision of state services to  
23 institutions under the division.
- 24           10. Direct the development of the division's  
25 legislative budget request and work cooperatively with the  
26 commissioner and other governance officers to develop a  
27 coordinated budget request.
- 28           11. Serve as the primary point of contact and  
29 communication for the division.
- 30           (e) Institutional boards of trustees and school  
31 boards.--Each institutional board of trustees and school board

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1 shall:

2 1. Provide strategic planning and budget development  
3 for their institution or school district.

4 2. Implement and maintain high-quality education  
5 programs within law and rules of the Florida Board of  
6 Education.

7 3. Measure and enforce performance.

8 4. Provide timely and accurate reporting of  
9 information.

10 5. Provide direct input on education issues to the  
11 education governance officers.

12 6. Have broad latitude within law and rules of the  
13 Florida Board of Education in developing local policies and  
14 local programs to meet the needs of their students, their  
15 communities, and area employers.

16 7. Hold presidents and appointed superintendents  
17 responsible for institution and school performance.

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

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

23 (f) Presidents and superintendents.--Each  
24 institutional president and school district superintendent  
25 shall:

26 1. Be responsible for efficient and effective budget  
27 and program administration.

28 2. Provide strong leadership to accomplish their  
29 education missions and goals.

30 3. Closely monitor education performance.

31 4. Provide timely and accurate financial and

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1 performance data.

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

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

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

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

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

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

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

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

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

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

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1 performing and how much they are learning?

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

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

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

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

31 (b) Seamless articulation and maximum access, as

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1 measured by: the percentage of students who demonstrate  
2 readiness for the educational level they are entering, from  
3 kindergarten through postsecondary education and into the  
4 workforce; the number and percentage of students needing  
5 remediation; the percentage of Floridians who complete  
6 associate, baccalaureate, professional, and postgraduate  
7 degrees; the number and percentage of credits that articulate;  
8 the extent to which each set of exit-point requirements  
9 matches the next set of entrance-point requirements; and other  
10 measures identified in law or rule.

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

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

25 Section 10. Section 229.0072, Florida Statutes, is  
26 created to read:

27 229.0072 Reorganization implementation process.--In  
28 order to best achieve the legislative purpose of the Florida  
29 Education Governance Reorganization Implementation Act:

30 (1) The Governor shall appoint the members of the  
31 boards of trustees of the state universities in accordance



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1 with s. 229.008.

2 (2) Effective July 1, 2001, the Governor shall appoint  
3 a seven-member Florida Board of Education. The Florida Board  
4 of Education shall be housed within, and operate under the  
5 direction of, the State Board of Education. The Florida Board  
6 of Education shall appoint a chief transition officer who  
7 shall serve as the board's primary liaison with all entities  
8 involved in the reorganization of education. The chief  
9 transition officer shall be responsible directly to the  
10 Florida Board of Education and shall serve as staff to the  
11 board on all action items relating to the reorganization.  
12 During the reorganization implementation period, the chief  
13 transition officer shall:

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

16 (b) Be responsible for integration of the Department  
17 of Education as it is reorganized into an agency of the  
18 Governor.

19 (c) Serve as secretary of the Florida Board of  
20 Education.

21 (d) Serve as the head of the Education Reorganization  
22 Workgroup.

23 (e) Serve as the head of the K-20 education leadership  
24 team.

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

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

31 (a) Adopt rules pursuant to ss. 120.536(1) and 120.54

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1 to implement provisions of law conferring duties upon it. The  
2 rules shall be submitted to the State Board of Education. If  
3 any rule is not disapproved by the State Board of Education  
4 within 45 days after its receipt, the rule shall be filed  
5 immediately with the Department of State.

6 (b) Prepare and submit a coordinated K-20 education  
7 budget to the Governor and Legislature that clearly defines  
8 the individual needs of the divisions within the Department of  
9 Education. No school district shall use public funds to  
10 support activities of an employee organization. The Florida  
11 Board of Education shall adopt rules implementing this  
12 restriction on the use of public funds and shall not allow  
13 such use of public funds to be included in its recommended  
14 budget, except for collective bargaining negotiations.

15 (c) Establish a work plan and timeline for the orderly  
16 implementation of the transition, including a fully detailed  
17 plan and timeline for the devolution of duties, as  
18 appropriate, to the university boards of trustees.

19 (d) Establish accountability standards for existing  
20 legislative performance goals, standards, and measures, and  
21 order the development of mechanisms to implement new  
22 legislative goals, standards, and measures.

23 (e) Supervise the coordination of institutions and  
24 delivery sectors.

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

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

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

31 (i) Establish advisory boards to provide the support

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1 needed to address issues such as public education facilities  
2 planning; student issues; instructional issues; distance  
3 learning and technology; academic quality, freedom, and  
4 responsibility; and research.

5 (j) Develop and review recommendations on issues of  
6 statewide importance, such as technology systems and  
7 facilities.

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

12 (l) Advise the State Board of Education regarding the  
13 issuance of bonds.

14 (m) Appoint advisory bodies, as necessary, on an ad  
15 hoc basis.

16 (n) Develop and recommend to the Education Governance  
17 Reorganization Transition Task Force, the Governor, the chief  
18 transition officer, the Commissioner of Education, and the  
19 Legislature, no later than January 1, 2002, for adoption  
20 during 2002, a clear, concise new School Code, comprised of  
21 the revision of chapters 228-246, to accomplish the  
22 implementation, administration, and operation of Florida's  
23 seamless K-20 education system in accordance with the  
24 guidelines included in s. 229.0061.

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

28 (5) Effective July 1, 2001, the Commissioner of  
29 Education shall:

30 (a) Work with the Florida Board of Education to  
31 achieve full implementation of the seamless K-20 education

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1 system.

2 (b) Commence reorganization of the Department of  
3 Education as a state agency of the Governor in accordance with  
4 legislative guidelines pursuant to s. 229.0073, the  
5 requirements of s. 229.003(5), and requests of the Florida  
6 Board of Education as approved by the State Board of  
7 Education.

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

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

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

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

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

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

11           (4) Establish the following divisions within the  
12 department:

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

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

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

31           (d) Division of Independent Education.--The

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1 independent education providers within the state, including  
2 home education programs that meet the requirements of s.  
3 232.0201, private K-12 institutions as described in s.  
4 229.808, independent colleges and universities, except those  
5 identified under paragraph (c), and private postsecondary  
6 career preparation and vocational training institutions.

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

16 2. The division shall serve as the advocate for and  
17 liaison to the independent education providers identified in  
18 this paragraph.

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

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

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

28 (a) Office of Technology and Information Services.--In  
29 conjunction with the Chancellor of Public Schools, the  
30 Chancellor of Community Colleges, and the Chancellor of  
31 Colleges and Universities, the office shall be responsible for

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1 developing a systemwide technology plan, making budget  
2 recommendations to the commissioner, providing data collection  
3 and management for the system, and coordinating services with  
4 other state, local, and private agencies. The office shall  
5 develop a method to address the need for a statewide approach  
6 to planning and operations of library and information services  
7 to achieve a single K-20 education system library information  
8 portal and a unified higher education library management  
9 system. The Florida Virtual High School shall be  
10 administratively housed within the office.

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

17 (c) Office of the Florida Partnership for School  
18 Readiness.--The Office shall administer school readiness  
19 program services that help parents prepare eligible children  
20 for school; coordinate the provision of school readiness  
21 services on a full-day, full-year, full-choice basis to the  
22 extent possible in order to enable parents to work and be  
23 financially self-sufficient; and establish a uniform screening  
24 instrument to be implemented by the Department of Education  
25 and administered by the school districts upon entry into  
26 kindergarten to assess the readiness for school of all  
27 children.

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

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

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

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

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

20 229.0074 Division of Independent Education.--

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



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

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

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

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

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

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

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

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

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- 1           (g) Establish a clearinghouse of information.
- 2           (h) Foster a collaborative spirit and working  
3 relationship among the institutions of the private and public  
4 sectors.
- 5           (i) Identify and convey the best practices of the  
6 independent education sector for the benefit of the other  
7 education delivery sectors, and vice versa.
- 8           (j) Augment, where appropriate, the efforts of groups  
9 representing the students and providers of independent  
10 education to communicate their concerns to government.
- 11           (k) Facilitate the administration of education  
12 services provided by the Department of Education to the  
13 independent education sector, such as those relating to  
14 teacher certification and background checks.
- 15           (l) Encourage student-centered funding and the  
16 expansion of family choice in education.
- 17           (m) Develop and propose courses of action to the  
18 representatives of the independent education sector.
- 19           (n) Communicate relevant decisions to the independent  
20 education sector.
- 21           (o) Establish and oversee the division staff necessary  
22 to carry out the division's functions in the most economical  
23 and effective manner.
- 24           (p) Evaluate pending policies to ensure they do not  
25 place additional regulation or mandates on the independent  
26 education community.
- 27           (3) The powers and duties of the State Board of  
28 Independent Colleges and Universities and the State Board of  
29 Nonpublic Career Education, except as relating to any  
30 independent nonprofit college or university whose students are  
31 eligible to receive the William L. Boyd, IV, Florida resident

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

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

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

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

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

30 (d) One member from a public school district or  
31 community college who is an administrator of

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1 vocational-technical education.

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

4 (5) The establishment of the Division of Independent  
5 Education shall not be construed to advance the extension or  
6 expansion of government regulation on independent or home  
7 education programs.

8 Section 13. Section 229.008, Florida Statutes, is  
9 created to read:

10 229.008 Boards of trustees of the state  
11 universities.--

12 (1)(a) Effective July 1, 2001, and no later than  
13 November 1, 2001, the Governor shall appoint an 11-member  
14 board of trustees for each university in the State University  
15 System, each member to be confirmed by the Senate in the  
16 regular legislative session immediately following his or her  
17 appointment. In addition, a student body president shall serve  
18 as an ex officio nonvoting member of his or her university  
19 board of trustees. The ex officio student member shall provide  
20 input to the board of trustees regarding agenda issues. There  
21 shall be no state residency requirement for university board  
22 members, but the Governor shall consider diversity and  
23 regional representation. Members of the boards of trustees  
24 shall receive no compensation but may be reimbursed for travel  
25 and per diem expenses as provided in s. 112.061.

26 (b) The Governor may remove a trustee upon the  
27 recommendation of the Florida Board of Education, or for  
28 cause.

29 (2) Each board of trustees shall be a public body  
30 corporate by the name of "The (name of university) Board of  
31 Trustees," with all the powers of a body corporate, including

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1 a corporate seal, the power to contract and be contracted  
2 with, to sue and be sued, to plead and be impleaded in all  
3 courts of law or equity, and to give and receive donations. In  
4 all suits against a board of trustees, service of process  
5 shall be made on the chair of the board or, in the absence of  
6 the chair, on the corporate secretary or designee.

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

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

21 (5) The university president shall serve as executive  
22 officer and corporate secretary of the board of trustees and  
23 shall be responsible to the board for all operations of the  
24 university and for setting the agenda for meetings of the  
25 board in consultation with the chair.

26 (6) Upon appointment, each board of trustees shall  
27 commence professional orientation, training, and board  
28 development activities, and shall begin setting direction for  
29 its university in keeping with accountability and performance  
30 expectations of the seamless K-20 education system. Each board  
31 of trustees shall submit to the Florida Board of Education

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1 action plans and timelines for devolution of duties and  
2 responsibilities to the board of trustees.

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

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

24 (9) University boards of trustees shall be  
25 "corporations primarily acting as instrumentalities or  
26 agencies of the state," pursuant to s. 768.28(2), for purposes  
27 of sovereign immunity.

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

30 229.0081 Powers and duties of university boards of  
31 trustees.--

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

9           (2) Notwithstanding the provisions of chapter 240,  
10 each university board of trustees may adopt rules and policies  
11 consistent with the university mission, with law, and with  
12 rule of the Florida Board of Education, including rules and  
13 policies for the following:

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

17           (b) Fixing the compensation and other conditions of  
18 employment of the president.

19           (c) Conducting periodic evaluations of the president,  
20 submitting such evaluations to the Chancellor for review, and  
21 suspending or removing the president in accordance with  
22 guidelines established by the Chancellor.

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

27           (e) In consultation with the university president,  
28 defining and developing a strategic plan for the university  
29 for recommendation to the Chancellor, the Commissioner of  
30 Education, and the Florida Board of Education, as provided by  
31 law, specifying institutional goals and objectives.

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1           (f) In consultation with the university president,  
2 providing for academic freedom and academic responsibility at  
3 the university.

4           (g) In consultation with the university president,  
5 submitting an institutional budget request, including a  
6 request for fixed capital outlay, to the Chancellor in  
7 accordance with guidelines established by the Florida Board of  
8 Education.

9           (h) Approving new, and terminating existing,  
10 undergraduate and graduate degree programs up to and including  
11 the master's degree level, based on criteria established by  
12 the Florida Board of Education.

13           (i) Purchasing, acquiring, receiving, holding, owning,  
14 managing, leasing, selling, disposing of, and conveying title  
15 to real property, in accordance with rules and guidelines of  
16 the Florida Board of Education.

17           (j) Entering into agreements for and accepting credit  
18 card, charge card, and debit card payments as compensation for  
19 goods, services, tuition, and fees.

20           (k) Establishing codes of conduct and appropriate  
21 penalties for violations of university rules by students and  
22 student organizations, including rules governing student  
23 academic honesty.

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

28           (m) Administering the personnel program for all  
29 employees of the university in accordance with law and with  
30 rules and guidelines of the Florida Board of Education,  
31 including: compensation and other conditions of employment,



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- 1 recruitment and selection, nonreappointment, standards for  
2 performance and conduct, evaluation, benefits and hours of  
3 work, recognition, inventions and works, travel, learning  
4 opportunities, academic freedom and responsibility, promotion,  
5 assignment, demotion, transfer, tenure and permanent status,  
6 ethical obligations and conflicts of interest, restrictive  
7 covenants, disciplinary actions, complaints, appeals and  
8 grievance procedures, and separation and termination from  
9 employment.
- 10 (n) Establishing and maintaining a personnel exchange  
11 program.
- 12 (o) Governing admission of students subject to the  
13 rules of the Florida Board of Education.
- 14 (p) Considering the past actions of any person  
15 applying for admission, enrollment, or employment, and  
16 establishing policies to deny admission, enrollment, or  
17 employment to an applicant because of misconduct if determined  
18 to be in the best interest of the university.
- 19 (q) Ensuring compliance with federal laws,  
20 regulations, and requirements.
- 21 (r) Using, maintaining, protecting, and controlling  
22 university-owned or university-controlled buildings and  
23 grounds, property and equipment, name, trademarks and other  
24 proprietary marks, and the financial and other resources of  
25 the university. Such authority may include placing  
26 restrictions on activities and on access to facilities,  
27 firearms, food, tobacco, alcoholic beverages, distribution of  
28 printed materials, human subjects, animals, and sound.
- 29 (s) Providing and coordinating policies relating to  
30 credit and noncredit educational offerings by the university.
- 31 (t) Administering a procurement program for the

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1 purchase, lease, or acquisition in any manner (including  
2 purchase by installment or lease-purchase contract which may  
3 provide for the payment of interest on the unpaid portion of  
4 the purchase price and for the granting of a security interest  
5 in the items purchased) of goods, materials, equipment, and  
6 services required by the university.

7 (u) Supervising faculty practice plans for the  
8 academic health science centers.

9 (3) Each board of trustees shall actively implement a  
10 plan, in accordance with guidelines of the Florida Board of  
11 Education, for working on a regular basis with the other  
12 university boards of trustees, representatives of the  
13 community college boards of trustees, and representatives of  
14 the district school boards, to achieve the goals of the  
15 seamless education system.

16 (4) Notwithstanding the provisions of s. 216.351, a  
17 state university board of trustees may authorize the rent or  
18 lease of parking facilities, provided that such facilities are  
19 funded through parking fees or parking fines imposed by a  
20 university. A board of trustees may authorize a university to  
21 charge fees for parking at such rented or leased parking  
22 facilities.

23 (5) Effective July 1, 2002, within proviso in the  
24 General Appropriations Act and law, each board of trustees  
25 shall set university tuition and fees. The sum of the activity  
26 and service, health, and athletic fees a student is required  
27 to pay to register for a course shall not exceed 40 percent of  
28 the matriculation fee established in law or in the General  
29 Appropriations Act. No university shall be required to lower  
30 any fee in effect on the effective date of this act in order  
31 to comply with this subsection. Within the 40 percent cap,

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1 universities may not increase the aggregate sum of activity  
2 and service, health, and athletic fees more than 5 percent per  
3 year unless specifically authorized in law or in the General  
4 Appropriations Act. This subsection does not prohibit a  
5 university from increasing or assessing optional fees related  
6 to specific activities that are not required as a part of  
7 registration for courses.

8 (6) Effective July 1, 2002, each board of trustees  
9 shall implement the university facilities plan in accordance  
10 with law and guidelines of the Commissioner of Education's  
11 Office of Educational Facilities and SMART Schools  
12 Clearinghouse.

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

16 Section 15. Section 229.0082, Florida Statutes, is  
17 created to read:

18 229.0082 University presidents; powers and  
19 duties.--The president is the chief executive officer of the  
20 university, shall be corporate secretary of the state  
21 university board of trustees, and is responsible for the  
22 operation and administration of the university. Each  
23 university president shall:

24 (1) Recommend the adoption of rules, as appropriate,  
25 to the state university board of trustees to implement  
26 provisions of law governing the operation and administration  
27 of the university, which shall include the specific powers and  
28 duties enumerated in this section. Such rules shall be  
29 consistent with the mission of the university and the rules  
30 and policies of the Florida Board of Education.

31 (2) Prepare a budget request and an operating budget

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1 for approval by the university board of trustees.

2 (3) Establish and implement policies and procedures to  
3 recruit, appoint, transfer, promote, compensate, evaluate,  
4 reward, demote, discipline, and remove personnel, within law  
5 and rules of the Florida Board of Education and in accordance  
6 with rules or policies approved by the university board of  
7 trustees.

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

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

20 (6) Act for the university board of trustees as  
21 custodian of all university property. The authority vested in  
22 the university president under this subsection includes the  
23 authority to prioritize the use of university space, property,  
24 equipment, and resources and the authority to impose charges  
25 for the use of those items.

26 (7) Establish the internal academic calendar of the  
27 university within general guidelines of the Florida Board of  
28 Education.

29 (8) Administer the university's program of  
30 intercollegiate athletics.

31 (9) Recommend to the board of trustees the

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- 1 establishment and termination of undergraduate and  
2 master's-level degree programs within the approved role and  
3 scope of the university.
- 4 (10) Award degrees.
- 5 (11) Recommend to the board of trustees a schedule of  
6 tuition and fees to be charged by the university, within law  
7 and rules of the Florida Board of Education.
- 8 (12) Organize the university to efficiently and  
9 effectively achieve the goals of the university.
- 10 (13) Review periodically the operations of the  
11 university in order to determine how effectively and  
12 efficiently the university is being administered and whether  
13 it is meeting the goals of its strategic plan adopted by the  
14 Florida Board of Education.
- 15 (14) Enter into agreements for student exchange  
16 programs which involve students at the university and students  
17 in other institutions of higher learning.
- 18 (15) Approve the internal procedures of student  
19 government organizations and provide purchasing, contracting,  
20 and budgetary review processes for these organizations.
- 21 (16) Ensure compliance with federal and state laws,  
22 regulations, and other requirements that are applicable to the  
23 university.
- 24 (17) Maintain all data and information pertaining to  
25 the operation of the university, and report on the attainment  
26 by the university of institutional and statewide performance  
27 accountability goals.
- 28 (18) Adjust property records and dispose of  
29 state-owned tangible personal property in the university's  
30 custody in accordance with procedures established by the  
31 university board of trustees. Notwithstanding the provisions

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1 of s. 273.055(5), all moneys received from the disposition of  
2 state-owned tangible personal property shall be retained by  
3 the university and disbursed for the acquisition of tangible  
4 personal property and for all necessary operating  
5 expenditures. The university shall maintain records of the  
6 accounts into which such moneys are deposited.

7 Section 16. Section 229.0083, Florida Statutes, is  
8 created to read:

9 229.0083 School Readiness Act; legislative intent;  
10 division of responsibilities.--

11 (1) The School Readiness Act, chapter 99-357, Laws of  
12 Florida, created the Florida Partnership for School Readiness  
13 to fulfill three major purposes: to administer school  
14 readiness program services that help parents prepare eligible  
15 children for school; to coordinate the provision of school  
16 readiness services on a full-day, full-year, full-choice basis  
17 to the extent possible in order to enable parents to work and  
18 be financially self-sufficient; and to establish a uniform  
19 screening instrument to be implemented by the Department of  
20 Education and administered by the school districts upon entry  
21 into kindergarten to assess the readiness for school of all  
22 children. Readiness for kindergarten is the outcome measure of  
23 the success of each school readiness program that receives  
24 state or federal funds.

25 (2) It is the intent of the Legislature that school  
26 readiness services shall be an integrated and seamless system  
27 of services with a developmentally appropriate education  
28 component for the state's eligible birth-to-kindergarten  
29 population described in s. 411.01(6) and shall not be  
30 construed as part of the seamless K-20 education system until  
31 the administration of the uniform screening system upon entry

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1 into kindergarten.

2 (3) The Legislature finds that, because of a variety  
3 of factors, not all children come to school equally ready to  
4 learn and that, in order to more effectively assess and  
5 monitor programs designed to help prepare Florida's children  
6 to attend school, educators and policymakers need more  
7 objective information regarding the school readiness of  
8 Florida's children. However, nothing contained in the School  
9 Readiness Act, chapter 99-357, Laws of Florida, is intended  
10 to:

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

13 (b) Create any obligation to provide publicly funded  
14 school readiness programs or services beyond those authorized  
15 by the Legislature.

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

17 1. The Florida Partnership for School Readiness is  
18 assigned to the Department of Education pursuant to subsection  
19 (7).

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

22 a. Two members shall be added to the partnership from  
23 the child care industry, one representing the private  
24 for-profit sector appointed by the Governor from a list of two  
25 nominees submitted by the President of the Senate and one  
26 representing faith-based providers appointed by the Governor  
27 from a list of two nominees submitted by the Speaker of the  
28 House of Representatives. Neither shall have a direct contract  
29 with any local coalition to provide school readiness services.

30 b. Two members shall be added to the partnership from  
31 the business community, one appointed by the Governor from a

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1 list of two nominees submitted by the President of the Senate  
2 and one appointed by the Governor from a list of two nominees  
3 submitted by the Speaker of the House of Representatives.

4 Neither shall be involved in any business related to school  
5 readiness services.

6 3. The executive director of the partnership shall  
7 serve at the pleasure of the Governor.

8 (b) Notwithstanding any other provision of law to the  
9 contrary, minimum child care licensing standards shall be  
10 developed to provide for reasonable, affordable, and safe  
11 before-school and after-school care. Standards, at a minimum,  
12 shall allow for a credentialed director to supervise multiple  
13 before-school and after-school sites.

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

15 1. Instructional staff must be trained pursuant to s.  
16 402.305(2)(d).

17 2. Reimbursement rates shall not have the effect of  
18 limiting parental choice or creating standards or levels of  
19 services that have not been authorized by the Legislature.

20 3. The Florida Partnership for School Readiness shall  
21 review and revise coalition plans at least annually.

22 (d) Notwithstanding s. 20.50:

23 1. The Department of Education shall administer school  
24 readiness funds, plans, and policies pursuant to contract with  
25 the Florida Partnership for School Readiness and shall prepare  
26 and submit a unified budget request for the school readiness  
27 program in accordance with chapter 216.

28 2. All instructions to local school readiness  
29 coalitions shall emanate from the Department of Education  
30 pursuant to policies of the Legislature, plans of the Florida  
31 Partnership for School Readiness, and the contract between the



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1 Florida Partnership for School Readiness and the department.  
2 (e) The Department of Education shall prepare a plan  
3 that provides for the distribution and expenditure of all  
4 state and federal school readiness funds for children  
5 participating in public or private school readiness programs  
6 based upon an equity and performance funding formula. The plan  
7 shall be submitted to the Governor and the Legislative Budget  
8 Commission. Upon approval, the Legislative Budget Commission  
9 shall authorize the transfer of funds to the Department of  
10 Education for distribution in accordance with the provisions  
11 of the formula.  
12 (5) The Florida Partnership for School Readiness  
13 shall:  
14 (a) Coordinate the birth-to-kindergarten services for  
15 children who are eligible pursuant to s. 411.01(6) and the  
16 programmatic, administrative, and fiscal standards pursuant to  
17 s. 411.01 and this section for all public providers of school  
18 readiness programs.  
19 (b) Continue to provide unified leadership for school  
20 readiness through local school readiness coalitions.  
21 (c) Focus on improving the educational quality of all  
22 publicly funded school readiness programs.  
23 (6) The Department of Education shall implement a  
24 school readiness uniform screening, including a pilot program  
25 during the 2001-2002 school year, to validate the system  
26 recommended by the Florida Partnership for School Readiness as  
27 part of a comprehensive evaluation design. Beginning with the  
28 2002-2003 school year, the department shall require that all  
29 school districts administer the school readiness uniform  
30 screening to each kindergarten student in the district school  
31 system upon the student's entry into kindergarten. Children

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1 who enter public school for the first time in first grade must  
2 undergo a uniform screening adopted for use in first grade.  
3 The department shall incorporate school readiness data into  
4 the K-20 data warehouse for longitudinal tracking. The  
5 department shall provide the partnership with complete and  
6 full access to kindergarten uniform screening data at the  
7 student, school, district, and state levels in a format that  
8 will enable the partnership to prepare reports needed by state  
9 policymakers and local school readiness coalitions to assess  
10 progress toward school readiness goals and provide input for  
11 continuous improvement of local school readiness services and  
12 programs.

13 (7) Effective July 1, 2001, the Florida Partnership  
14 for School Readiness is transferred by a type two transfer,  
15 pursuant to s. 20.06(2), from the Executive Office of the  
16 Governor to the Department of Education.

17 (8) Effective July 1, 2001, the Child Care Executive  
18 Partnership Program, child care and early childhood resource  
19 and referral, and the subsidized child care program including  
20 statewide staff as referenced in the interagency agreement  
21 between the Department of Children and Family Services and the  
22 Florida Partnership for School Readiness signed on March 15,  
23 2001, shall be transferred by a type two transfer, pursuant to  
24 s. 20.06(2), to the Department of Education.

25 (9) Effective July 1, 2001, the prekindergarten early  
26 intervention, migrant prekindergarten, and Florida First Start  
27 programs, including statewide staff as referenced in the  
28 interagency agreement between the Department of Education and  
29 the Florida Partnership for School Readiness, shall be  
30 transferred by a type two transfer, pursuant to s. 20.06(2),  
31 to the Department of Education.

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1           (10) For purposes of administration of the Early  
 2 Learning Opportunities Act and the Even Start Family Literacy  
 3 Programs, pursuant to Pub. L. No. 106-554, the Department of  
 4 Education is designated as the lead agency and must comply  
 5 with lead agency responsibilities pursuant to federal law.

6  
 7  
 8 ===== T I T L E    A M E N D M E N T =====

9 And the title is amended as follows:

10           On page 5, line 21 through page 6, line 9,  
 11 remove from the title of the bill: all of said lines

12  
 13 and insert in lieu thereof:

14           Partnership for School Readiness, the  
 15           Department of Education, and parents relating  
 16           to school readiness; providing for the addition  
 17           of members to the Florida Partnership for  
 18           School Readiness; providing for the development  
 19           of minimum child care licensing standards;  
 20           transferring the Florida Partnership for School  
 21           Readiness from the Executive Office of the  
 22           Governor to the Department of Education;  
 23           transferring the Child Care Executive  
 24           Partnership Program, child care and early  
 25           childhood resource and referral, and the  
 26           subsidized child care program including  
 27           statewide staff to the Department of Education;  
 28           transferring the prekindergarten early  
 29           intervention, migrant prekindergarten, and  
 30           Florida First Start programs, including  
 31           statewide staff, to the Department of

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1 Education; amending s. 216.136, F.S.; deleting  
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