

By Representatives Lynn, Melvin, Waters, Wallace, Dockery,  
Lacasa, Murman, Maygarden, Johnson, Andrews and Kilmer

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

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

1 executive director and to serve as secretary of  
2 the Florida Board of Education and as chief  
3 executive officer of the seamless K-20  
4 education system; deleting references to  
5 requirements of the Florida Constitution  
6 relating to education; requiring the Chancellor  
7 of Public Schools, the Chancellor of Colleges  
8 and Universities, the Chancellor of Community  
9 Colleges, and the Executive Director of  
10 Independent Education to work as division vice  
11 presidents of the seamless K-20 education  
12 system; revising the name of the Florida  
13 On-Line High School to conform with changes  
14 made by the bill; amending s. 229.006, F.S.;  
15 deleting obsolete language relating to the  
16 creation and already-accomplished duties of the  
17 Education Governance Reorganization Transition  
18 Task Force; revising the timeframe for the  
19 reorganization; requiring the task force to  
20 provide guidance and monitoring of the  
21 reorganization implementation process and to  
22 report to the Governor, the Legislature, and  
23 the public on its progress; revising the  
24 timeframe and recipients of the final report of  
25 the task force; creating s. 229.0061, F.S.;  
26 establishing guidelines for the implementation,  
27 structure, functions, and organization of  
28 Florida's K-20 education system; creating s.  
29 229.007, F.S.; establishing Florida's K-20  
30 education performance accountability system;  
31 providing legislative intent; establishing the

1 mission and goals and systemwide measures;  
2 creating s. 229.0072, F.S.; establishing a  
3 reorganization implementation process;  
4 requiring the Governor to appoint university  
5 boards of trustees and a Florida Board of  
6 Education; establishing duties of the Florida  
7 Board of Education relating to the transition  
8 and implementation of the K-20 system;  
9 requiring the Commissioner of Education to work  
10 with the Florida Board of Education to achieve  
11 full implementation of the seamless K-20 system  
12 and to commence reorganization of the  
13 department as required by the act; requiring  
14 the Florida Board of Education to appoint  
15 advisory bodies as necessary, and develop and  
16 recommend to the Legislature a new School Code;  
17 creating s. 229.0073, F.S.; directing the  
18 Commissioner of Education to work with the  
19 Florida Board of Education to reorganize the  
20 Department of Education as provided by the act;  
21 creating s. 229.0074, F.S.; establishing the  
22 mission of the Division of Independent  
23 Education; providing duties of the executive  
24 director; combining and transferring the powers  
25 and duties of the State Board of Independent  
26 Colleges and Universities and the State Board  
27 of Nonpublic Career Education, with an  
28 exception, to the Commission for Independent  
29 Education; providing duties of the commission;  
30 creating s. 229.008, F.S.; providing for  
31 establishment and membership of boards of

1 trustees of universities in the State  
2 University System; creating s. 229.0081, F.S.;  
3 establishing powers and duties of university  
4 boards of trustees; creating s. 229.0082, F.S.;  
5 establishing powers and duties of university  
6 presidents; creating s. 229.0083, F.S.;  
7 providing legislative intent regarding the  
8 School Readiness Act; clarifying  
9 responsibilities of the Florida Partnership for  
10 School Readiness, the Department of Education,  
11 and parents relating to school readiness;  
12 creating s. 229.0084, F.S.; providing a  
13 statement of legislative finding and intent  
14 regarding liability for student achievement;  
15 amending s. 228.082, F.S.; revising the name of  
16 the Florida On-Line High School to the Florida  
17 Virtual High School, which school shall be  
18 housed within the Commissioner of Education's  
19 Office of Technology and Information Services  
20 and monitored by the commissioner; stating the  
21 mission of the Florida Virtual High School;  
22 deleting obsolete language; revising the duties  
23 of the school's board of trustees; requiring  
24 the Department of Education to maximize federal  
25 indirect cost allowed on federal grants;  
26 requiring appropriation for expenditure of  
27 funds received from indirect cost allowance;  
28 repealing s. 229.085, F.S., relating to custody  
29 of educational funds; repealing ss. 240.145,  
30 240.147, 240.209(2), 240.227, 240.307, and  
31 240.311(4), F.S., relating to the Postsecondary

1 Education Planning Commission, the powers and  
2 duties of the commission, the Board of Regents  
3 appointment of a Chancellor of the State  
4 University System, powers and duties of  
5 university presidents, the appointment of  
6 members of the State Board of Community  
7 Colleges, and the appointment of an executive  
8 director of the community college system;  
9 providing effective dates.

10

11 WHEREAS, in response to Floridians' amendment of s. 2,  
12 Art. IX of the State Constitution requiring a seven-member  
13 state board of education appointed by the Governor to  
14 staggered 4-year terms, subject to confirmation by the Senate,  
15 which "shall appoint the commissioner of education," the 2000  
16 Legislature enacted the "Florida Education Governance  
17 Reorganization Act of 2000" (chapter 2000-321, Laws of  
18 Florida), and

19

20 WHEREAS, the Florida Education Governance  
21 Reorganization Act of 2000 provided legislative policy and  
22 guiding principles for a seamless kindergarten through  
23 postgraduate education system; provided for the future repeal  
24 of existing education entities and statutes; provided for  
25 nine-member boards of trustees for each university in the  
26 State University System; provided for the establishment and  
27 duties of the Florida Board of Education and specified  
28 education governance officers; and established the Education  
29 Governance Reorganization Transition Task Force charged with  
30 the duty to make recommendations to the Legislature, pursuant  
31 to a legislatively established timeline, to accomplish a  
smooth and orderly transition to the new education system, and

1           WHEREAS, the Education Governance Reorganization  
2 Transition Task Force was timely appointed and has been  
3 aggressively pursuing its statutory duties by holding meetings  
4 and public hearings throughout the state, consulting with  
5 education stakeholders and national experts, taking public  
6 testimony, and working to expedite its recommendations, NOW,  
7 THEREFORE,

8

9 Be It Enacted by the Legislature of the State of Florida:

10

11           Section 1. Section 229.001, Florida Statutes, is  
12 amended to read:

13           229.001 Short title.--This act may be cited as the  
14 "Florida Education Governance Reorganization Implementation  
15 Act ~~of 2000~~."

16           Section 2. Section 229.002, Florida Statutes, is  
17 amended to read:

18           229.002 Declaration of policy and guiding  
19 principles.--

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

21           (a) To achieve within existing resources true systemic  
22 change in education governance by establishing a seamless  
23 academic educational system that fosters an integrated  
24 continuum of kindergarten through graduate school education  
25 for Florida's citizens.

26           (b) To promote enhanced academic success and funding  
27 efficiency by centralizing the governance of educational  
28 delivery systems and aligning responsibility with  
29 accountability.

30           (c) To provide consistent education policy vertically  
31 and horizontally across all educational delivery systems,

1 focusing on students ~~the needs of those receiving education,~~  
2 not those providing education.

3 (d) To provide substantially improved vertical and  
4 horizontal articulation across all educational delivery  
5 systems while still ensuring that nonpublic education  
6 institutions and home education programs maintain their  
7 independence, autonomy, and nongovernmental status.

8 (e) To provide for devolution of authority to the  
9 schools, community colleges, universities, and other education  
10 institutions that are the actual deliverers of educational  
11 services in order to provide student-centered education  
12 services within the clear parameters of the overarching  
13 education policy established by the Legislature.

14 (2) The guiding principles for Florida's new education  
15 governance are:

16 (a) A coordinated, seamless system for kindergarten  
17 through graduate school education.

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

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

22 (d) A system that safeguards equity and supports  
23 academic excellence.

24 (e) A system that provides for local operational  
25 flexibility while promoting accountability for student  
26 achievement and improvement ~~refuses to compromise academic~~  
27 ~~excellence~~.

28 Section 3. Section 229.003, Florida Statutes, is  
29 amended to read:

30 229.003 Florida education governance reorganization.--  
31



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

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

9           (2)(3) Effective January 7, 2003,There are is  
10 established the following education governance officers in  
11 addition to the Commissioner of Education:

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

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

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

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

21  
22 Each chancellor and executive director shall be subject to  
23 confirmation by the Florida Board of Education and shall serve  
24 at the pleasure and under the authority of the Commissioner of  
25 Education.

26           ~~(3)(4) Effective July 1, 2000,~~The Governor shall  
27 appoint a seven-member board of trustees for the Florida  
28 Virtual On-Line High School, which shall be a body corporate  
29 with all the powers of a body corporate.

30           ~~(4)(5) Effective January 7, 2003,~~The Governor shall  
31 appoint for each university in the State University System, an

1 11-member ~~a nine-member~~ board of trustees, which shall be a  
2 body corporate with all the powers of a body corporate. In  
3 addition to the 11 members, each student body president shall  
4 serve as an ex officio nonvoting member of the board of  
5 trustees. There shall be no state residency requirement for  
6 university board members, but the Governor shall consider  
7 regional representatives, as appropriate ~~All members of the~~  
8 ~~board of trustees of Florida Atlantic University must reside~~  
9 ~~within the service area of the university; three must be~~  
10 ~~residents of Broward County, three must be residents of Palm~~  
11 ~~Beach County, and three may be residents of any county within~~  
12 ~~the service area.~~

13 (5) Effective July 1, 2001:

14 (a) The Board of Regents is abolished.

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

22 (c) The State Board of Community Colleges is  
23 abolished.

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

1       (e) The Postsecondary Education Planning Commission is  
2 abolished.

3       (f) The Education K-20 Policy and Research Commission  
4 is created and assigned for administrative purposes to the  
5 Office of Program Policy Analysis and Government  
6 Accountability (OPPAGA).

7       (g) All personnel, unexpended balances of  
8 appropriations, and allocations of the Postsecondary Education  
9 Planning Commission are transferred to the Education K-20  
10 Policy and Research Commission.

11       (h) The Articulation Coordinating Committee and the  
12 Education Standards Commission are transferred by a type two  
13 transfer, pursuant to s. 20.06(2), from the Department of  
14 Education to the Florida Board of Education.

15       (i) Notwithstanding the provisions of s. 20.15, the  
16 Commissioner of Education shall commence the reorganization of  
17 the Department of Education in accordance with s. 229.0073,  
18 which shall include an Office of the Commissioner of Education  
19 comprised of the general areas of operation that are common to  
20 all delivery sectors and, in addition, shall include:

21           1. The creation of an Office of Technology and  
22 Information Services, an Office of Workforce and Economic  
23 Development, and an Office of Educational Facilities.

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

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

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

28           5. The creation of a Division of Independent  
29 Education.

30           6. The merger of the powers, duties, and staffs of the  
31 State Board of Independent Colleges and Universities and the

1 State Board of Nonpublic Career Education, except as relating  
2 to any independent nonprofit college or university which is  
3 located in and chartered by the state, is accredited by the  
4 Commission on Colleges of the Southern Association of Colleges  
5 and Schools, and grants baccalaureate degrees, into a single  
6 Commission for Independent Education administratively housed  
7 within the Division of Independent Education.

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

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

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

19 ~~(c) The State Board of Independent Colleges and~~  
20 ~~Universities.~~

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

22 ~~(e) The Division of Workforce Development of the~~  
23 ~~Department of Education.~~

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

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

26 ~~(h) The Division of Human Resource Development of the~~  
27 ~~Department of Education.~~

28 ~~(i) The Division of Support Services of the Department~~  
29 ~~of Education.~~

30 ~~(j) The Division of Administration of the Department~~  
31 ~~of Education.~~

1           ~~(k) The Division of Financial Services of the~~  
2 ~~Department of Education.~~

3           ~~(l) The Division of Technology of the Department of~~  
4 ~~Education.~~

5           ~~(m) The Office of Student Financial Assistance of the~~  
6 ~~Department of Education.~~

7           ~~(n) The Division of Universities of the Department of~~  
8 ~~Education.~~

9           ~~(o) The Division of Community Colleges of the~~  
10 ~~Department of Education.~~

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

13           229.0031 Education K-20 Policy and Research  
14 Commission.--Effective July 1, 2001, the Education K-20 Policy  
15 and Research Commission shall be created, which shall be  
16 administratively housed within the Office of Program Policy  
17 Analysis and Government Accountability (OPPAGA).

18           (1)(a) The commission shall be composed of five  
19 members appointed by the Governor, two members appointed by  
20 the President of the Senate, and two members appointed by the  
21 Speaker of the House of Representatives, none of whom shall be  
22 an elected official. Each member shall serve a term of 6  
23 years; however, for the purpose of providing staggered terms,  
24 of the initial appointments one of the members appointed by  
25 the Governor, one of the members appointed by the President of  
26 the Senate, and one of the members appointed by the Speaker of  
27 the House of Representatives shall be appointed to 4-year  
28 terms, one of the members appointed by the President of the  
29 Senate and one of the members appointed by the Speaker of the  
30 House of Representatives shall be appointed to 5-year terms,  
31

1 and the remaining four members shall be appointed to 6-year  
2 terms.

3 (b) The members of the commission shall serve without  
4 compensation, but shall be reimbursed for per diem and travel  
5 expenses pursuant to s. 112.061.

6 (2) The commission shall appoint and employ an  
7 executive director, who shall be the chief administrative  
8 officer of the commission and shall report directly to the  
9 commission, except that the first executive director shall be  
10 appointed by the Education Governance Reorganization  
11 Transition Task Force, subject to confirmation by the  
12 commission.

13 (3) The commission shall:

14 (a) Provide state policymakers with objective, timely,  
15 and independent information that supports a seamless  
16 student-centered K-20 education system and accountability  
17 process that provides all students an opportunity for a  
18 high-quality education, in accordance with the policies and  
19 guiding principles of s. 229.002.

20 (b) Annually review and make recommendations to the  
21 Legislature regarding the activities of research centers and  
22 institutes supported with state funds in order to assess the  
23 return on the state's investment in research conducted by  
24 public postsecondary education institutions.

25 (c) Explore national, state, and local emerging  
26 issues.

27 (d) Identify successful and innovative educational  
28 programs.

29 (e) Prepare and submit for approval to the  
30 Commissioner of Education and the Florida Board of Education a  
31 long-range master plan for the seamless K-20 education system,

1 and review and report annually on the plan's implementation,  
2 success, and recommended revision.

3 (f) Conduct selected program evaluations upon request  
4 of the Legislature or the Florida Board of Education.

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

7 229.004 Florida Board of Education.--

8 (1)(a) In accordance with the implementation process  
9 in s. 229.0072 ~~Effective January 7, 2003,~~ the Florida Board of  
10 Education is established as a body corporate. The board shall  
11 be a ~~part-time~~ citizen board consisting of seven members  
12 appointed by the Governor to staggered 4-year terms, subject  
13 to confirmation by the Senate, provided, however, that Senate  
14 confirmation is not required for the members of the Florida  
15 Board of Education to perform the duties as prescribed in this  
16 education governance reorganization implementation act.  
17 Members of the board shall serve without compensation, but  
18 shall be entitled to reimbursement of travel and per diem  
19 expenses in accordance with s. 112.061.Members may be  
20 reappointed by the Governor for additional terms.

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

23 (2) The primary duties of the board shall be to  
24 establish education goals and objectives consistent with the  
25 policies and guiding principles of s. 229.002 and the mission  
26 and goals of s. 229.007 and, together with the Commissioner of  
27 Education, to oversee the implementation of and enforce  
28 compliance with the education policies established by the  
29 Legislature. The board, and the commissioner, shall establish,  
30 operate, and maintain optimal efficiency of an Office of the  
31

1 Board of Education in accordance with the guidelines of ss.  
2 229.0061 and 229.0073.

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

5 (a) Ensure accountability and responsiveness to  
6 Florida's citizens, including the establishment of a Citizen  
7 Information Center that utilizes quick response and  
8 customer-friendly methodologies.

9 (b) Establish and aggressively enforce efficient and  
10 effective performance management objectives.

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

13 (d) Recommend one budget or a coordinated budget based  
14 on consistent policies for a seamless kindergarten through  
15 graduate school education.

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

19 (f) Ensure articulation and coordination within and  
20 across the entire education delivery system.

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

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

26 (a) The work of ~~with~~ the Chancellor of Public Schools  
27 ~~K-12 Education~~ to establish, and maintain optimal efficiency  
28 of, a Division ~~an Office~~ of Public Schools, within the  
29 guidelines of ss. 229.0061 and 229.0073, and to achieve the  
30 mission and goals of s. 229.007 ~~K-12 Education~~.

31



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

6           (c) The work of ~~with~~ the Chancellor of Community  
7 ~~Colleges and Career Preparation~~ to establish, and maintain  
8 optimal efficiency of, a Division ~~an Office~~ of Community  
9 ~~Colleges and Career Preparation, within the guidelines of ss.~~  
10 229.0061 and 229.0073, and to achieve the mission and goals of  
11 s. 229.007.

12           (d) The work of ~~with~~ the Executive Director of  
13 Independent Nonpublic and Nontraditional Education to  
14 establish, and maintain optimal efficiency of, a Division ~~an~~  
15 ~~Office~~ of Independent Nonpublic and Nontraditional Education  
16 Services, within the guidelines of ss. 229.0061 and 229.0073,  
17 and to achieve the mission and goals of s. 229.007.

18           Section 6. Section 229.005, Florida Statutes, is  
19 amended to read:

20           229.005 Florida education governance officers.--

21           (1) COMMISSIONER OF EDUCATION.--The Commissioner of  
22 Education shall work with the Florida Board of Education and  
23 oversee the other education governance officers to focus ~~be~~  
24 ~~appointed by the Board of Education from candidates of~~  
25 ~~national caliber and respected and proven organizational~~  
26 ~~leadership with established experience in administering~~  
27 ~~broad-based policy. The commissioner shall be a person who is~~  
28 ~~eminently capable of focusing~~ the entire kindergarten through  
29 graduate school education system on accomplishing to  
30 ~~accomplish~~ the policies and guiding principles of s. 229.002  
31 and achieving the mission and goals of s. 229.007. The

1 commissioner shall ~~have the ability to successfully~~ provide  
2 education policy and planning direction, program development,  
3 performance management, and funding allocation recommendations  
4 across the spectrum of kindergarten through graduate school  
5 education. The commissioner shall serve as secretary of the  
6 Florida Board of Education and as chief executive officer of  
7 the seamless K-20 education system., ~~and the ability to~~  
8 ~~achieve and safeguard the will of the people of Florida as~~  
9 ~~expressed in s. 1, Art. IX of the Florida Constitution, that~~  
10 ~~"adequate provision shall be made by law for a uniform,~~  
11 ~~efficient, safe, secure, and high quality system of free~~  
12 ~~public schools that allows students to obtain a high quality~~  
13 ~~education and for the establishment, maintenance, and~~  
14 ~~operation of institutions of higher learning and other public~~  
15 ~~education programs that the needs of the people may require."~~  
16 (2) CHANCELLOR OF PUBLIC SCHOOLS K-12 EDUCATION.--The  
17 Chancellor of Public Schools K-12 Education shall be appointed  
18 by the Commissioner of Education based on his or her ability  
19 to work as a division vice president of the seamless K-20  
20 education system with the Florida Board of Education and the  
21 other education governance officers to comply with the  
22 policies and guiding principles of s. 229.002, to achieve the  
23 mission and goals of s. 229.007, to enhance the quality of  
24 public K-12 education in Florida, and to maximize the equity  
25 of public K-12 education in Florida by moving the focus to the  
26 school site and the individual student., ~~and to achieve and~~  
27 ~~safeguard the will of the people of Florida as expressed in s.~~  
28 ~~1, Art. IX of the Florida Constitution, that "adequate~~  
29 ~~provision shall be made by law for a uniform, efficient, safe,~~  
30 ~~secure, and high quality system of free public schools that~~  
31 ~~allows students to obtain a high quality education. . . ."~~

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

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

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

1 K-20 education system with the Florida Board of Education and  
2 the other education governance officers to comply with the  
3 policies and guiding principles of s. 229.002, to achieve the  
4 mission and goals of s. 229.007,to enhance the quality and  
5 expand the offerings and innovations of independent nonpublic  
6 ~~and nontraditional~~ education in Florida, to establish  
7 partnerships with independent nonpublic education providers at  
8 all levels to achieve these goals, and to work directly with  
9 the Board of Trustees of the Florida Virtual ~~On-Line~~ High  
10 School and with Florida's private school associations, home  
11 education associations, independent nonpublic career education  
12 institutions, and independent colleges and universities to  
13 maximize educational choice and enhance the options,  
14 educational alternatives, and student-focused delivery for  
15 their students.

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

18 229.006 Education Governance Reorganization Transition  
19 Task Force.--

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

27 (a) Five members appointed by the Governor;

28 (b) Three members appointed by the President of the  
29 Senate; and

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

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

11       (4) Upon completion of its recommendations to the  
12 Legislature by March 1, 2001, the transition task force shall  
13 redirect its focus to provide guidance and monitoring of the  
14 implementation process pursuant to s. 229.0072 as recommended  
15 by the task force, and to regularly report to the Governor,  
16 the Legislature, and the public on the progress of the  
17 reorganization implementation process. If any implementation  
18 activity is determined by a majority vote of the task force to  
19 be inconsistent with the intent of this act, the chair of the  
20 task force shall report such activity directly to the State  
21 Board of Education. The reporting of such activity shall  
22 automatically suspend any action relating to the disputed  
23 activity. The State Board of Education shall act to resolve  
24 the dispute.~~recommend to the Legislature.~~

25       ~~(a) How best to achieve education system integration~~  
26 ~~by:~~

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

29           2. ~~Devolving the education delivery services and~~  
30 ~~operational decisions to the appropriate location of delivery~~  
31 ~~to students, specifically the schools, community colleges,~~

1 ~~colleges, universities, area technical centers, and other~~  
2 ~~education institutions or places where the students receive~~  
3 ~~their education.~~  
4       ~~3. Providing for a single or coordinated kindergarten~~  
5 ~~through graduate school education budget.~~  
6       ~~(b) How best to achieve economies in education~~  
7 ~~services, including recommendations concerning consolidation~~  
8 ~~of information systems and integrated performance and~~  
9 ~~financial accounting systems, while maximizing effectiveness~~  
10 ~~within existing resources and staff.~~  
11       ~~(c)1. Which, if any, current education staff functions~~  
12 ~~and resources should be eliminated, transferred, or realigned~~  
13 ~~within the proposed new education organizational structure.~~  
14       ~~2. A recommended salary structure for the Commissioner~~  
15 ~~of Education and for the chancellors.~~  
16       ~~(d) Whether an Office of Policy Research should be~~  
17 ~~established to explore emerging issues, locate successful and~~  
18 ~~innovative educational programs, and make recommendations to~~  
19 ~~the Governor, the Florida Board of Education, and the~~  
20 ~~Legislature and, if so, its mission, staffing, and location.~~  
21       ~~(e) The optimal mission of the Florida On-Line High~~  
22 ~~School and a methodology for the operation and funding of the~~  
23 ~~school to achieve that mission.~~  
24       ~~(f) The optimal location and structure of the Florida~~  
25 ~~Partnership for School Readiness.~~  
26       ~~(5) By March 1, 2002, the transition task force shall~~  
27 ~~recommend to the Legislature:~~  
28       ~~(a) Standards, definitions, and guidelines for~~  
29 ~~universities, colleges, community colleges, schools, and other~~  
30 ~~education institutions to ensure the quality of education,~~  
31

1 ~~systemwide coordination, and efficient progress toward~~  
2 ~~attainment of their appropriate missions.~~

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

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

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

16 ~~(e) Any additional statutory changes needed during the~~  
17 ~~2002 legislative session to complete the education governance~~  
18 ~~reorganization transition.~~

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

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

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

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

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

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

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

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

20           Section 8. Section 229.0061, Florida Statutes, is  
21 created to read:

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

25           (1) GUIDELINES FOR IMPLEMENTATION.--

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

30           (b) Florida's K-20 education system shall rely on a  
31 single entity, the Florida Board of Education, as its single



1 strategic voice. If the board desires assistance on matters of  
2 policy research or other issues, the board shall be authorized  
3 to appoint a committee or committees to assist it on any and  
4 all issues within the K-20 education system on an ad hoc  
5 basis.

6 (c) Members of the Florida Board of Education and the  
7 state university boards of trustees shall focus on high-level  
8 policy decisions.

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

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

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

28 (b) Florida Board of Education.--The Florida Board of  
29 Education shall serve as the body corporate for Florida's  
30 seamless K-20 education system; implement the systemwide  
31 education vision; and, together with the commissioner,

1 chancellors, and executive director, oversee the success of  
2 that vision. The Florida Board of Education shall:

3 1. Enforce systemwide education policies and goals.

4 2. Recommend annually the systemwide education budget  
5 and authorize the allocation of resources in accordance with  
6 law and rule.

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

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

10 5. Accurately and continuously assess data and monitor  
11 and report performance.

12 6. Provide high-quality assistance and intervention  
13 when and where needed.

14 7. Provide timely and accurate information on all  
15 public and independent education services.

16 (c) Commissioner of Education.--The Commissioner of  
17 Education shall serve as secretary and executive director of  
18 the Florida Board of Education and as chief executive officer  
19 of Florida's seamless K-20 education system. The commissioner  
20 shall propose action on all issues that come before the board  
21 and be responsible for enforcing compliance with the mission  
22 and goals of the seamless K-20 education system by all  
23 education delivery sectors. The commissioner's office shall  
24 operate all statewide functions necessary to support the  
25 seamless K-20 education system, including the following areas:

26 1. Legal.

27 2. Communications, including a Citizen Information  
28 Center that provides quick response and uses customer-friendly  
29 methods.

30 3. Strategic planning and budget development.

31 4. General administration.

- 1           5. Assessment and accountability.  
2           6. Data management, education technology, and an  
3 education data warehouse.  
4           7. Access and opportunity, including student financial  
5 assistance.  
6           8. Policy research and development, except the  
7 Education K-20 Policy and Research Commission.  
8           9. Florida Board of Education personnel.  
9           10. Workforce and economic development.  
10          11. Educational facilities.  
11          12. Inspector General.  
12          (d) Chancellors and executive director.--The  
13 chancellors of the public schools, community colleges, and  
14 colleges and universities divisions and the Executive Director  
15 of the Division of Independent Education shall serve the  
16 Florida Board of Education and the Commissioner of Education  
17 in the role of division vice presidents of the K-20 education  
18 system and as governance officers and critical members of the  
19 state-level education leadership team. They shall each be held  
20 responsible for providing leadership, administering programs,  
21 resolving disputes, providing technical assistance, and timely  
22 recommending action plans to the commissioner for sanctions or  
23 intervention when needed, as well as making recommendations to  
24 the board and the commissioner for strategic planning and  
25 budget development for their respective education delivery  
26 sectors. They shall support the governing policies and  
27 responsibilities of the board and the commissioner and bear  
28 primary responsibility for the achievement of the mission and  
29 goals of the K-20 education system by their education delivery  
30 sectors, as applicable to their sectors. They shall reinforce  
31 the policies and principles of the seamless K-20 education

1 system in every venue and at every opportunity, and work  
2 together to facilitate horizontal communications and  
3 interactions between the education delivery sectors.  
4 Specifically, as applicable, each education governance officer  
5 shall:  
6       1. Serve as the head of the division.  
7       2. Supervise all employees and work of the division.  
8       3. Properly and timely inform education institutions  
9 and the public as to legislative action, including funding,  
10 grant opportunities, and substantive policy changes affecting  
11 the division.  
12       4. Direct the review of expenditures of public funds  
13 in accordance with legislative intent.  
14       5. Evaluate the performance of each education  
15 institution under the division and report performance results  
16 to the public, the Legislature, the Commissioner of Education,  
17 the Florida Board of Education, and the institution and its  
18 governing board.  
19       6. Direct institutional governing boards to take  
20 corrective action to improve unsatisfactory performance  
21 pursuant to law and rules of the Florida Board of Education.  
22       7. Direct and oversee the development of the  
23 division's accountability system and recommend changes to the  
24 Commissioner of Education and the Florida Board of Education.  
25       8. Direct the division's activities in order to  
26 coordinate with other divisions to provide a seamless  
27 education system.  
28       9. Direct the provision of state services to  
29 institutions under the division.  
30       10. Direct the development of the division's  
31 legislative budget request and work cooperatively with the

1 commissioner and other governance officers to develop a  
2 unified budget request.  
3 11. Serve as the primary point of contact and  
4 communication for the division.  
5 (e) Institutional boards of trustees and school  
6 boards.--Each institutional board of trustees and school board  
7 shall:  
8 1. Provide strategic planning and budget development  
9 for their institution or school district.  
10 2. Implement and maintain high-quality education  
11 programs within law and rules of the Florida Board of  
12 Education.  
13 3. Measure and enforce performance.  
14 4. Provide timely and accurate reporting of  
15 information.  
16 5. Provide direct input on education issues to the  
17 education governance officers.  
18 6. Have broad latitude within law and rules of the  
19 Florida Board of Education in developing local policies and  
20 local programs to meet the needs of their students, their  
21 communities, and area employers.  
22 7. Hold presidents and appointed superintendents  
23 responsible for institution and school performance.  
24 8. Be responsible for the fiscal accountability of  
25 their institution or school district.  
26 9. Be responsible for compliance with all laws, rules  
27 of the Florida Board of Education, and performance  
28 accountability requirements.  
29 (f) Presidents and superintendents.--Each  
30 institutional president and school district superintendent  
31 shall:

1           1. Be responsible for efficient and effective budget  
2 and program administration.

3           2. Provide strong leadership to accomplish their  
4 education missions and goals.

5           3. Closely monitor education performance.

6           4. Provide timely and accurate financial and  
7 performance data.

8           5. Link instructional staff evaluations to student  
9 performance.

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

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

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

23           (1) LEGISLATIVE INTENT.--It is the intent of the  
24 Legislature that:

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

29           1. What is the public getting in return for funds it  
30 invests in education?

31

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

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

5           4. How are individual schools and postsecondary  
6 education institutions performing their responsibility to  
7 educate their students as measured by how students are  
8 performing and how much they are learning?

9           (b) The Florida Board of Education recommend to the  
10 Legislature systemwide performance standards; the Legislature  
11 establish systemwide performance measures and standards; and  
12 the systemwide measures and standards provide Floridians with  
13 information on what the public is getting in return for the  
14 funds it invests in education and how well the K-20 system  
15 educates its students.

16           (c) The Florida Board of Education establish  
17 performance measures and set performance standards for  
18 individual components of the system, including individual  
19 schools and postsecondary education institutions, which  
20 measures and standards are based primarily on student  
21 achievement.

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

31

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

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

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

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



1 education provided; and other measures identified in law or  
2 rule.

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

5 229.0072 Reorganization implementation process.--In  
6 order to best achieve the legislative purpose of the Florida  
7 Education Governance Reorganization Implementation Act:

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

11 (2) Effective July 1, 2001, the Governor shall appoint  
12 a seven-member Florida Board of Education. The Florida Board  
13 of Education shall be housed within, and operate under the  
14 direction of, the State Board of Education.

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

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

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

27 (b) Prepare and submit a unified K-20 education budget  
28 to the Governor and Legislature.

29 (c) Establish a work plan and timeline for the orderly  
30 implementation of the transition, including a fully detailed  
31

1 plan and timeline for the devolution of duties, as  
2 appropriate, to the university boards of trustees.

3 (d) Establish accountability standards for existing  
4 legislative performance goals, standards, and measures, and  
5 order the development of mechanisms to implement new  
6 legislative goals, standards, and measures.

7 (e) Supervise the coordination of institutions and  
8 delivery sectors.

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

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

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

15 (i) Establish advisory boards to provide the support  
16 needed to address issues such as public education facilities  
17 planning; student issues; instructional issues; distance  
18 learning and technology; academic quality, freedom, and  
19 responsibility; and research.

20 (j) Develop and review recommendations on issues of  
21 statewide importance, such as technology systems and  
22 facilities.

23 (k) Adopt criteria and implementation plans for future  
24 growth issues, such as new colleges and universities and  
25 campus mergers; and provide for cooperative agreements between  
26 and within public and private education sectors.

27 (l) Advise the State Board of Education regarding the  
28 issuance of bonds.

29 (m) Appoint advisory bodies, as necessary, on an ad  
30 hoc basis.

31

1       (n) Develop and recommend to the Education Governance  
2 Reorganization Transition Task Force, the Governor, the  
3 Commissioner of Education, and the Legislature, no later than  
4 January 1, 2002, for adoption during 2002, a clear, concise  
5 new School Code, comprised of the revision of chapters  
6 228-246, to accomplish the implementation, administration, and  
7 operation of Florida's seamless K-20 education system in  
8 accordance with the guidelines included in s. 229.0061.

9       (5) Effective July 1, 2001, the Commissioner of  
10 Education shall:

11       (a) Work with the Florida Board of Education to  
12 achieve full implementation of the seamless K-20 education  
13 system.

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

20       (c) As a member of the State Board of Education,  
21 determine the agenda for the Florida Board of Education and  
22 provide the Florida Board of Education and the State Board of  
23 Education the full support of the reorganized Department of  
24 Education.

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

27       229.0073 Reorganization of the Department of  
28 Education.--Effective July 1, 2001, notwithstanding the  
29 provisions of s. 20.15, the Commissioner of Education shall  
30 work with the Florida Board of Education, subject to the  
31 approval of the State Board of Education and the oversight of

1 the Legislature and the Education Governance Reorganization  
2 Transition Task Force, to reorganize the Department of  
3 Education in accordance with this part. The reorganization  
4 shall:

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

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

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

19 (4) Establish the following divisions within the  
20 department:

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

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

27 (c) Division of Colleges and Universities.--The  
28 state's public universities and colleges and the 4-year  
29 independent colleges and universities which are located in and  
30 chartered by the state, are accredited by the Commission on  
31 Colleges of the Southern Association of Colleges and Schools,

1 and grant baccalaureate degrees, to enable more effective  
2 articulation between these public and private institutions.  
3 The division chancellor shall administer those provisions of  
4 chapter 246 that apply to the independent colleges and  
5 universities within the division and shall establish a liaison  
6 responsible for partnerships that enhance articulation between  
7 and communication with Florida's 4-year independent colleges  
8 and universities.

9 (d) Division of Independent Education.--The  
10 independent education providers within the state, including  
11 home education programs, private K-12 institutions,  
12 independent colleges and universities, except those identified  
13 under paragraph (c), and private postsecondary career  
14 preparation and vocational training institutions.

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

24 2. The division shall serve as the advocate for and  
25 liaison to the independent education providers identified in  
26 this paragraph.

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

31

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

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

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

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

24           (c) Office of Educational Facilities.--The office  
25 shall validate all educational plant surveys, approve school  
26 sites in accordance with rule of the Florida Board of  
27 Education, and verify Florida Inventory of School Houses data.  
28 The office shall work cooperatively with the SMART Schools  
29 Clearinghouse to coordinate efforts to accomplish school  
30 district educational facilities plans.

31

1       (6) Establish a K-20 education leadership team,  
2 including, but not limited to, the education governance  
3 officers. The leadership team shall be responsible for  
4 systemwide horizontal and vertical communication, and  
5 assisting the achievement of the seamless K-20 education  
6 system.

7       Section 12. Section 229.0074, Florida Statutes, is  
8 created to read:

9       229.0074 Division of Independent Education.--

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

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

30  
31

- 1       (a) Learn the interests and concerns of the students  
2 and providers of independent education at all levels in order  
3 to strongly represent them in the Department of Education.
- 4       (b) Articulate the interests and concerns of the  
5 students and providers of independent education at all levels  
6 in all relevant government settings, accurately reflecting the  
7 consensus or differences in opinion among those represented.
- 8       (c) Participate with the other division heads in key  
9 education decisionmaking processes.
- 10       (d) Monitor and participate in rulemaking and other  
11 activities relevant to the interests of the independent  
12 education sector.
- 13       (e) Serve as a key spokesperson for the independent  
14 education sector.
- 15       (f) Advocate for any necessary educational services  
16 and funds for independent education sector families and  
17 schools.
- 18       (g) Establish a clearinghouse of information.
- 19       (h) Foster a collaborative spirit and working  
20 relationship among the institutions of the private and public  
21 sectors.
- 22       (i) Identify and convey the best practices of the  
23 independent education sector for the benefit of the other  
24 education delivery sectors, and vice versa.
- 25       (j) Augment, where appropriate, the efforts of groups  
26 representing the students and providers of independent  
27 education to communicate their concerns to government.
- 28       (k) Facilitate the administration of education  
29 services provided by the Department of Education to the  
30 independent education sector, such as those relating to  
31 teacher certification and background checks.



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

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

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

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

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

13          (3) The powers and duties of the State Board of  
14 Independent Colleges and Universities and the State Board of  
15 Nonpublic Career Education, except as relating to any  
16 independent nonprofit college or university which is located  
17 in and chartered by the state, is accredited by the Commission  
18 on Colleges of the Southern Association of Colleges and  
19 Schools, and grants baccalaureate degrees, shall be combined  
20 and transferred to a single board named the Commission for  
21 Independent Education, which shall be administratively housed  
22 within the division. This single board shall authorize  
23 granting of certificates, diplomas, and degrees for  
24 independent postsecondary education institutions through  
25 exemption, registration authorization, and licensing.

26          (4) The establishment of the Division of Independent  
27 Education shall not be construed to advance the extension or  
28 expansion of government regulation on independent or home  
29 education programs.

30          Section 13. Section 229.008, Florida Statutes, is  
31 created to read:

1           229.008 Boards of trustees of the state  
2 universities.--  
3           (1)(a) Effective July 1, 2001, and no later than  
4 November 1, 2001, the Governor shall appoint an 11-member  
5 board of trustees for each university in the State University  
6 System. In addition, each student body president shall serve  
7 as an ex officio nonvoting member of his or her university  
8 board of trustees. There shall be no state residency  
9 requirement for university board members, but the Governor  
10 shall consider regional representatives, as appropriate.  
11 Members of the boards of trustees shall receive no  
12 compensation but may be reimbursed for travel and per diem  
13 expenses as provided in s. 112.061.  
14           (b) The Governor may remove a trustee upon the  
15 recommendation of the Florida Board of Education, or for  
16 cause.  
17           (2) Each board of trustees shall be a public body  
18 corporate by the name of "The (name of university) Board of  
19 Trustees," with all the powers of a body corporate, including  
20 a corporate seal, the power to contract and be contracted  
21 with, to sue and be sued, to plead and be impleaded in all  
22 courts of law or equity, and to give and receive donations. In  
23 all suits against a board of trustees, service of process  
24 shall be made on the chair of the board or, in the absence of  
25 the chair, on the corporate secretary or designee.  
26           (3) Boards of trustees' members shall be appointed for  
27 staggered 4-year terms, and may be reappointed for additional  
28 terms not to exceed 8 years of service.  
29           (4) Each board of trustees shall select its chair and  
30 vice chair from the appointed members at its first regular  
31 meeting after July 1. The chair shall serve for 4 years and

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

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

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

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

29 Section 14. Section 229.0081, Florida Statutes, is  
30 created to read:  
31

1           229.0081 Powers and duties of university boards of  
2 trustees.--

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

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

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

19           (b) Fixing the compensation and other conditions of  
20 employment of the president.

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

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

29           (e) In consultation with the university president,  
30 defining and developing a strategic plan for the university  
31 for recommendation to the Chancellor, the Commissioner of

1 Education, and the Florida Board of Education, as provided by  
2 law, specifying institutional goals and objectives.

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

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

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

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

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

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

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

30 (m) Administering the personnel program for all  
31 employees of the university in accordance with law and with

1 rules and guidelines of the Florida Board of Education,  
2 including: compensation and other conditions of employment,  
3 recruitment and selection, nonreappointment, standards for  
4 performance and conduct, evaluation, benefits and hours of  
5 work, recognition, inventions and works, travel, learning  
6 opportunities, academic freedom and responsibility, promotion,  
7 assignment, demotion, transfer, tenure and permanent status,  
8 ethical obligations and conflicts of interest, restrictive  
9 covenants, disciplinary actions, complaints, appeals and  
10 grievance procedures, and separation and termination from  
11 employment.

12 (n) Establishing and maintaining a personnel exchange  
13 program.

14 (o) Governing admission of students subject to the  
15 rules of the Florida Board of Education.

16 (p) Considering the past actions of any person  
17 applying for admission, enrollment, or employment, and  
18 establishing policies to deny admission, enrollment, or  
19 employment to an applicant because of misconduct if determined  
20 to be in the best interest of the university.

21 (q) Ensuring compliance with federal laws,  
22 regulations, and requirements.

23 (r) Using, maintaining, protecting, and controlling  
24 university-owned or university-controlled buildings and  
25 grounds, property and equipment, name, trademarks and other  
26 proprietary marks, and the financial and other resources of  
27 the university. Such authority may include placing  
28 restrictions on activities and on access to facilities,  
29 firearms, food, tobacco, alcoholic beverages, distribution of  
30 printed materials, human subjects, animals, and sound.  
31

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

8       (4) Notwithstanding the provisions of s. 216.262(1), a  
9 state university board of trustees may authorize the rent or  
10 lease of parking facilities, provided that such facilities are  
11 funded through parking fees or parking fines imposed by a  
12 university. A board of trustees may authorize a university to  
13 charge fees for parking at such rented or leased parking  
14 facilities.

15       (5) Effective July 1, 2002, within proviso in the  
16 General Appropriations Act and law, each board of trustees  
17 shall set university tuition and fees.

18       (6) Effective July 1, 2002, each board of trustees  
19 shall implement the university facilities plan in accordance  
20 with law and guidelines of the Commissioner of Education's  
21 Office of Educational Facilities.

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

25       Section 15. Section 229.0082, Florida Statutes, is  
26 created to read:

27       229.0082 University presidents; powers and  
28 duties.--The president is the chief executive officer of the  
29 university, shall be corporate secretary of the state  
30 university board of trustees, and is responsible for the  
31

1 operation and administration of the university. Each  
2 university president shall:  
3       (1) Recommend the adoption of rules, as appropriate,  
4 to the state university board of trustees to implement  
5 provisions of law governing the operation and administration  
6 of the university, which shall include the specific powers and  
7 duties enumerated in this section. Such rules shall be  
8 consistent with the mission of the university and the rules  
9 and policies of the Florida Board of Education.  
10       (2) Prepare a budget request and an operating budget  
11 for approval by the university board of trustees.  
12       (3) Establish and implement policies and procedures to  
13 recruit, appoint, transfer, promote, compensate, evaluate,  
14 reward, demote, discipline, and remove personnel, within law  
15 and rules of the Florida Board of Education and in accordance  
16 with rules or policies approved by the university board of  
17 trustees.  
18       (4) Govern admissions, subject to law and rules or  
19 policies of the university board of trustees and the Florida  
20 Board of Education.  
21       (5) Approve, execute, and administer contracts for and  
22 on behalf of the university board of trustees for the  
23 acquisition of commodities, goods, equipment, services, leases  
24 of real and personal property, and planning and construction  
25 to be rendered to or by the university, provided such  
26 contracts are within law and guidelines of the Florida Board  
27 of Education and in conformance with policies of the  
28 university board of trustees, and are for the implementation  
29 of approved programs of the university.  
30       (6) Act for the university board of trustees as  
31 custodian of all university property. The authority vested in



- 1 the university president under this subsection includes the  
2 authority to prioritize the use of university space, property,  
3 equipment, and resources and the authority to impose charges  
4 for the use of those items.
- 5 (7) Establish the internal academic calendar of the  
6 university within general guidelines of the Florida Board of  
7 Education.
- 8 (8) Administer the university's program of  
9 intercollegiate athletics.
- 10 (9) Recommend to the board of trustees the  
11 establishment and termination of degree programs within the  
12 approved role and scope of the university.
- 13 (10) Award degrees.
- 14 (11) Recommend to the board of trustees a schedule of  
15 tuition and fees to be charged by the university, within law  
16 and rules of the Florida Board of Education.
- 17 (12) Organize the university to efficiently and  
18 effectively achieve the goals of the university.
- 19 (13) Review periodically the operations of the  
20 university in order to determine how effectively and  
21 efficiently the university is being administered and whether  
22 it is meeting the goals of its strategic plan adopted by the  
23 Florida Board of Education.
- 24 (14) Enter into agreements for student exchange  
25 programs which involve students at the university and students  
26 in other institutions of higher learning.
- 27 (15) Approve the internal procedures of student  
28 government organizations and provide purchasing, contracting,  
29 and budgetary review processes for these organizations.  
30  
31

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

4       (17) Maintain all data and information pertaining to  
5 the operation of the university, and report on the attainment  
6 by the university of institutional and statewide performance  
7 accountability goals.

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

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

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

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 at-risk birth-to-kindergarten  
29 population and shall not be construed as part of the seamless  
30 K-20 education system until the administration of the uniform  
31 screening system upon entry into kindergarten.

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

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

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

15       (4) Notwithstanding any provision of law to the  
16 contrary, the Florida Partnership for School Readiness shall  
17 be assigned to the Agency for Workforce Innovation for  
18 administrative purposes. The Agency for Workforce Innovation  
19 shall prepare a plan that provides for the distribution and  
20 expenditure of all school readiness funds based upon a  
21 performance funding formula. The plan shall be submitted to  
22 the Governor and the Legislative Budget Commission. Upon  
23 approval, the Legislative Budget Commission shall authorize  
24 the transfer of funds to the Agency for Workforce Innovation  
25 for distribution in accordance with the provisions of the  
26 formula. The partnership shall:

27       (a) Coordinate the many services that at-risk children  
28 from birth to age 5 are eligible to receive, and the  
29 programmatic, administrative, and fiscal standards for all  
30 school readiness programs.

31

1       (b) Continue to provide the unified leadership for  
2 school readiness through the local school readiness  
3 coalitions.

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

6       (5) The Department of Education shall implement the  
7 uniform school readiness screening instrument recommended by  
8 the partnership and incorporate school readiness data into the  
9 K-20 data warehouse for longitudinal tracking. The department  
10 shall provide the partnership with complete and full access to  
11 kindergarten uniform screening data at the student, school,  
12 district, and state levels in a format that will enable the  
13 partnership to prepare reports needed by state policymakers  
14 and local school readiness coalitions to assess progress  
15 toward school readiness goals and provide input for continuous  
16 improvement of local school readiness services and programs.

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

19       229.0084 Legislative findings and intent.--It is the  
20 finding of the Legislature that student achievement, from  
21 kindergarten through graduate school, is dependent upon a  
22 number of factors, including the quality of schools, the  
23 quality of instruction, and the personal efforts and  
24 responsibilities of the students and their parents. Nothing  
25 contained in Florida law shall make the state or local school  
26 districts the guarantors that students will fully avail  
27 themselves of the opportunities provided them to attain high  
28 academic achievement.

29       Section 18. Section 228.082, Florida Statutes, is  
30 amended to read:

31       228.082 The Florida Virtual ~~On-Line~~ High School.--

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

9           (b) The mission of the Florida Virtual High School is  
10 to provide students with high-quality technology-based  
11 educational opportunities to gain the knowledge and skills  
12 necessary to succeed in the 21st century. The school shall  
13 serve primarily as an option for:

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

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

20  
21 The board of trustees of the Florida Virtual High School shall  
22 identify appropriate performance measures and standards based  
23 on student achievement that reflect the school's statutory  
24 mission and priorities, and shall implement an accountability  
25 system for the school that includes assessment of its  
26 effectiveness and efficiency in providing quality services  
27 that encourage high student achievement, seamless  
28 articulation, and maximum access.

29           (2) The Florida Virtual ~~On-Line~~ High School shall be  
30 governed by a board of trustees comprised of seven members  
31 appointed by the Governor to 4-year staggered terms, one of

1 whom shall be the current chair of the Florida High School  
2 Advisory Board and one of whom shall be a representative of  
3 the fiscal agent, and one of whom shall be the Chief  
4 Information Officer or ~~his~~ designee from the State Technology  
5 Office ~~pursuant to ch. 2000-164, Laws of Florida~~. The board  
6 shall be a public agency entitled to sovereign immunity  
7 pursuant to s. 768.28, and board members shall be public  
8 officers who shall bear fiduciary responsibility for the  
9 Florida Virtual On-Line High School. The board of trustees  
10 shall have the following powers and duties:

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

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

18 2.(c) The fiscal year for the Florida Virtual On-Line  
19 High School shall be the state fiscal year as provided in s.  
20 216.011(1)(n).

21 (b) The board of trustees shall be responsible for the  
22 Florida Virtual High School's development of a  
23 state-of-the-art technology-based education delivery system  
24 that is cost-effective, educationally sound, marketable, and  
25 capable of sustaining a self-sufficient delivery system  
26 through the Florida Education Finance Program, by fiscal year  
27 2003-2004. Beginning in fiscal year 2002-2003, the school  
28 shall collect FTE for home-schooled students.

29 (c)(d) The board of trustees shall aggressively seek  
30 avenues to generate revenue to support its future endeavors,  
31 and shall enter into agreements with distance learning

1 providers. The board of trustees ~~and~~ may acquire, enjoy, use,  
2 and dispose of patents, copyrights, and trademarks and any  
3 licenses and other rights or interests thereunder or therein.  
4 Ownership of all such patents, copyrights, trademarks,  
5 licenses, and rights or interests thereunder or therein shall  
6 vest in the state, with the board having full right of use and  
7 full right to retain the revenues derived therefrom. Any funds  
8 realized from patents, copyrights, trademarks, or licenses  
9 shall be used to support the school's research and development  
10 activities in order to improve courseware and services to its  
11 students.

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

21 ~~(e)(f)~~ In accordance with law and rules of the Florida  
22 Board of Education, the board of trustees shall administer and  
23 maintain personnel programs for all employees of the board of  
24 trustees and the Florida Virtual ~~On-Line~~ High School. The  
25 board of trustees may adopt rules, policies, and procedures  
26 related to the appointment, employment, and removal of  
27 personnel.

28 1. The board of trustees shall determine the  
29 compensation, including salaries and fringe benefits, and  
30 other conditions of employment for such personnel.

31

1           2. The board of trustees may establish and maintain a  
2 personnel loan or exchange program by which persons employed  
3 by the board for the Florida Virtual ~~On-Line~~ High School as  
4 academic administrative and instructional staff may be loaned  
5 to, or exchanged with persons employed in like capacities by,  
6 public agencies either within or without this state, or by  
7 private industry. With respect to public agency employees, the  
8 program authorized by this subparagraph shall be consistent  
9 with the requirements of part II of chapter 112. The salary  
10 and benefits of board personnel participating in the loan or  
11 exchange program shall be continued during the period of time  
12 they participate in a loan or exchange program, and such  
13 personnel shall be deemed to have no break in creditable or  
14 continuous service or employment during such time. The salary  
15 and benefits of persons participating in the personnel loan or  
16 exchange program who are employed by public agencies or  
17 private industry shall be paid by the originating employers of  
18 those participants, and such personnel shall be deemed to have  
19 no break in creditable or continuous service or employment  
20 during such time.

21           3. The employment of all Florida Virtual ~~On-Line~~ High  
22 School academic administrative and instructional personnel  
23 shall be subject to rejection for cause by the board of  
24 trustees, and shall be subject to policies of the board of  
25 trustees relative to certification, tenure, leaves of absence,  
26 sabbaticals, remuneration, and such other conditions of  
27 employment as the board deems necessary and proper, not  
28 inconsistent with law.

29           4. Each person employed by the board of trustees in an  
30 academic administrative or instructional capacity with the  
31



1 Florida Virtual ~~On-Line~~ High School shall be entitled to a  
2 contract as provided by rules of the board.

3           5. All employees except temporary, seasonal, and  
4 student employees may be state employees for the purpose of  
5 being eligible to participate in the Florida Retirement System  
6 and receive benefits. The classification and pay plan,  
7 including terminal leave and other benefits, and any  
8 amendments thereto, shall be subject to review and approval by  
9 the Department of Management Services and the Executive Office  
10 of the Governor prior to adoption. In the event that the board  
11 of trustees assumes responsibility for governance pursuant to  
12 this section before approval is obtained, employees shall be  
13 compensated pursuant to the system in effect for the employees  
14 of the fiscal agent.

15           (f)(g) The board of trustees shall establish  
16 priorities for admission of students in accordance with  
17 paragraph (1)(b).

18           (g)(h) The board of trustees shall establish and  
19 distribute to all school districts and high schools in the  
20 state procedures for enrollment of students into courses  
21 offered by the Florida Virtual ~~On-Line~~ High School. Such  
22 procedures shall be designed to minimize paperwork and fairly  
23 resolve the issue of double funding students taking courses  
24 online maximize participation by students.

25           (h)(i) The board of trustees shall annually submit to  
26 the Florida Board ~~Department~~ of Education both forecasted and  
27 actual enrollments for the Florida Virtual ~~On-Line~~ High  
28 School, according to procedures established by the Florida  
29 Board ~~Department~~ of Education. At a minimum, such procedures  
30 must include the number of public, private, and home school  
31 students served by district.

1            ~~(i)(j)~~ The board of trustees shall provide for the  
2 content and custody of student and employee personnel records.  
3 Student records shall be subject to the provisions of s.  
4 228.093. Employee records shall be subject to the provisions  
5 of s. 231.291.

6            ~~(j)(k)~~ The financial records and accounts of the  
7 Florida Virtual ~~On-Line~~ High School shall be maintained under  
8 the direction of the board of trustees and under regulations  
9 prescribed by the Florida ~~State~~ Board of Education for the  
10 uniform system of financial records and accounts for the  
11 schools of the state.

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

30            (3)(a) Until fiscal year 2003-2004, the Commissioner  
31 of Education shall include the Florida Virtual ~~On-Line~~ High

1 School as a grant-in-aid appropriation in the department's  
2 legislative budget request to the Florida State Board of  
3 Education, the Governor, and the Legislature, ~~,-~~

4 ~~(a) subject to any guidelines imposed in the General~~  
5 ~~Appropriations Act, funds for the operation of the Florida~~  
6 ~~On-Line High School shall be requested and appropriated within~~  
7 ~~the Department of Education as a grant-in-aid category until~~  
8 ~~such time as the Legislature authorizes a different funding~~  
9 ~~mechanism.~~

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

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

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

19 (5) ~~By January 1, 2001,~~The board of trustees shall  
20 annually submit to the Governor, the Legislature, the  
21 Commissioner of Education, and the Florida Board of Education  
22 ~~Reorganization Transition Commission~~ a complete and detailed  
23 report setting forth:

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

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

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

1           (d) A copy of an annual financial and compliance audit  
2 of the accounts and records of the Florida Virtual ~~On-Line~~  
3 High School, conducted by an independent certified public  
4 accountant and performed in accordance with rules adopted by  
5 the Auditor General.

6           (e) Recommendations regarding the unit cost of  
7 providing services to students. In order to most effectively  
8 develop public policy regarding any future funding of the  
9 Florida Virtual ~~On-Line~~ High School, it is imperative that the  
10 cost of the program is accurately identified. The identified  
11 cost of the program must be based on reliable data ~~and reflect~~  
12 ~~the costs associated with maintaining a state-of-the-art~~  
13 ~~on-line high school, including the costs associated with~~  
14 ~~maintaining a high-quality research and development effort to~~  
15 ~~locate and assimilate, or develop, Internet-based courses.~~

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

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

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

26           Section 19. The Department of Education shall maximize  
27 the available federal indirect cost allowed on all federal  
28 grants. Beginning with the 2002-2003 fiscal year, none of the  
29 funds received from indirect cost allowance shall be expended  
30 by the department without specific appropriation by the  
31 Legislature.

1           Section 20. Effective June 30, 2002, section 229.085,  
2 Florida Statutes, is repealed.

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

6           Section 22. Except as otherwise provided herein, this  
7 act shall take effect upon becoming a law.

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HOUSE SUMMARY

Revises the policy and guiding principles of the Legislature relating to education governance and revises the timeframe for education governance reorganization.

Revises the titles and duties of the education governance officers. Revises the membership and duties of university boards of trustees. Abolishes the Board of Regents, the State Board of Community Colleges, and the Postsecondary Education Planning Commission. Transfers the powers and duties of the Board of Regents to the Florida Board of Education, of the State Board of Community Colleges to the Florida Board of Education, and of the Postsecondary Education Planning Commission to the Education K-20 Policy and Research Commission, respectively. Transfers the Articulation Coordinating Committee and the Education Standards Commission by type two transfer from the Department of Education to the Florida Board of Education. Creates the Education K-20 Policy and Research Commission within OPPAGA and establishes the membership and duties of the commission. Requires the Commissioner of Education to reorganize the Department of Education. Revises the timeframe for the creation of the Florida Board of Education and revises the duties and responsibilities of the board.

Deletes obsolete language relating to the creation and already-accomplished duties of the Education Governance Reorganization Task Force. Requires the task force to provide guidance and monitoring of the reorganization implementation process and to report to the Governor, the Legislature, and the public on its progress. Revises the timeframe and recipients of the final report of the task force.

Establishes guidelines for the implementation, structure, functions, and organization of Florida's K-20 education system. Establishes duties of the Florida Board of Education relating to the transition and implementation of the K-20 system. Establishes Florida's K-20 education performance accountability system. Provides legislative intent, mission, goals, and systemwide measures. Establishes a reorganization implementation process.

Requires the Governor to appoint university boards of trustees and a Florida Board of Education. Provides membership and duties of boards of trustees of universities in the State University System. Establishes powers and duties of university presidents.

Requires the Florida Board of Education to appoint advisory bodies as necessary, and develop and recommend to the Legislature a new School Code.

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Provides legislative intent regarding the School Readiness Act. Clarifies responsibilities of the Florida Partnership for School Readiness, the Department of Education, and parents relating to school readiness.

Provides a statement of legislative finding and intent regarding liability for overall kindergarten through graduate school student achievement.

Revises the name of the Florida On-Line High School to the Florida Virtual High School, which school shall be housed within the Commissioner of Education's Office of Technology and Information Services and monitored by the commissioner. States the mission of the Florida Virtual High School, deletes obsolete language, and revises the duties of the school's board of trustees.

Requires the Department of Education to maximize federal indirect cost allowed on federal grants. Requires appropriation for expenditure of funds received from indirect cost allowance.

See bill for details.