

By the Committee on Colleges & Universities and
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, 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 Florida Board of Education to
10 appoint advisory bodies as necessary, and
11 develop and recommend to the Legislature a new
12 School Code; requiring the Commissioner of
13 Education to work with the Florida Board of
14 Education to achieve full implementation of the
15 seamless K-20 system and to commence
16 reorganization of the department as required by
17 the act; creating s. 229.0073, F.S.;
18 establishing the commissioner's Education
19 Reorganization Workgroup to direct and oversee
20 reorganization of the Department of Education;
21 providing requirements for reorganization to
22 include the establishment of offices and
23 divisions; transferring the SMART Schools
24 Clearinghouse to the Office of Educational
25 Facilities and SMART Schools Clearinghouse
26 within the Office of the Commissioner of
27 Education; creating s. 229.0074, F.S.;
28 establishing the mission of the Division of
29 Independent Education; providing duties of the
30 executive director; combining and transferring
31 the powers and duties of the State Board of

1 Independent Colleges and Universities and the
2 State Board of Nonpublic Career Education, with
3 an exception, to the Commission for Independent
4 Education; providing duties of the commission;
5 creating s. 229.008, F.S.; providing for
6 establishment and membership of boards of
7 trustees of universities in the State
8 University System; creating s. 229.0081, F.S.;
9 establishing powers and duties of university
10 boards of trustees; creating s. 229.0082, F.S.;
11 establishing powers and duties of university
12 presidents; creating s. 229.0083, F.S.;
13 providing legislative intent regarding the
14 School Readiness Act; clarifying and providing
15 responsibilities of the Florida Partnership for
16 School Readiness, the Department of Education,
17 and parents relating to school readiness;
18 assigning the Florida Partnership for School
19 Readiness to the Agency for Workforce
20 Innovation for administrative purposes;
21 requiring a plan for distribution and
22 expenditure of school readiness funds; creating
23 s. 229.0084, F.S.; providing a statement of
24 legislative findings and intent regarding
25 liability for student achievement and the
26 autonomy of independent K-12 schools and home
27 education programs; amending s. 228.082, F.S.;
28 revising the name of the Florida On-Line High
29 School to the Florida Virtual High School,
30 which school shall be housed within the
31 Commissioner of Education's Office of

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

1 WHEREAS, in response to Floridians' amendment of s. 2,
2 Art. IX of the State Constitution requiring a seven-member
3 state board of education appointed by the Governor to
4 staggered 4-year terms, subject to confirmation by the Senate,
5 which "shall appoint the commissioner of education," the 2000
6 Legislature enacted the "Florida Education Governance
7 Reorganization Act of 2000" (chapter 2000-321, Laws of
8 Florida), and

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

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

29
30 Be It Enacted by the Legislature of the State of Florida:
31

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

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

6 Section 2. Section 229.002, Florida Statutes, is
7 amended to read:

8 229.002 Declaration of policy and guiding
9 principles.--

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

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

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

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

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

29 (e) To provide for devolution of authority to the
30 schools, community colleges, universities, and other education
31 institutions that are the actual deliverers of educational

1 services in order to provide student-centered education
2 services within the clear parameters of the overarching
3 education policy established by the Legislature.

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

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

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

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

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

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

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

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

23 229.003 Florida education governance reorganization.--

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

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

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

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

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

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

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

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

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

22 ~~(4)(5)~~ Effective January 7, 2003, The Governor shall
23 appoint for each university in the State University System, an
24 11-member a nine-member board of trustees, which shall be a
25 body corporate with all the powers of a body corporate. In
26 addition to the 11 members, a student body president shall
27 serve as an ex officio nonvoting member of the board of
28 trustees. There shall be no state residency requirement for
29 university board members, but the Governor shall consider
30 regional representatives, as appropriate ~~All members of the~~
31 ~~board of trustees of Florida Atlantic University must reside~~

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

5 (5) Effective July 1, 2001:

6 (a) The Board of Regents is abolished.

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

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

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

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

26 (f) The Education K-20 Policy and Research Commission
27 is created and assigned for administrative purposes to the
28 Office of Program Policy Analysis and Government
29 Accountability (OPPAGA).

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

1 Planning Commission are transferred to the Education K-20
2 Policy and Research Commission.

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

1 ~~(n) The Division of Universities of the Department of~~
2 ~~Education.~~

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

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

7 229.0031 Education K-20 Policy and Research
8 Commission.--Effective July 1, 2001, the Education K-20 Policy
9 and Research Commission shall be created, which shall be
10 administratively housed within the Office of Program Policy
11 Analysis and Government Accountability (OPPAGA).
12 Administrative functions of the commission shall be provided
13 by the Office of Legislative Services pursuant to joint
14 policies of the Legislature.

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

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

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

11 (3) The commission shall:

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

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

23 (c) Explore national, state, and local emerging
24 issues.

25 (d) Identify successful and innovative educational
26 programs.

27 (e) Prepare and submit for approval to the
28 Commissioner of Education and the Florida Board of Education a
29 long-range master plan for the seamless K-20 education system,
30 and review and report annually on the plan's implementation,
31 success, and recommended revision.

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

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

5 229.004 Florida Board of Education.--

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

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

21 (2) The primary duties of the board shall be to
22 establish education goals and objectives consistent with the
23 policies and guiding principles of s. 229.002 and the mission
24 and goals of s. 229.007 and, together with the Commissioner of
25 Education, to oversee the implementation of and enforce
26 compliance with the education policies established by the
27 Legislature. The board, and the commissioner, shall establish,
28 operate, and maintain optimal efficiency of an Office of the
29 Commissioner of Education pursuant to s. 229.0061(2)(c) in
30 accordance with the guidelines of ss. 229.0061 and 229.0073
31 ~~Board of Education.~~

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

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

7 (b) Establish and aggressively enforce efficient and
8 effective performance management objectives.

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

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

14 (e) Adopt cohesive rules, within statutory authority,
15 for education systemwide issues, including rules governing
16 systemwide access to educational opportunities, and ensure
17 that rules adopted for the various education delivery systems
18 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, within the guidelines of ss. 229.0061 and 229.0073,
10 and to achieve the mission and goals of s. 229.007 ~~and Career~~
11 ~~Preparation.~~

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 within the guidelines of ss. 229.0061 and 229.0073 ~~Services.~~

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

19 229.005 Florida education governance officers.--

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

1 education policy and planning direction, program development,
2 performance management, and funding allocation recommendations
3 across the spectrum of kindergarten through graduate school
4 education. The commissioner shall serve as secretary of the
5 Florida Board of Education and as chief executive officer of
6 the seamless K-20 education system., ~~and the ability to~~
7 ~~achieve and safeguard the will of the people of Florida as~~
8 ~~expressed in s. 1, Art. IX of the Florida Constitution, that~~
9 ~~"adequate provision shall be made by law for a uniform,~~
10 ~~efficient, safe, secure, and high quality system of free~~
11 ~~public schools that allows students to obtain a high quality~~
12 ~~education and for the establishment, maintenance, and~~
13 ~~operation of institutions of higher learning and other public~~
14 ~~education programs that the needs of the people may require."~~

15 (2) CHANCELLOR OF PUBLIC SCHOOLS K-12 EDUCATION.--The
16 Chancellor of Public Schools K-12 Education shall be appointed
17 by the Commissioner of Education based on his or her ability
18 to work as a division vice president of the seamless K-20
19 education system with the Florida Board of Education and the
20 other education governance officers to comply with the
21 policies and guiding principles of s. 229.002, to achieve the
22 mission and goals of s. 229.007, to enhance the quality of
23 public K-12 education in Florida, and to maximize the equity
24 of public K-12 education in Florida by moving the focus to the
25 school site and the individual student., ~~and to achieve and~~
26 ~~safeguard the will of the people of Florida as expressed in s.~~
27 ~~1, Art. IX of the Florida Constitution, that "adequate~~
28 ~~provision shall be made by law for a uniform, efficient, safe,~~
29 ~~secure, and high quality system of free public schools that~~
30 ~~allows students to obtain a high quality education. . . ."~~

31

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

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

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

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

28 (a) Five members appointed by the Governor;

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

31

1 (c) Three members appointed by the Speaker of the
2 House of Representatives.

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

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

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

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

30 ~~2. Devolving the education delivery services and~~
31 ~~operational decisions to the appropriate location of delivery~~

1 ~~to students, specifically the schools, community colleges,~~
2 ~~colleges, universities, area technical centers, and other~~
3 ~~education institutions or places where the students receive~~
4 ~~their education.~~

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

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

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

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

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

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

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

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

29 ~~(a) Standards, definitions, and guidelines for~~
30 ~~universities, colleges, community colleges, schools, and other~~
31 ~~education institutions to ensure the quality of education,~~

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 establish education policy, enact education
19 laws, and appropriate and allocate education resources. The
20 Florida 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. Any program recommended by the Florida Board of
7 Education which requires state funding for more than 1 year
8 must be presented in a multiyear budget plan.
 - 9 3. Adopt long-term and short-term education plans.
 - 10 4. Enforce education accountability standards and
11 measures of all components of the K-20 education system.
 - 12 5. Accurately and continuously assess data and monitor
13 and report performance.
 - 14 6. Provide high-quality assistance and intervention
15 when and where needed.
 - 16 7. Provide timely and accurate information on all
17 public and independent education services.
 - 18 8. Recommend to the Legislature the missions of the
19 public colleges and universities and community colleges.
- 20 (c) Commissioner of Education.--The Commissioner of
21 Education shall serve as secretary and executive director of
22 the Florida Board of Education and as chief executive officer
23 of Florida's seamless K-20 education system. The commissioner
24 shall propose action on all issues that come before the board
25 and be responsible for enforcing compliance with the mission
26 and goals of the seamless K-20 education system by all
27 education delivery sectors. The commissioner's office shall
28 operate all statewide functions necessary to support the
29 Florida Board of Education and the seamless K-20 education
30 system, including the following areas:
- 31 1. Legal.

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

1 responsibilities of the board and the commissioner and bear
2 primary responsibility for the achievement of the mission and
3 goals of the K-20 education system by their education delivery
4 sectors, as applicable to their sectors. They shall reinforce
5 the policies and principles of the seamless K-20 education
6 system in every venue and at every opportunity, and work
7 together to facilitate horizontal communications and
8 interactions between the education delivery sectors.
9 Specifically, as applicable, each education governance officer
10 shall:
11 1. Serve as the head of the division.
12 2. Supervise all employees and work of the division.
13 3. Properly and timely inform education institutions
14 and the public as to legislative action, including funding,
15 grant opportunities, and substantive policy changes affecting
16 the division.
17 4. Direct the review of expenditures of public funds
18 in accordance with legislative intent.
19 5. Evaluate the performance of each education
20 institution under the division and report performance results
21 to the public, the Legislature, the Commissioner of Education,
22 the Florida Board of Education, and the institution and its
23 governing board.
24 6. Direct institutional governing boards to take
25 corrective action to improve unsatisfactory performance
26 pursuant to law and rules of the Florida Board of Education.
27 7. Direct and oversee the development of the
28 division's accountability system and recommend changes to the
29 Commissioner of Education and the Florida Board of Education.
30
31

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

4 9. Direct the provision of state services to
5 institutions under the division.

6 10. Direct the development of the division's
7 legislative budget request and work cooperatively with the
8 commissioner and other governance officers to develop a
9 unified budget request.

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

12 (e) Institutional boards of trustees and school
13 boards.--Each institutional board of trustees and school board
14 shall:

15 1. Provide strategic planning and budget development
16 for their institution or school district.

17 2. Implement and maintain high-quality education
18 programs within law and rules of the Florida Board of
19 Education.

20 3. Measure and enforce performance.

21 4. Provide timely and accurate reporting of
22 information.

23 5. Provide direct input on education issues to the
24 education governance officers.

25 6. Have broad latitude within law and rules of the
26 Florida Board of Education in developing local policies and
27 local programs to meet the needs of their students, their
28 communities, and area employers.

29 7. Hold presidents and appointed superintendents
30 responsible for institution and school performance.

31

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

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

6 (f) Presidents and superintendents.--Each
7 institutional president and school district superintendent
8 shall:

9 1. Be responsible for efficient and effective budget
10 and program administration.

11 2. Provide strong leadership to accomplish their
12 education missions and goals.

13 3. Closely monitor education performance.

14 4. Provide timely and accurate financial and
15 performance data.

16 5. Link instructional staff evaluations to student
17 performance.

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

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

28 229.007 Florida's K-20 education performance
29 accountability system; legislative intent; mission, goals, and
30 systemwide measures.--

31

1 (1) LEGISLATIVE INTENT.--It is the intent of the
2 Legislature that:
3 (a) The performance accountability system implemented
4 to assess the effectiveness of Florida's seamless K-20
5 education delivery system provide answers to the following
6 questions in relation to its mission and goals:
7 1. What is the public getting in return for funds it
8 invests in education?
9 2. How is Florida's K-20 education system performing
10 in terms of educating its students?
11 3. How are the major delivery sectors performing to
12 promote student achievement?
13 4. How are individual schools and postsecondary
14 education institutions performing their responsibility to
15 educate their students as measured by how students are
16 performing and how much they are learning?
17 (b) The Florida Board of Education recommend to the
18 Legislature systemwide performance standards; the Legislature
19 establish systemwide performance measures and standards; and
20 the systemwide measures and standards provide Floridians with
21 information on what the public is getting in return for the
22 funds it invests in education and how well the K-20 system
23 educates its students.
24 (c) The Florida Board of Education establish
25 performance measures and set performance standards for
26 individual components of the public education system,
27 including individual schools and postsecondary education
28 institutions, which measures and standards are based primarily
29 on student achievement.
30 (2) MISSION, GOALS, AND SYSTEMWIDE MEASURES.--The
31 mission of Florida's K-20 education system, when it becomes

1 fully operational, shall be to increase the proficiency of all
2 students within one seamless, efficient system, by providing
3 them with the opportunity to expand their knowledge and skills
4 through learning opportunities and research valued by
5 students, parents, and communities, and to maintain an
6 accountability system that measures student progress toward
7 the following goals:

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

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

26 (c) Skilled workforce and economic development, as
27 measured by: the number and percentage of graduates employed
28 in their areas of preparation; the percentage of Floridians
29 with high school diplomas and postsecondary education
30 credentials; the percentage of business and community members
31

1 who find that Florida's graduates possess the skills they
2 need; and other measures identified in law or rule.

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

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

12 229.0072 Reorganization implementation process.--In
13 order to best achieve the legislative purpose of the Florida
14 Education Governance Reorganization Implementation Act:

15 (1) The Governor shall appoint the members of the
16 boards of trustees of the state universities in accordance
17 with s. 229.008.

18 (2) Effective July 1, 2001, the Governor shall appoint
19 a seven-member Florida Board of Education. The Florida Board
20 of Education shall be housed within, and operate under the
21 direction of, the State Board of Education.

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

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

28 (a) Adopt rules pursuant to ss. 120.536(1) and 120.54
29 to implement provisions of law conferring duties upon it. The
30 rules shall be submitted to the State Board of Education. If
31 any rule is not disapproved by the State Board of Education

1 within 45 days after its receipt, the rule shall be filed
2 immediately with the Department of State.

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

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

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

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

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

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

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

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

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

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

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

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

5 (m) Appoint advisory bodies, as necessary, on an ad
6 hoc basis.

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

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

18 (5) Effective July 1, 2001, the Commissioner of
19 Education shall:

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

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

29 (c) As a member of the State Board of Education,
30 determine the agenda for the Florida Board of Education and
31 provide the Florida Board of Education and the State Board of

1 Education the full support of the reorganized Department of
2 Education.
3 Section 11. Section 229.0073, Florida Statutes, is
4 created to read:
5 229.0073 Reorganization of the Department of
6 Education.--Effective July 1, 2001, notwithstanding the
7 provisions of s. 20.15, the commissioner's Education
8 Reorganization Workgroup is established to direct and provide
9 oversight for the reorganization of Florida's K-20 Department
10 of Education. The workgroup shall be comprised of the
11 Commissioner of Education, the Governor or his designee, the
12 Chancellor of Colleges and Universities, the Chancellor of
13 Community Colleges, the Chancellor of Public Schools, and the
14 Executive Director of Independent Education, who shall consult
15 with the legislative members of the Education Governance
16 Reorganization Transition Task Force. The reorganization
17 shall:
18 (1) Eliminate duplication across divisions; achieve
19 greater efficiencies in financial and human resources and
20 education services; and identify functions, resources, and
21 services that should be eliminated, transferred, or realigned.
22 (2) Include a review and assessment of all bureaus,
23 offices, divisions, and functions of the department
24 reorganized pursuant to this section.
25 (3) Establish an Office of the Commissioner of
26 Education that includes the general areas of operation that
27 are common to all delivery sectors, such as administration,
28 communication, legal services, financial aid, and government
29 and public relations, in order to increase efficiency, improve
30 service delivery to students, and fully support the
31 operational needs of the Florida Board of Education.

1 (4) Establish the following divisions within the
2 department:

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

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

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

21 (d) Division of Independent Education.--The
22 independent education providers within the state, including
23 home education programs that meet the requirements of s.
24 232.0201, private K-12 institutions as described in s.
25 229.808, independent colleges and universities, except those
26 identified under paragraph (c), and private postsecondary
27 career preparation and vocational training institutions.

28 1. The division shall be under an executive director
29 and shall house a new commission, appointed by the Governor,
30 to oversee licensing of independent postsecondary
31 institutions, consumer protection, and program improvement.

1 The commission shall have the powers and duties of the State
2 Board of Independent Colleges and Universities specified in
3 chapter 246, except the powers and duties relating to those
4 institutions identified under paragraph (c), and of the State
5 Board of Nonpublic Career Education.

6 2. The division shall serve as the advocate for and
7 liaison to the independent education providers identified in
8 this paragraph.

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

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

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

18 (a) Office of Technology and Information
19 Services.--The office shall be responsible for developing a
20 systemwide technology plan, making budget recommendations to
21 the commissioner, providing data collection and management for
22 the system, and coordinating services with other state, local,
23 and private agencies. The office shall develop a method to
24 address the need for a statewide approach to planning and
25 operations of library and information services to achieve a
26 single K-20 education system library information portal and a
27 unified higher education library management system. The
28 Florida Virtual High School shall be administratively housed
29 within the office.

30 (b) Office of Workforce and Economic Development.--The
31 office shall evaluate the role of each sector of education in

1 Florida's workforce and economic development, assess the
2 specific work skills and variety of careers provided, and
3 report to the Florida Board of Education the effectiveness of
4 each sector.

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

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

21 Section 12. Section 229.0074, Florida Statutes, is
22 created to read:

23 229.0074 Division of Independent Education.--

24 (1) The mission of the Division of Independent
25 Education is to enhance the opportunity to raise the
26 educational attainment levels of students pursuing their
27 education in nongovernment settings by representing their
28 interests, and those of the institutions that serve them, in
29 the Department of Education. The Division of Independent
30 Education has no authority over the institutions or students
31 in Florida's independent education sector. The Commission for

1 Independent Education, administratively housed within the
2 division, shall have such authority as specified in chapter
3 246 relating to independent postsecondary education, except
4 regarding those institutions described in s. 229.0073(4)(c).
5 The division shall serve as the advocate for, and liaison to,
6 independent education providers and institutions, including
7 home education programs that meet the requirements of s.
8 232.0201, private K-12 institutions as described in s.
9 229.808, independent colleges and universities except as
10 otherwise provided in s. 229.0073(4)(c), and private
11 postsecondary career preparation/vocational training
12 institutions.

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

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

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

25 (c) Participate with the other division heads in key
26 education decisionmaking processes.

27 (d) Monitor and participate in rulemaking and other
28 activities relevant to the interests of the independent
29 education sector.

30 (e) Serve as a key spokesperson for the independent
31 education sector.

1 (f) Advocate for any necessary educational services
2 and funds for independent education sector families and
3 schools.

4 (g) Establish a clearinghouse of information.

5 (h) Foster a collaborative spirit and working
6 relationship among the institutions of the private and public
7 sectors.

8 (i) Identify and convey the best practices of the
9 independent education sector for the benefit of the other
10 education delivery sectors, and vice versa.

11 (j) Augment, where appropriate, the efforts of groups
12 representing the students and providers of independent
13 education to communicate their concerns to government.

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

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

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

22 (n) Communicate relevant decisions to the independent
23 education sector.

24 (o) Establish and oversee the division staff necessary
25 to carry out the division's functions in the most economical
26 and effective manner.

27 (p) Evaluate pending policies to ensure they do not
28 place additional regulation or mandates on the independent
29 education community.

30 (3) The powers and duties of the State Board of
31 Independent Colleges and Universities and the State Board of

1 Nonpublic Career Education, except as relating to any
2 independent nonprofit college or university whose students are
3 eligible to receive the William L. Boyd, IV, Florida resident
4 access grants pursuant to s. 240.605, shall be combined and
5 transferred to a single board named the Commission for
6 Independent Education, which shall be administratively housed
7 within the division. This single board shall authorize
8 granting of certificates, diplomas, and degrees for
9 independent postsecondary education institutions through
10 exemption, registration authorization, and licensing.

11 (4) The establishment of the Division of Independent
12 Education shall not be construed to advance the extension or
13 expansion of government regulation on independent or home
14 education programs.

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

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

19 (1)(a) Effective July 1, 2001, and no later than
20 November 1, 2001, the Governor shall appoint an 11-member
21 board of trustees for each university in the State University
22 System, each member to be confirmed by the Senate in regular
23 session. In addition, a student body president shall serve as
24 an ex officio nonvoting member of his or her university board
25 of trustees. There shall be no state residency requirement for
26 university board members, but the Governor shall consider
27 regional representatives, as appropriate. Members of the
28 boards of trustees shall receive no compensation but may be
29 reimbursed for travel and per diem expenses as provided in s.
30 112.061.

31

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

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

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

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

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

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

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

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

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

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

28 (2) Notwithstanding the provisions of chapter 240,
29 each university board of trustees may adopt rules and policies
30 consistent with the university mission, with law, and with
31

- 1 rule of the Florida Board of Education, including rules and
2 policies for the following:
- 3 (a) Selecting the president to serve at the pleasure
4 of the board and perform such duties as are assigned by the
5 board or otherwise provided by law or by rule.
- 6 (b) Fixing the compensation and other conditions of
7 employment of the president.
- 8 (c) Conducting periodic evaluations of the president,
9 submitting such evaluations to the Chancellor for review, and
10 suspending or removing the president in accordance with
11 guidelines established by the Chancellor.
- 12 (d) Appointing a presidential search committee to make
13 recommendations to the full board of trustees, from which the
14 board shall select a candidate for reference to the Chancellor
15 and ratification by the Florida Board of Education.
- 16 (e) In consultation with the university president,
17 defining and developing a strategic plan for the university
18 for recommendation to the Chancellor, the Commissioner of
19 Education, and the Florida Board of Education, as provided by
20 law, specifying institutional goals and objectives.
- 21 (f) In consultation with the university president,
22 providing for academic freedom and academic responsibility at
23 the university.
- 24 (g) In consultation with the university president,
25 submitting an institutional budget request, including a
26 request for fixed capital outlay, to the Chancellor in
27 accordance with guidelines established by the Florida Board of
28 Education.
- 29 (h) Approving new, and terminating existing,
30 undergraduate and graduate degree programs up to and including
31

1 the master's degree level, based on criteria established by
2 the Florida Board of Education.

3 (i) Purchasing, acquiring, receiving, holding, owning,
4 managing, leasing, selling, disposing of, and conveying title
5 to real property, in accordance with rules and guidelines of
6 the Florida Board of Education.

7 (j) Entering into agreements for and accepting credit
8 card, charge card, and debit card payments as compensation for
9 goods, services, tuition, and fees.

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

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

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

31

1 (n) Establishing and maintaining a personnel exchange
2 program.

3 (o) Governing admission of students subject to the
4 rules of the Florida Board of Education.

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

10 (q) Ensuring compliance with federal laws,
11 regulations, and requirements.

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

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

27 (4) Notwithstanding the provisions of s. 216.351, a
28 state university board of trustees may authorize the rent or
29 lease of parking facilities, provided that such facilities are
30 funded through parking fees or parking fines imposed by a
31 university. A board of trustees may authorize a university to

1 charge fees for parking at such rented or leased parking
2 facilities.

3 (5) Effective July 1, 2002, within proviso in the
4 General Appropriations Act and law, each board of trustees
5 shall set university tuition and fees. The sum of the activity
6 and service, health, and athletic fees a student is required
7 to pay to register for a course shall not exceed 40 percent of
8 the matriculation fee established in law or in the General
9 Appropriations Act. No university shall be required to lower
10 any fee in effect on the effective date of this act in order
11 to comply with this subsection. Within the 40 percent cap,
12 universities may not increase the aggregate sum of activity
13 and service, health, and athletic fees more than 2 percent per
14 year unless specifically authorized in law or in the General
15 Appropriations Act. This subsection does not prohibit a
16 university from increasing or assessing optional fees related
17 to specific activities that are not required as a part of
18 registration for courses.

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

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

27 Section 15. Section 229.0082, Florida Statutes, is
28 created to read:

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

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

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

7 (7) Establish the internal academic calendar of the
8 university within general guidelines of the Florida Board of
9 Education.

10 (8) Administer the university's program of
11 intercollegiate athletics.

12 (9) Recommend to the board of trustees the
13 establishment and termination of undergraduate and
14 master's-level degree programs within the approved role and
15 scope of the university.

16 (10) Award degrees.

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

20 (12) Organize the university to efficiently and
21 effectively achieve the goals of the university.

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

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

30
31

1 (15) Approve the internal procedures of student
2 government organizations and provide purchasing, contracting,
3 and budgetary review processes for these organizations.

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

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

11 Section 16. Section 229.0083, Florida Statutes, is
12 created to read:

13 229.0083 School Readiness Act; legislative intent;
14 division of responsibilities.--

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

28 (2) It is the intent of the Legislature that school
29 readiness services shall be an integrated and seamless system
30 of services with a developmentally appropriate education
31 component for the state's at-risk birth-to-kindergarten

1 population and shall not be construed as part of the seamless
2 K-20 education system until the administration of the uniform
3 screening system upon entry into kindergarten.

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

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

15 (b) Create any obligation to provide publicly funded
16 pre-school programs or services beyond those authorized by the
17 Legislature.

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

30 (a) Coordinate the many services that at-risk children
31 from birth to age 5 are eligible to receive, and the

1 programmatic, administrative, and fiscal standards for all
2 school readiness programs.

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

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

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

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

21 229.0084 Legislative findings and intent.--

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

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

31

1 (2) Nothing contained in this act shall authorize the
2 state or any school district to regulate, control, or
3 interfere with the autonomy of independent K-12 schools or
4 home education programs, or their governance, curriculum,
5 accreditation, testing, or other practices.

6 Section 18. Section 228.082, Florida Statutes, is
7 amended to read:

8 228.082 The Florida Virtual ~~On-Line~~ High School.--

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

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

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

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

30
31

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

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

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

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

29 2.(c) The fiscal year for the Florida Virtual ~~On-Line~~
30 High School shall be the state fiscal year as provided in s.
31 216.011(1)(n).

1 (b) The board of trustees shall be responsible for the
2 Florida Virtual High School's development of a
3 state-of-the-art technology-based education delivery system
4 that is cost-effective, educationally sound, marketable, and
5 capable of sustaining a self-sufficient delivery system
6 through the Florida Education Finance Program, by fiscal year
7 2003-2004. Beginning in fiscal year 2002-2003, the school
8 shall collect FTE for home-schooled students.

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

23 (d)(e) The board of trustees shall annually prepare
24 and submit to the Florida Board of Education a legislative
25 budget request, including funding requests for computers for
26 public school students who do not have access to public school
27 computers, in accordance with chapter 216 and s. 235.41. The
28 legislative budget request of the Florida Virtual ~~On-Line~~ High
29 School shall be prepared using the same format, procedures,
30 and timelines required for the submission of the legislative
31 budget of the Department of Education.

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

8 1. The board of trustees shall determine the
9 compensation, including salaries and fringe benefits, and
10 other conditions of employment for such personnel.

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

31

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

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

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

25 ~~(f)~~~~(g)~~ The board of trustees shall establish
26 priorities for admission of students in accordance with
27 paragraph (1)(b).

28 ~~(g)~~~~(h)~~ The board of trustees shall establish and
29 distribute to all school districts and high schools in the
30 state procedures for enrollment of students into courses
31 offered by the Florida Virtual ~~On-Line~~ High School. Such

1 procedures shall be designed to minimize paperwork and fairly
2 resolve the issue of double funding students taking courses
3 online ~~maximize participation by students.~~

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

11 ~~(i)(j)~~ The board of trustees shall provide for the
12 content and custody of student and employee personnel records.
13 Student records shall be subject to the provisions of s.
14 228.093. Employee records shall be subject to the provisions
15 of s. 231.291.

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

22
23 The Governor shall designate the initial chair of the board of
24 trustees to serve a term of 4 years. Members of the board of
25 trustees shall serve without compensation, but may be
26 reimbursed for per diem and travel expenses pursuant to s.
27 112.061. The board of trustees shall be a body corporate with
28 all the powers of a body corporate and such authority as is
29 needed for the proper operation and improvement of the Florida
30 Virtual ~~On-Line~~ High School. The board of trustees is
31 specifically authorized to adopt rules, policies, and

1 procedures, consistent with law and rules of the Florida Board
2 of Education related to governance, personnel, budget and
3 finance, administration, programs, curriculum and instruction,
4 travel and purchasing, technology, students, contracts and
5 grants, and property as necessary for optimal, efficient
6 operation of the Florida Virtual On-Line High School. Tangible
7 personal property owned by the board of trustees shall be
8 subject to the provisions of chapter 273.

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

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

20 (b) The Orange County District School Board shall be
21 the temporary fiscal agent of the Florida Virtual On-Line High
22 School.

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

26 (4) Under no circumstance may the credit of the state
27 be pledged on behalf of the Florida Virtual On-Line High
28 School.

29 (5) ~~By January 1, 2001~~, The board of trustees shall
30 annually submit to the Governor, the Legislature, the
31 Commissioner of Education, and the Florida Board of Education

1 ~~Reorganization Transition Commission~~ a complete and detailed
2 report setting forth:

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

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

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

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

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

26 (f) Recommendations regarding an accountability
27 mechanism to assess the effectiveness of the services provided
28 by the Florida Virtual On-Line High School.

29 (6) The Auditor General may, pursuant to his or her
30 own authority, or at the direction of the Joint Legislative
31

1 Auditing Committee, conduct an audit of the Florida Virtual
2 ~~On-Line~~ High School.

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

6 Section 19. The Department of Education shall maximize
7 the available federal indirect cost allowed on all federal
8 grants. Beginning with the 2002-2003 fiscal year, none of the
9 funds received from indirect cost allowance shall be expended
10 by the department without specific appropriation by the
11 Legislature.

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

14 Section 21. Effective July 1, 2002, subsection (2) of
15 section 229.085, Florida Statutes, is amended to read:

16 229.085 Custody of educational funds.--

17 (2) There is created in the Department of Education
18 the Projects, Contracts, and Grants Trust Fund. ~~if, in~~
19 ~~executing the terms of such grants or contracts for specific~~
20 ~~projects, the employment of personnel shall be required, such~~
21 ~~personnel shall not be subject to the requirements of s.~~

22 ~~216.262(1)(a).~~ The personnel employed to plan and administer
23 grants or contracts for specific such projects shall be
24 considered in time-limited employment not to exceed the
25 duration of the grant or until completion of the project,
26 whichever first occurs. Such employees shall not acquire
27 retention rights under the Career Service System, the
28 provisions of s. 110.051(1) to the contrary notwithstanding.
29 Any employee holding permanent career service status in a
30 Department of Education position who is appointed to a
31 position under the Projects, Contracts, and Grants Trust Fund

1 shall retain such permanent status in the career service
2 position.

3 Section 22. Subsections (2), (4), and (5), paragraphs
4 (b), (c), and (d) of subsection (1), and paragraphs (a), (c),
5 (d), and (e) of subsection (3) of section 235.217, Florida
6 Statutes, are repealed.

7 Section 23. Sections 240.145, 240.147, 240.227,
8 240.307, subsection (2) of section 240.209, and subsection (4)
9 of section 240.311, Florida Statutes, are repealed.

10 Section 24. Except as otherwise provided herein, this
11 act shall take effect upon becoming a law.

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