

By the Council for Lifelong Learning and 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 trustees
15 and making appointees subject to Senate
16 confirmation; abolishing the Board of Regents,
17 the State Board of Community Colleges, and the
18 Postsecondary Education Planning Commission;
19 transferring the powers, duties, functions,
20 records, personnel, property, unexpended
21 balances of appropriations, allocations, other
22 funds, administrative authority, administrative
23 rules, pending issues, and existing contracts
24 of the Board of Regents to the Florida Board of
25 Education, of the State Board of Community
26 Colleges to the Florida Board of Education, and
27 of the Postsecondary Education Planning
28 Commission to the Center for Education Policy
29 Research and Improvement, respectively;
30 creating the Center for Education Policy
31 Research and Improvement within OPPAGA;

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

1 references to newly created missions and goals;
2 requiring the Commissioner of Education to work
3 with the board and oversee the chancellors and
4 the executive director; 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, the
23 chief transition officer, and the public on its
24 progress; revising the timeframe and recipients
25 of the final report of the task force; creating
26 s. 229.0061, F.S.; establishing guidelines for
27 the implementation, structure, functions, and
28 organization of Florida's K-20 education
29 system; creating s. 229.007, F.S.; establishing
30 Florida's K-20 education performance
31 accountability system; providing legislative

1 intent; establishing the mission, goals, and
2 systemwide measures; creating s. 229.0072,
3 F.S.; establishing a reorganization
4 implementation process; requiring the Governor
5 to appoint university boards of trustees and a
6 Florida Board of Education; providing for
7 appointment of a chief transition officer and
8 specifying duties of the officer; establishing
9 duties of the Florida Board of Education
10 relating to the transition and implementation
11 of the K-20 system; requiring the Florida Board
12 of Education to appoint advisory bodies as
13 necessary and develop and recommend a new
14 School Code; requiring the Commissioner of
15 Education to work with the Florida Board of
16 Education to achieve full implementation of the
17 seamless K-20 system and to commence
18 reorganization of the department as required by
19 the act; creating s. 229.0073, F.S. ;
20 establishing the chief transition officer's
21 Education Reorganization Workgroup to direct
22 and oversee reorganization of the Department of
23 Education; providing requirements for
24 reorganization to include the establishment of
25 offices and divisions; providing duties of the
26 offices; transferring the SMART Schools
27 Clearinghouse to the Office of Educational
28 Facilities and SMART Schools Clearinghouse
29 within the Office of the Commissioner of
30 Education; creating s. 229.0074, F.S. ;
31 establishing the mission of the Division of

1 Independent Education; providing for membership
2 and duties of the executive director; combining
3 and transferring the powers and duties of the
4 State Board of Independent Colleges and
5 Universities and the State Board of Nonpublic
6 Career Education, with an exception, to the
7 Commission for Independent Education; providing
8 for membership and duties of the commission;
9 creating s. 229.008, F.S.; providing for
10 establishment and membership of boards of
11 trustees of universities in the State
12 University System; providing for protections
13 from civil liability; creating s. 229.0081,
14 F.S.; establishing powers and duties of
15 university boards of trustees; creating s.
16 229.0082, F.S.; establishing powers and duties
17 of university presidents; creating s. 229.0083,
18 F.S.; providing legislative intent regarding
19 the School Readiness Act; clarifying and
20 providing responsibilities of the Florida
21 Partnership for School Readiness, the Agency
22 for Workforce Innovation, the Department of
23 Education, and parents relating to school
24 readiness; providing for the addition of
25 members to the Florida Partnership for School
26 Readiness; providing for the development of
27 minimum child care licensing standards;
28 transferring the Florida Partnership for School
29 Readiness from the Executive Office of the
30 Governor to the Agency for Workforce
31 Innovation; transferring the Child Care

1 Executive Partnership Program, child care and
2 early childhood resource and referral, and the
3 subsidized child care program including
4 statewide staff to the Agency for Workforce
5 Innovation; transferring the prekindergarten
6 early intervention, migrant prekindergarten,
7 and Florida First Start programs, including
8 statewide staff, to the Agency for Workforce
9 Innovation; amending s. 216.136, F.S.; deleting
10 certain duties of the Social Services
11 Estimating Conference; adding staff of the
12 Agency for Workforce Innovation to the School
13 Readiness Program Estimating Conference;
14 amending ss. 232.01, 236.08104, and 445.023,
15 F.S.; conforming language and correcting cross
16 references; effective January 1, 2002,
17 repealing ss. 228.061(1) and (2), 230.23(4)(o),
18 230.2303, 230.2305, and 230.2306, F.S.,
19 relating to preschool and prekindergarten early
20 intervention programs in the public schools,
21 school board provision of early childhood and
22 basic skills development, the Florida First
23 Start Program, the prekindergarten early
24 intervention program, and prekindergarten
25 children service needs assessments; effective
26 July 1, 2002, repealing ss. 230.23166,
27 232.01(1)(d), 234.01(1)(e), and 236.083(1)(f),
28 F.S., relating to teenage parent programs,
29 school attendance for married or pregnant
30 students, transportation for pregnant students
31 or student parents, and the annual allocation

1 for such transportation; effective January 1,
2 2002, repealing ss. 402.28, 402.281(1),
3 402.3015, 402.3027, 402.3028, 402.305(18),
4 402.3052, 402.3135(2)(c), and 402.45(2) and
5 (6), F.S., relating to Child Care Plus, the
6 Gold Seal Quality Care program rating system,
7 the subsidized child care program, observation
8 and assessment of young children in subsidized
9 child care programs, referral for assessment,
10 the child care technical review panel, the
11 child development associate training grants
12 program, provision of assistance to Child Care
13 Plus facilities, and certain requirements for
14 the community resource mother or father
15 program; effective January 1, 2002, repealing
16 ss. 391.304(1)(a), 411.01(4)(l), (q), (s), and
17 (t), (5)(g), and (9)(c), 411.201, 411.202,
18 411.203, 411.205, 411.22, 411.221, 411.222,
19 411.223, 411.224, 411.23, and 411.231, F.S.,
20 relating to Department of Health coordination
21 with the Department of Education and specified
22 councils, specified duties of the Florida
23 Partnership for School Readiness and school
24 readiness coalition grants and bonuses, the
25 Florida Prevention, Early Assistance, and Early
26 Childhood Act, legislative intent for
27 prevention and early assistance, the prevention
28 and early assistance strategic plan, the State
29 Coordinating Council for School Readiness
30 Programs, uniform standards for preventive
31 health care, a family support planning process,

1 and the short title and legislative intent for
2 the Children's Early Investment Program;
3 creating s. 229.0084, F.S.; providing a
4 statement of legislative findings and intent
5 regarding liability for student achievement and
6 the autonomy of independent K-12 schools and
7 home education programs; amending s. 228.082,
8 F.S.; revising the name of the Florida On-Line
9 High School to the Florida Virtual High School,
10 which school shall be housed within the
11 Commissioner of Education's Office of
12 Technology and Information Services and
13 monitored by the commissioner; stating the
14 mission of the Florida Virtual High School;
15 deleting obsolete language; revising the duties
16 of the school's board of trustees; requiring
17 the Department of Education to maximize federal
18 indirect cost allowed on federal grants;
19 requiring appropriation for expenditure of
20 funds received from indirect cost allowance;
21 effective June 30, 2002, repealing s. 229.8065,
22 F.S., relating to expenditures for the Knott
23 Data Center and projects, contracts, and grants
24 programs; amending s. 229.085, F.S.; removing
25 an exemption for personnel employed by projects
26 funded by contracts and grants; providing for
27 recommendations on performance-based funding
28 for the State University System; repealing s.
29 235.217(1)(b), (c), and (d), (2), (3)(a), (c),
30 (d), and (e), (4), and (5), F.S., relating to
31 membership and certain duties of the SMART

1 Schools Clearinghouse; repealing ss. 240.145,
2 240.147, 240.209(2), 240.227, 240.307, and
3 240.311(4), F.S., relating to the Postsecondary
4 Education Planning Commission, the powers and
5 duties of the commission, the Board of Regents
6 appointment of a Chancellor of the State
7 University System, powers and duties of
8 university presidents, the appointment of
9 members of the State Board of Community
10 Colleges, and the appointment of an executive
11 director of the community college system;
12 providing effective dates.

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

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

1 the duty to make recommendations to the Legislature, pursuant
2 to a legislatively established timeline, to accomplish a
3 smooth and orderly transition to the new education system, and
4 WHEREAS, the Education Governance Reorganization
5 Transition Task Force was timely appointed and has been
6 aggressively pursuing its statutory duties by holding meetings
7 and public hearings throughout the state, consulting with
8 education stakeholders and national experts, taking public
9 testimony, and working to expedite its recommendations, NOW,
10 THEREFORE,

11

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

13

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

16 229.001 Short title.--This act may be cited as the
17 "Florida Education Governance Reorganization Implementation
18 Act of ~~2000~~."

19

20 Section 2. Section 229.002, Florida Statutes, is
21 amended to read:

22 229.002 Declaration of policy and guiding
23 principles.--

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

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

30 (b) To promote enhanced academic success and funding
31 efficiency by centralizing the governance of educational

1 delivery systems and aligning responsibility with
2 accountability.

3 (c) To provide consistent education policy vertically
4 and horizontally across all educational delivery systems,
5 focusing on students ~~the needs of those receiving education,~~
6 ~~not those providing education.~~

7 (d) To provide substantially improved vertical and
8 horizontal articulation across all educational delivery
9 systems ~~while ensuring that nonpublic education institutions~~
10 ~~and home education programs maintain their independence,~~
11 ~~autonomy, and nongovernmental status.~~

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

18 (f) To ensure that independent education institutions
19 and home education programs maintain their independence,
20 autonomy, and nongovernmental status.

21 (2) The guiding principles for Florida's new education
22 governance are:

23 (a) A coordinated, seamless system for kindergarten
24 through graduate school education.

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

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

29 (d) A system that safeguards equity and supports
30 academic excellence.

31

1 (e) A system that provides for local operational
2 flexibility while promoting accountability for student
3 achievement and improvement ~~refuses to compromise academic~~
4 ~~excellence.~~

5 Section 3. Section 229.003, Florida Statutes, is
6 amended to read:

7 229.003 Florida education governance reorganization.--

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

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

16 ~~(2)(3) Effective January 7, 2003,~~There are is
17 established the following education governance officers in
18 addition to the Commissioner of Education:

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

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

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

25 (d) ~~An~~ Executive Director of Independent Nonpublic and
26 ~~Nontraditional~~ Education, appointed by the Commissioner of
27 Education.

28
29 Each chancellor and executive director shall be subject to
30 confirmation by the Florida Board of Education and shall serve
31

1 at the pleasure and under the authority of the Commissioner of
2 Education.

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

7 ~~(4)(5) Effective January 7, 2003,~~The Governor shall
8 appoint for each university in the State University System, an
9 11-member ~~a nine-member~~ board of trustees,which shall be a
10 body corporate with all the powers of a body corporate. In
11 addition to the 11 members, a student body president shall
12 serve as an ex officio nonvoting member of the board of
13 trustees. There shall be no state residency requirement for
14 university board members, but the Governor shall consider
15 diversity and regional representation. Each appointee is
16 subject to confirmation by the Senate in the regular
17 legislative session immediately following his or her
18 appointment ~~All members of the board of trustees of Florida~~
19 ~~Atlantic University must reside within the service area of the~~
20 ~~university; three must be residents of Broward County, three~~
21 ~~must be residents of Palm Beach County, and three may be~~
22 ~~residents of any county within the service area.~~

23 (5) Effective July 1, 2001:

24 (a) The Board of Regents is abolished.

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

1 (c) The State Board of Community Colleges is
2 abolished.

3 (d) All of the powers, duties, functions, records,
4 personnel, and property; unexpended balances of
5 appropriations, allocations, and other funds; administrative
6 authority; administrative rules; pending issues; and existing
7 contracts of the State Board of Community Colleges are
8 transferred by a type two transfer, pursuant to s. 20.06(2),
9 from the Department of Education to the Florida Board of
10 Education.

11 (e) The Postsecondary Education Planning Commission is
12 abolished.

13 (f) The Center for Education Policy Research and
14 Improvement is created and assigned for administrative
15 purposes to the Office of Program Policy Analysis and
16 Government Accountability (OPPAGA).

17 (g) All personnel, unexpended balances of
18 appropriations, and allocations of the Postsecondary Education
19 Planning Commission are transferred to the Center for
20 Education Policy Research and Improvement.

21 (h) The Articulation Coordinating Committee and the
22 Education Standards Commission are transferred by a type two
23 transfer, pursuant to s. 20.06(2), from the Department of
24 Education to the Florida Board of Education.

25 (i) Notwithstanding the provisions of s. 20.15, the
26 Commissioner of Education shall commence the reorganization of
27 the Department of Education in accordance with s. 229.0073,
28 which shall include an Office of the Commissioner of Education
29 comprised of the general areas of operation that are common to
30 all delivery sectors and, in addition, shall include:

31

- 1 1. The creation of an Office of Technology and
2 Information Services, an Office of Workforce and Economic
3 Development, an Office of Educational Facilities and SMART
4 Schools Clearinghouse, and an Office of Student Financial
5 Assistance.
- 6 2. The creation of a Division of Colleges and
7 Universities.
- 8 3. The creation of a Division of Community Colleges.
- 9 4. The creation of a Division of Public Schools.
- 10 5. The creation of a Division of Independent
11 Education.
- 12 6. The merger of the powers, duties, and staffs of the
13 State Board of Independent Colleges and Universities and the
14 State Board of Nonpublic Career Education, except as relating
15 to any independent nonprofit college or university whose
16 students are eligible to receive the William L. Boyd, IV,
17 Florida resident access grants pursuant to s. 240.605, into a
18 single Commission for Independent Education administratively
19 housed within the Division of Independent Education.
- 20 ~~(6) Effective January 7, 2003, the powers and duties~~
21 ~~of the following entities are relocated to the Florida Board~~
22 ~~of Education, which shall retain all related funding and~~
23 ~~budget authority for purposes of a single, seamless~~
24 ~~kindergarten through graduate school education system and~~
25 ~~single or coordinated budget and may retain or redistribute~~
26 ~~the powers and duties of each entity in accordance with the~~
27 ~~policies and guiding principles of s. 229.002, and the~~
28 ~~entities shall cease to exist:~~
- 29 ~~(a) The Board of Regents.~~
- 30 ~~(b) The State Board of Community Colleges.~~
- 31

- 1 ~~(c) The State Board of Independent Colleges and~~
2 ~~Universities.~~
- 3 ~~(d) The State Board of Nonpublic Career Education.~~
- 4 ~~(e) The Division of Workforce Development of the~~
5 ~~Department of Education.~~
- 6 ~~(f) The Postsecondary Education Planning Commission.~~
- 7 ~~(g) The Articulation Coordination Committee.~~
- 8 ~~(h) The Division of Human Resource Development of the~~
9 ~~Department of Education.~~
- 10 ~~(i) The Division of Support Services of the Department~~
11 ~~of Education.~~
- 12 ~~(j) The Division of Administration of the Department~~
13 ~~of Education.~~
- 14 ~~(k) The Division of Financial Services of the~~
15 ~~Department of Education.~~
- 16 ~~(l) The Division of Technology of the Department of~~
17 ~~Education.~~
- 18 ~~(m) The Office of Student Financial Assistance of the~~
19 ~~Department of Education.~~
- 20 ~~(n) The Division of Universities of the Department of~~
21 ~~Education.~~
- 22 ~~(o) The Division of Community Colleges of the~~
23 ~~Department of Education.~~

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

26 229.0031 Center for Education Policy Research and
27 Improvement.--Effective July 1, 2001, there is created the
28 Center for Education Policy Research and Improvement to
29 conduct and review education research, provide independent
30 analysis on education progress, and provide independent
31 evaluation of education issues of statewide concern. The

1 center shall have an independent advisory council and shall be
2 housed for administrative purposes in the Office of Program
3 Policy Analysis and Government Accountability. Administrative
4 functions of the center shall be provided by the Office of
5 Legislative Services pursuant to joint policies of the
6 Legislature.

7 (1) The center shall:

8 (a) Provide state policymakers, educators, and the
9 public with objective and timely information that supports the
10 seamless K-20 education system and the K-20 education
11 accountability process designed to provide all students an
12 opportunity for a high-quality education, in accordance with
13 the policies and guiding principles of s. 229.002 and the
14 performance accountability system in s. 229.007.

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

22 (c) Explore national and state emerging educational
23 issues and examine how these issues should be addressed by
24 education institutions in Florida.

25 (d) Prepare and submit for approval by the Florida
26 Board of Education a long-range performance plan for K-20
27 education in Florida. Annually review the implementation of
28 the plan and make recommendations for improvement.

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

1 Recommend to the Legislature and the Florida Board of
2 Education legislation and rules for the educational
3 accountability system that support the policies and guiding
4 principles of s. 229.002.

5 (f) Evaluate and report on issues pertaining to
6 student learning gains.

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

10 (h) Provide public education institutions and the
11 public with information on the K-20 education accountability
12 system and recommend refinements and improvements.

13 (i) Apply for and receive grants for the study of K-20
14 education system improvement consistent with its
15 responsibilities.

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

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

21 (3) The advisory council shall be composed of five
22 members appointed by the Governor, two members appointed by
23 the Speaker of the House of Representatives, and two members
24 appointed by the President of the Senate. Each member shall be
25 appointed for a term of 6 years. However, for purposes of
26 continuity, the Governor shall appoint two members, the
27 Speaker of the House of Representatives shall appoint one
28 member, and the President of the Senate shall appoint one
29 member for a first term of 4 years. Members appointed for 4
30 years shall be eligible for one reappointment. Advisory
31 council members shall not include elected officials or

1 employees of public or independent education entities. Members
2 shall serve without compensation, but shall be reimbursed for
3 per diem and travel as provided in s. 112.061. Members who
4 miss two consecutive meetings shall be subject to replacement
5 by the appointing officer. The advisory council shall meet at
6 least four times per year and shall advise the center
7 executive director and staff on all matters pertaining to the
8 duties and responsibilities of the center. The advisory
9 council shall annually evaluate the performance of the center
10 executive director and shall report such evaluations to the
11 Governor.

12 (4) The executive director of the Center for Education
13 Policy Research and Improvement shall direct the activities of
14 the center and appoint and supervise all staff. The executive
15 director shall have broad knowledge and experience in
16 educational accountability, governance, policy, research, and
17 practice. The executive director shall be appointed by the
18 Governor and confirmed by the Florida Board of Education, and
19 shall serve at the pleasure of the advisory council. The
20 executive director shall staff the meetings of the advisory
21 council and shall document and communicate the findings and
22 recommendations of the advisory council. The executive
23 director shall report to the Florida Board of Education on at
24 least a quarterly basis to inform the board of the center's
25 findings.

26 (5) The center shall be staffed and funded as provided
27 for in the General Appropriations Act. The center shall have
28 access to all education performance and accountability data
29 collected or maintained by the Department of Education. During
30 the reorganization of the Department of Education as provided
31 for in this act, staff and funding may be transferred from the

1 Department of Education to the center to fulfill its statutory
2 functions.

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 not to exceed
19 8 years of consecutive service.

20 (b) The Governor shall appoint the first chair of the
21 Florida Board of Education who shall serve for 2 years. After
22 expiration of the 2-year term and at the first regular meeting
23 of the board after July 1, the Florida Board of Education
24 shall select a chair and a vice chair from its appointed
25 members. The chair shall serve a 2-year term and may be
26 reselected for one additional consecutive term. ~~The Florida~~
27 ~~Board of Education shall have a chairperson who shall be~~
28 ~~appointed by the Governor.~~

29 (2) The primary duties of the board shall be to
30 establish education goals and objectives consistent with the
31 policies and guiding principles of s. 229.002 and the mission

1 and goals of s. 229.007 and, together with the Commissioner of
2 Education, to oversee the implementation of and enforce
3 compliance with the education policies established by the
4 Legislature. The board, and the commissioner, shall establish,
5 operate, and maintain optimal efficiency of an Office of the
6 Commissioner of Education pursuant to s. 229.0061(2)(c) in
7 accordance with the guidelines of ss. 229.0061 and 229.0073
8 Board of Education.

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

11 (a) Ensure accountability and responsiveness to
12 Florida's citizens, including the establishment of a Citizen
13 Information Center that utilizes quick response and
14 customer-friendly methodologies.

15 (b) Establish and aggressively enforce efficient and
16 effective performance management objectives.

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

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

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

25 (f)(e) Adopt cohesive rules, within statutory
26 authority, for education systemwide issues, including rules
27 governing systemwide access to educational opportunities, and
28 ensure that rules adopted for the various education delivery
29 systems are compatible.

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

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

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

6 (a) The work of with the Chancellor of Public Schools
7 ~~K-12 Education~~ to establish, and maintain optimal efficiency
8 of, a Division an Office of Public Schools, within the
9 guidelines of ss. 229.0061 and 229.0073, and to achieve the
10 mission and goals of s. 229.007 ~~K-12 Education~~.

11 (b) The work of with the Chancellor of Colleges and
12 ~~State~~ Universities to establish, and maintain optimal
13 efficiency of, a Division an Office of Colleges and State
14 Universities, within the guidelines of ss. 229.0061 and
15 229.0073, and to achieve the mission and goals of s. 229.007.

16 (c) The work of with the Chancellor of Community
17 ~~Colleges and Career Preparation~~ to establish, and maintain
18 optimal efficiency of, a Division an Office of Community
19 Colleges, within the guidelines of ss. 229.0061 and 229.0073,
20 and to achieve the mission and goals of s. 229.007 and Career
21 Preparation.

22 (d) The work of with the Executive Director of
23 ~~Independent Nonpublic and Nontraditional~~ Education to
24 establish, and maintain optimal efficiency of, a Division an
25 ~~Office of Independent Nonpublic and Nontraditional~~ Education,
26 within the guidelines of ss. 229.0061 and 229.0073 Services.

27 Section 6. Section 229.005, Florida Statutes, is
28 amended to read:

29 229.005 Florida education governance officers.--

30 (1) COMMISSIONER OF EDUCATION.--The Commissioner of
31 Education shall work with the Florida Board of Education and

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

23 (2) CHANCELLOR OF PUBLIC SCHOOLS ~~K-12 EDUCATION.~~--The
24 Chancellor of Public Schools ~~K-12 Education~~ shall be appointed
25 by the Commissioner of Education based on his or her ability
26 to work as a division vice president of the seamless K-20
27 education system with the Florida Board of Education and the
28 other education governance officers to comply with the
29 policies and guiding principles of s. 229.002, to achieve the
30 mission and goals of s. 229.007, to enhance the quality of
31 public K-12 education in Florida, and to maximize the equity

1 of public K-12 education in Florida by moving the focus to the
2 school site and the individual student., ~~and to achieve and~~
3 ~~safeguard the will of the people of Florida as expressed in s.~~
4 ~~1, Art. IX of the Florida Constitution, that "adequate~~
5 ~~provision shall be made by law for a uniform, efficient, safe,~~
6 ~~secure, and high quality system of free public schools that~~
7 ~~allows students to obtain a high quality education. . . ."~~

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

22 (4) CHANCELLOR OF COMMUNITY COLLEGES ~~AND CAREER~~
23 ~~PREPARATION~~.--The Chancellor of Community Colleges ~~and Career~~
24 ~~Preparation~~ shall be appointed by the Commissioner of
25 Education based on his or her ability to work as a division
26 vice president of the seamless K-20 education system with the
27 Florida Board of Education and the other education governance
28 officers to comply with the policies and guiding principles of
29 s. 229.002, to achieve the mission and goals of s. 229.007, to
30 enhance the quality of education in Florida's community
31 colleges, and to work directly with each of the community

1 college presidents and boards of trustees in focusing on the
2 education needs of the communities and students they serve.
3 (5) EXECUTIVE DIRECTOR OF INDEPENDENT ~~NONPUBLIC AND~~
4 ~~NONTRADITIONAL~~ EDUCATION.--The Executive Director of
5 Independent Nonpublic and Nontraditional Education shall be
6 appointed by the Commissioner of Education based on his or her
7 ability to work as a division vice president of the seamless
8 K-20 education system with the Florida Board of Education and
9 the other education governance officers to comply with the
10 policies and guiding principles of s. 229.002, to protect the
11 independence, autonomy, and nongovernmental status of
12 independent education in Florida,to enhance the quality and
13 expand the offerings and innovations of independent nonpublic
14 ~~and nontraditional~~ education in Florida, to establish
15 partnerships with independent nonpublic education providers at
16 all levels to achieve these goals, and to work directly with
17 the Board of Trustees of the Florida Virtual ~~On-Line~~ High
18 School and with Florida's private school associations, home
19 education associations, independent nonpublic career education
20 institutions, and independent colleges and universities to
21 maximize educational choice and enhance the options,
22 educational alternatives, and student-focused delivery for
23 their students.

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

26 229.006 Education Governance Reorganization Transition
27 Task Force.--

28 (1) In order to accomplish a smooth transition ~~on~~
29 ~~January 7, 2003,~~from the elected State Board of Education to
30 the appointed Florida Board of Education, there shall be
31 established the Education Governance Reorganization Transition

1 Task Force. ~~All members of the task force shall be appointed~~
2 ~~as soon as feasible but not later than October 1, 2000.~~The
3 task force shall be comprised of:

- 4 (a) Five members appointed by the Governor;
5 (b) Three members appointed by the President of the
6 Senate; and
7 (c) Three members appointed by the Speaker of the
8 House of Representatives.

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

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

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

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

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

5 ~~(a) Standards, definitions, and guidelines for~~
6 ~~universities, colleges, community colleges, schools, and other~~
7 ~~education institutions to ensure the quality of education,~~
8 ~~systemwide coordination, and efficient progress toward~~
9 ~~attainment of their appropriate missions.~~

10 ~~(b) Rules and procedures as necessary to be followed~~
11 ~~by university boards of trustees, community college boards of~~
12 ~~trustees, and other boards of trustees, as determined~~
13 ~~appropriate, for recruitment and selection of presidents,~~
14 ~~procedures for annual evaluations of presidents, and~~
15 ~~procedures for interaction between presidents, the boards of~~
16 ~~trustees, and the new Florida Board of Education.~~

17 ~~(c) A systemwide strategic plan for postsecondary~~
18 ~~institutions that considers the role, in their respective~~
19 ~~communities, of each of the institutions.~~

20 ~~(d) Methodologies for degree program approval,~~
21 ~~establishment of matriculation and tuition fees, and~~
22 ~~coordination of colleges' and universities' budget requests.~~

23 ~~(e) Any additional statutory changes needed during the~~
24 ~~2002 legislative session to complete the education governance~~
25 ~~reorganization transition.~~

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

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

1 ~~(b) Rulemaking authority for the new Florida Board of~~
2 ~~Education and a plan and timetable for transition or~~
3 ~~coordination of existing education sector agency rules and~~
4 ~~rulemaking authority recommendations, if any, for education~~
5 ~~agencies.~~

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

8 (5)(7) By March ~~May~~ 1, 2003, the transition task force
9 shall have completed its duties and shall make its final
10 report to the Governor, the Florida Board of Education, the
11 Commissioner of Education, the President of the Senate, the
12 Speaker of the House of Representatives, and the minority
13 leaders of each chamber. The final report shall include, but
14 is not limited to:

15 (a) A summary of the work and recommendations of the
16 task force and the status of full implementation of the K-20
17 education system.

18 (b) The status of all pending and completed actions on
19 orders and rules, all enforcement matters, and all
20 delegations, interagency agreements, and contracts with
21 federal, state, regional, and local governments and private
22 entities.

23 (c) Identification of any remaining or potential
24 duplication in the administration of state education laws and
25 rules, with specific recommendations to eliminate such
26 duplication and promote more efficient administration.

27 Section 8. Section 229.0061, Florida Statutes, is
28 created to read:

29 229.0061 Florida's K-20 education system; guidelines
30 for implementation; guidelines for structure, functions, and
31 organization.--

1 (1) GUIDELINES FOR IMPLEMENTATION.--

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

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

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

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

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

21 (a) Roles of the Legislature, the Florida Board of
22 Education, the education governance officers, and the
23 institutional boards of trustees and school boards.--The
24 Legislature shall establish education policy, enact education
25 laws, and appropriate and allocate education resources. The
26 Florida Board of Education shall enforce all laws, rules, and
27 guidelines and shall timely provide direction, resources,
28 assistance, intervention when needed, and strong incentives
29 and disincentives to force accountability for results. In
30 terms of major areas of responsibility, the Legislature, the
31 Florida Board of Education, the education governance officers,

1 and the institutional boards of trustees and school boards
2 shall each perform essential constituent roles.

3 (b) Florida Board of Education.--The Florida Board of
4 Education shall serve as the body corporate for Florida's
5 seamless K-20 education system; implement the coordinated
6 education vision; and, together with the commissioner,
7 chancellors, and executive director, oversee the success of
8 that vision. The Florida Board of Education shall:

9 1. Enforce systemwide education policies and goals.

10 2. Recommend annually the coordinated education budget
11 and authorize the allocation of resources in accordance with
12 law and rule. Any program recommended by the Florida Board of
13 Education which requires state funding for more than 1 year
14 must be presented in a multiyear budget plan.

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

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

18 5. Accurately and continuously assess data and monitor
19 and report performance.

20 6. Provide high-quality assistance and intervention
21 when and where needed.

22 7. Provide timely and accurate information on all
23 public and independent education services.

24 8. Recommend to the Legislature the missions of the
25 public colleges and universities and community colleges.

26 (c) Commissioner of Education.--The Commissioner of
27 Education shall serve as secretary and executive director of
28 the State Board of Education. The commissioner shall propose
29 action on all issues that come before the state board and be
30 responsible for enforcing compliance with the mission and
31 goals of the seamless K-20 education system by all education

1 delivery sectors. The commissioner's office shall operate all
2 statewide functions necessary to support the Florida Board of
3 Education and the seamless K-20 education system, including
4 the following areas:
5 1. Legal.
6 2. Communications, including a Citizen Information
7 Center that provides quick response and uses customer-friendly
8 methods.
9 3. Strategic planning and budget development.
10 4. General administration.
11 5. Assessment and accountability.
12 6. Data management, education technology, and an
13 education data warehouse.
14 7. Access and opportunity, including student financial
15 assistance.
16 8. Policy research and development, except the Center
17 for Education Policy Research and Improvement.
18 9. Florida Board of Education personnel.
19 10. Workforce and economic development.
20 11. Educational facilities.
21 12. Technology and information services.
22 13. Student financial assistance.
23 14. Inspector General.
24 (d) Chancellors and executive director.--The
25 chancellors of the public schools, community colleges, and
26 colleges and universities divisions and the Executive Director
27 of the Division of Independent Education shall serve the
28 Florida Board of Education and the Commissioner of Education
29 in the role of division vice presidents of the K-20 education
30 system and as governance officers and critical members of the
31 state-level education leadership team. They shall each be held

1 responsible for providing leadership, administering programs,
2 resolving disputes, providing technical assistance, and timely
3 recommending action plans to the commissioner for sanctions or
4 intervention when needed, as well as making recommendations to
5 the board and the commissioner for strategic planning and
6 budget development for their respective education delivery
7 sectors. They shall support the governing policies and
8 responsibilities of the board and the commissioner and bear
9 primary responsibility for the achievement of the mission and
10 goals of the K-20 education system by their education delivery
11 sectors, as applicable to their sectors. They shall reinforce
12 the policies and principles of the seamless K-20 education
13 system in every venue and at every opportunity, and work
14 together to facilitate horizontal communications and
15 interactions between the education delivery sectors.
16 Specifically, as applicable, each education governance officer
17 shall:
18 1. Serve as the head of the division.
19 2. Supervise all employees and work of the division.
20 3. Properly and timely inform education institutions
21 and the public as to legislative action, including funding,
22 grant opportunities, and substantive policy changes affecting
23 the division.
24 4. Direct the review of expenditures of public funds
25 in accordance with legislative intent.
26 5. Evaluate the performance of each education
27 institution under the division and report performance results
28 to the public, the Legislature, the Commissioner of Education,
29 the Florida Board of Education, and the institution and its
30 governing board.
31

- 1 6. Direct institutional governing boards to take
2 corrective action to improve unsatisfactory performance
3 pursuant to law and rules of the Florida Board of Education.
- 4 7. Direct and oversee the development of the
5 division's accountability system and recommend changes to the
6 Commissioner of Education and the Florida Board of Education.
- 7 8. Direct the division's activities in order to
8 coordinate with other divisions to provide a seamless
9 education system.
- 10 9. Direct the provision of state services to
11 institutions under the division.
- 12 10. Direct the development of the division's
13 legislative budget request and work cooperatively with the
14 commissioner and other governance officers to develop a
15 coordinated budget request.
- 16 11. Serve as the primary point of contact and
17 communication for the division.
- 18 (e) Institutional boards of trustees and school
19 boards.--Each institutional board of trustees and school board
20 shall:
- 21 1. Provide strategic planning and budget development
22 for their institution or school district.
- 23 2. Implement and maintain high-quality education
24 programs within law and rules of the Florida Board of
25 Education.
- 26 3. Measure and enforce performance.
- 27 4. Provide timely and accurate reporting of
28 information.
- 29 5. Provide direct input on education issues to the
30 education governance officers.
- 31

- 1 6. Have broad latitude within law and rules of the
2 Florida Board of Education in developing local policies and
3 local programs to meet the needs of their students, their
4 communities, and area employers.
- 5 7. Hold presidents and appointed superintendents
6 responsible for institution and school performance.
- 7 8. Be responsible for the fiscal accountability of
8 their institution or school district.
- 9 9. Be responsible for compliance with all laws, rules
10 of the Florida Board of Education, and performance
11 accountability requirements.
- 12 (f) Presidents and superintendents.--Each
13 institutional president and school district superintendent
14 shall:
- 15 1. Be responsible for efficient and effective budget
16 and program administration.
- 17 2. Provide strong leadership to accomplish their
18 education missions and goals.
- 19 3. Closely monitor education performance.
- 20 4. Provide timely and accurate financial and
21 performance data.
- 22 5. Link instructional staff evaluations to student
23 performance.
- 24 (g) Ad hoc advisory committees.--Advisory bodies shall
25 be appointed on an ad hoc basis by the Florida Board of
26 Education to serve the board, commissioner, and chancellors
27 when and as needed by studying and recommending action on
28 major issues that affect the direction and quality of
29 education, providing public forums for debate, and
30 safeguarding a coordinated systemwide approach to education
31 policy decisions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

1 (c) Skilled workforce and economic development, as
2 measured by: the number and percentage of graduates employed
3 in their areas of preparation; the percentage of Floridians
4 with high school diplomas and postsecondary education
5 credentials; the percentage of business and community members
6 who find that Florida's graduates possess the skills they
7 need; and other measures identified in law or rule.

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

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

17 229.0072 Reorganization implementation process.--In
18 order to best achieve the legislative purpose of the Florida
19 Education Governance Reorganization Implementation Act:

20 (1) The Governor shall appoint the members of the
21 boards of trustees of the state universities in accordance
22 with s. 229.008.

23 (2) Effective July 1, 2001, the Governor shall appoint
24 a seven-member Florida Board of Education. The Florida Board
25 of Education shall be housed within, and operate under the
26 direction of, the State Board of Education. The Florida Board
27 of Education shall appoint a chief transition officer who
28 shall serve as the board's primary liaison with all entities
29 involved in the reorganization of education. The chief
30 transition officer shall be responsible directly to the
31 Florida Board of Education and shall serve as staff to the

1 board on all action items relating to the reorganization.
2 During the reorganization implementation period, the chief
3 transition officer shall:
4 (a) Be responsible for proposing actions regarding all
5 education governance reorganization implementation issues.
6 (b) Be responsible for integration of the Department
7 of Education as it is reorganized into an agency of the
8 Governor.
9 (c) Serve as secretary of the Florida Board of
10 Education.
11 (d) Serve as the head of the Education Reorganization
12 Workgroup.
13 (e) Serve as the head of the K-20 education leadership
14 team.
15 (3) The Florida Board of Education shall establish a
16 detailed procedure for the implementation of a systemwide K-20
17 technology plan which includes a month-by-month timeline with
18 monthly progress reports to the board.
19 (4) Subject to review and approval of the State Board
20 of Education, the Florida Board of Education shall:
21 (a) Adopt rules pursuant to ss. 120.536(1) and 120.54
22 to implement provisions of law conferring duties upon it. The
23 rules shall be submitted to the State Board of Education. If
24 any rule is not disapproved by the State Board of Education
25 within 45 days after its receipt, the rule shall be filed
26 immediately with the Department of State.
27 (b) Prepare and submit a coordinated K-20 education
28 budget to the Governor and Legislature that clearly defines
29 the individual needs of the divisions within the Department of
30 Education. No school district shall use public funds to
31 support activities of an employee organization. The Florida

- 1 Board of Education shall adopt rules implementing this
2 restriction on the use of public funds and shall not allow
3 such use of public funds to be included in its recommended
4 budget, except for collective bargaining negotiations.
- 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 chief
9 transition officer, the Commissioner of Education, and the
10 Legislature, no later than January 1, 2002, for adoption
11 during 2002, a clear, concise new School Code, comprised of
12 the revision of chapters 228-246, to accomplish the
13 implementation, administration, and operation of Florida's
14 seamless K-20 education system in accordance with the
15 guidelines included in s. 229.0061.
16 (o) Receive, review, and make decisions regarding
17 charter school appeals, which decisions shall be binding
18 notwithstanding any provision of law to the contrary.
19 (5) Effective July 1, 2001, the Commissioner of
20 Education shall:
21 (a) Work with the Florida Board of Education to
22 achieve full implementation of the seamless K-20 education
23 system.
24 (b) Commence reorganization of the Department of
25 Education as a state agency of the Governor in accordance with
26 legislative guidelines pursuant to s. 229.0073, the
27 requirements of s. 229.003(5), and requests of the Florida
28 Board of Education as approved by the State Board of
29 Education.
30 (c) As secretary of the State Board of Education,
31 assist the chief transition officer in determining the agenda

1 for the Florida Board of Education and provide the Florida
2 Board of Education and the State Board of Education the full
3 support of the reorganized Department of Education.

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

6 229.0073 Reorganization of the Department of
7 Education.--Effective July 1, 2001, notwithstanding the
8 provisions of s. 20.15, the chief transition officer's
9 Education Reorganization Workgroup is established to direct
10 and provide oversight for the reorganization of Florida's K-20
11 Department of Education. The workgroup shall be comprised of
12 the Commissioner of Education, the Governor or his designee,
13 the chief transition officer, the Chancellor of Colleges and
14 Universities, the Chancellor of Community Colleges, the
15 Chancellor of Public Schools, and the Executive Director of
16 Independent Education, who shall consult with the legislative
17 members of the Education Governance Reorganization Transition
18 Task Force. The reorganization shall:

19 (1) Eliminate duplication across divisions; achieve
20 greater efficiencies in financial and human resources and
21 education services; and identify functions, resources, and
22 services that should be eliminated, transferred, or realigned.

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

26 (3) Establish an Office of the Commissioner of
27 Education that includes the general areas of operation that
28 are common to all delivery sectors, such as administration,
29 communication, legal services, financial aid, and government
30 and public relations, in order to increase efficiency, improve
31

1 service delivery to students, and fully support the
2 operational needs of the Florida Board of Education.

3 (4) Establish the following divisions within the
4 department:

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

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

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

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

30 1. The division shall be under an executive director
31 and shall house a new commission, appointed by the Governor,

1 to oversee licensing of independent postsecondary
2 institutions, consumer protection, and program improvement.
3 The commission shall have the powers and duties of the State
4 Board of Independent Colleges and Universities specified in
5 chapter 246, except the powers and duties relating to those
6 institutions identified under paragraph (c), and of the State
7 Board of Nonpublic Career Education.

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

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

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

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

20 (a) Office of Technology and Information Services.--In
21 conjunction with the Chancellor of Public Schools, the
22 Chancellor of Community Colleges, and the Chancellor of
23 Colleges and Universities, the office shall be responsible for
24 developing a systemwide technology plan, making budget
25 recommendations to the commissioner, providing data collection
26 and management for the system, and coordinating services with
27 other state, local, and private agencies. The office shall
28 develop a method to address the need for a statewide approach
29 to planning and operations of library and information services
30 to achieve a single K-20 education system library information
31 portal and a unified higher education library management

1 system. The Florida Virtual High School shall be
2 administratively housed within the office.

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

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

19 (d) Office of Student Financial Assistance.--The
20 office shall provide access to and administer state and
21 federal grants, scholarships, and loans to those students
22 seeking financial assistance for postsecondary study pursuant
23 to program criteria and eligibility requirements.

24 (6) Establish a K-20 education leadership team,
25 including, but not limited to, the chief transition officer
26 and the education governance officers. The leadership team
27 shall be responsible for systemwide horizontal and vertical
28 communication, and assisting the achievement of the seamless
29 K-20 education system.

30 Section 12. Section 229.0074, Florida Statutes, is
31 created to read:

1 229.0074 Division of Independent Education.--
2 (1) The mission of the Division of Independent
3 Education is to enhance the opportunity to raise the
4 educational attainment levels of students pursuing their
5 education in nongovernment settings by representing their
6 interests, and those of the institutions that serve them, in
7 the Department of Education. The Division of Independent
8 Education has no authority over the institutions or students
9 in Florida's independent education sector. The Commission for
10 Independent Education, administratively housed within the
11 division, shall have such authority as specified in chapter
12 246 relating to independent postsecondary education, except
13 regarding those institutions described in s. 229.0073(4)(c).
14 The division shall serve as the advocate for, and liaison to,
15 independent education providers and institutions, including
16 home education programs that meet the requirements of s.
17 232.0201, private K-12 institutions as described in s.
18 229.808, independent colleges and universities except as
19 otherwise provided in s. 229.0073(4)(c), and private
20 postsecondary career preparation/vocational training
21 institutions.
22 (2) The executive director of the division shall
23 establish a mechanism for regular interaction and input from
24 independent education providers in the development of policies
25 that provide seamless articulation for all students. The
26 executive director shall:
27 (a) Learn the interests and concerns of the students
28 and providers of independent education at all levels in order
29 to strongly represent them in the Department of Education.
30 (b) Articulate the interests and concerns of the
31 students and providers of independent education at all levels

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

1 (n) Communicate relevant decisions to the independent
2 education sector.

3 (o) Establish and oversee the division staff necessary
4 to carry out the division's functions in the most economical
5 and effective manner.

6 (p) Evaluate pending policies to ensure they do not
7 place additional regulation or mandates on the independent
8 education community.

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

21 (4) The Commission for Independent Education shall
22 consist of six citizens who are residents of this state. The
23 commission shall function in matters relating to independent
24 postsecondary education institutions in consumer protection,
25 program improvement, registration, authorization, licensure,
26 and certificate of exemption from licensure for institutions
27 under its purview, in keeping with the stated goals of the
28 seamless K-20 education system. The commission shall appoint
29 an executive director to serve as secretary of the commission
30 and shall elect a chair and other officers as needed from
31 among its membership. Members of the commission shall be

1 appointed by the Governor and confirmed by the Senate. The
2 commission shall be composed of six members, as follows:

3 (a) One member from an independent college or
4 university that enrolls students who receive state or federal
5 financial aid.

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

9 (c) One member from an independent nondegree granting
10 school that enrolls students who receive state or federal
11 financial aid.

12 (d) One member from a public school district or
13 community college who is an administrator of
14 vocational-technical education.

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

17 (5) The establishment of the Division of Independent
18 Education shall not be construed to advance the extension or
19 expansion of government regulation on independent or home
20 education programs.

21 Section 13. Section 229.008, Florida Statutes, is
22 created to read:

23 229.008 Boards of trustees of the state
24 universities.--

25 (1)(a) Effective July 1, 2001, and no later than
26 November 1, 2001, the Governor shall appoint an 11-member
27 board of trustees for each university in the State University
28 System, each member to be confirmed by the Senate in the
29 regular legislative session immediately following his or her
30 appointment. In addition, a student body president shall serve
31 as an ex officio nonvoting member of his or her university

1 board of trustees. The ex officio student member shall provide
2 input to the board of trustees regarding agenda issues. There
3 shall be no state residency requirement for university board
4 members, but the Governor shall consider diversity and
5 regional representation. Members of the boards of trustees
6 shall receive no compensation but may be reimbursed for travel
7 and per diem expenses as provided in s. 112.061.

8 (b) The Governor may remove a trustee upon the
9 recommendation of the Florida Board of Education, or for
10 cause.

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

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

23 (4) Each board of trustees shall select its chair and
24 vice chair from the appointed members at its first regular
25 meeting after July 1. The chair shall serve for 2 years and
26 may be reselected for one additional consecutive term. The
27 duties of the chair shall include presiding at all meetings of
28 the board, calling special meetings of the board, attesting to
29 actions of the board, and notifying the Governor in writing
30 whenever a board member fails to attend three consecutive
31 regular board meetings in any fiscal year, which failure may

1 be grounds for removal. The duty of the vice chair is to act
2 as chair during the absence or disability of the chair.

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

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

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

23 (8) Whenever any civil action has been brought against
24 any member of a university board of trustees or employee for
25 any act or omission arising out of and in the course of the
26 performance of his or her duties and responsibilities, the
27 university board of trustees may defray all costs of defending
28 such action, including reasonable attorney's fees and expenses
29 together with costs of appeal, and may save harmless and
30 protect such person from any financial loss resulting from the
31 lawful performance of his or her duties and responsibilities.

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

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

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

12 229.0081 Powers and duties of university boards of
13 trustees.--

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

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

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

30 (b) Fixing the compensation and other conditions of
31 employment of the president.

1 (c) Conducting periodic evaluations of the president,
2 submitting such evaluations to the Chancellor for review, and
3 suspending or removing the president in accordance with
4 guidelines established by the Chancellor.

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

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

14 (f) In consultation with the university president,
15 providing for academic freedom and academic responsibility at
16 the university.

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

22 (h) Approving new, and terminating existing,
23 undergraduate and graduate degree programs up to and including
24 the master's degree level, based on criteria established by
25 the Florida Board of Education.

26 (i) Purchasing, acquiring, receiving, holding, owning,
27 managing, leasing, selling, disposing of, and conveying title
28 to real property, in accordance with rules and guidelines of
29 the Florida Board of Education.

30
31

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

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

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

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

25 (n) Establishing and maintaining a personnel exchange
26 program.

27 (o) Governing admission of students subject to the
28 rules of the Florida Board of Education.

29 (p) Considering the past actions of any person
30 applying for admission, enrollment, or employment, and
31 establishing policies to deny admission, enrollment, or

1 employment to an applicant because of misconduct if determined
2 to be in the best interest of the university.

3 (q) Ensuring compliance with federal laws,
4 regulations, and requirements.

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

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

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

22 (u) Supervising faculty practice plans for the
23 academic health science centers.

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (10) Award degrees.

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

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

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

31

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

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

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

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

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

24 Section 16. Section 229.0083, Florida Statutes, is
25 created to read:

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

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

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

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

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

28 (a) Relieve parents and guardians of their own
29 obligations to ready their children for school; or
30
31

1 (b) Create any obligation to provide publicly funded
2 school readiness programs or services beyond those authorized
3 by the Legislature.

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

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

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

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

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

25 3. The executive director of the partnership shall
26 serve at the pleasure of the Governor.

27 (b) Notwithstanding any other provision of law to the
28 contrary, minimum child care licensing standards shall be
29 developed to provide for reasonable, affordable, and safe
30 before-school and after-school care. Standards, at a minimum,
31

1 shall allow for a credentialed director to supervise multiple
2 before-school and after-school sites.

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

4 1. Instructional staff must be trained pursuant to s.
5 402.305(2)(d).

6 2. Reimbursement rates shall not have the effect of
7 limiting parental choice or creating standards or levels of
8 services that have not been authorized by the Legislature.

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

11 (d) Notwithstanding s. 20.50:

12 1. The Agency for Workforce Innovation shall
13 administer school readiness funds, plans, and policies
14 pursuant to contract with the Florida Partnership for School
15 Readiness and shall prepare and submit a unified budget
16 request for the school readiness program in accordance with
17 chapter 216.

18 2. All instructions to local school readiness
19 coalitions shall emanate from the Agency for Workforce
20 Innovation pursuant to policies of the Legislature, plans of
21 the Florida Partnership for School Readiness, and the contract
22 between the Florida Partnership for School Readiness and the
23 agency.

24 (e) The Agency for Workforce Innovation shall prepare
25 a plan that provides for the distribution and expenditure of
26 all state and federal school readiness funds for children
27 participating in public or private school readiness programs
28 based upon an equity and performance funding formula. The plan
29 shall be submitted to the Governor and the Legislative Budget
30 Commission. Upon approval, the Legislative Budget Commission
31 shall authorize the transfer of funds to the Agency for

1 Workforce Innovation for distribution in accordance with the
2 provisions of the formula.
3 (5) The Florida Partnership for School Readiness
4 shall:
5 (a) Coordinate the birth-to-kindergarten services for
6 children who are eligible pursuant to s. 411.01(6) and the
7 programmatic, administrative, and fiscal standards pursuant to
8 s. 411.01 and this section for all public providers of school
9 readiness programs.
10 (b) Continue to provide unified leadership for school
11 readiness through local school readiness coalitions.
12 (c) Focus on improving the educational quality of all
13 publicly funded school readiness programs.
14 (6) The Department of Education shall implement a
15 school readiness uniform screening, including a pilot program
16 during the 2001-2002 school year, to validate the system
17 recommended by the Florida Partnership for School Readiness as
18 part of a comprehensive evaluation design. Beginning with the
19 2002-2003 school year, the department shall require that all
20 school districts administer the school readiness uniform
21 screening to each kindergarten student in the district school
22 system upon the student's entry into kindergarten. Children
23 who enter public school for the first time in first grade must
24 undergo a uniform screening adopted for use in first grade.
25 The department shall incorporate school readiness data into
26 the K-20 data warehouse for longitudinal tracking. The
27 department shall provide the partnership and the Agency for
28 Workforce Innovation with complete and full access to
29 kindergarten uniform screening data at the student, school,
30 district, and state levels in a format that will enable the
31 partnership and the agency to prepare reports needed by state

1 policymakers and local school readiness coalitions to assess
2 progress toward school readiness goals and provide input for
3 continuous improvement of local school readiness services and
4 programs.

5 (7) Effective July 1, 2001, the Florida Partnership
6 for School Readiness is transferred by a type two transfer,
7 pursuant to s. 20.06(2), from the Executive Office of the
8 Governor to the Agency for Workforce Innovation.

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

17 (9) Effective July 1, 2001, the prekindergarten early
18 intervention, migrant prekindergarten, and Florida First Start
19 programs, including statewide staff as referenced in the
20 interagency agreement between the Department of Education and
21 the Florida Partnership for School Readiness, shall be
22 transferred by a type two transfer, pursuant to s. 20.06(2),
23 to the Agency for Workforce Innovation.

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

30
31

1 Section 17. Paragraph (a) of subsection (6) and
2 subsection (10) of section 216.136, Florida Statutes, are
3 amended to read:

4 216.136 Consensus estimating conferences; duties and
5 principals.--

6 (6) SOCIAL SERVICES ESTIMATING CONFERENCE.--

7 (a) Duties.--

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

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

23 ~~3. The Department of Children and Family Services and~~
24 ~~the Department of Education shall provide information on~~
25 ~~caseloads and waiting lists for the subsidized child care and~~
26 ~~prekindergarten early intervention programs requested by the~~
27 ~~Social Services Estimating Conference or individual conference~~
28 ~~principals, in a timely manner.~~

29 2.4. The Social Services Estimating Conference shall
30 develop information relating to the Florida Kidcare program,
31 including, but not limited to, outreach impacts, enrollment,

1 caseload, utilization, and expenditure information that the
2 conference determines is needed to plan for and project future
3 budgets and the drawdown of federal matching funds. The
4 agencies required to collect and analyze Florida Kidcare
5 program data under s. 409.8134 shall be participants in the
6 Social Services Estimating Conference for purposes of
7 developing information relating to the Florida Kidcare
8 program.

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

10 (a) Duties.--

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

19 ~~2. In addition, the School Readiness Program~~
20 ~~Estimating Conference shall estimate the unduplicated count of~~
21 ~~children who are eligible for services under the school~~
22 ~~readiness program.~~

23 ~~2.3.~~ The Florida Partnership for School Readiness
24 shall provide information on needs and waiting lists for
25 school readiness program services requested by the School
26 Readiness Program Estimating Conference or individual
27 conference principals in a timely manner.

28 (b) Principals.--The Executive Office of the Governor,
29 the Director of Economic and Demographic Research, and
30 professional staff who have forecasting expertise from the
31 Florida Partnership for School Readiness, the Agency for

1 Workforce Innovation, the Department of Children and Family
2 Services, the Department of Education, the Senate, and the
3 House of Representatives, or their designees, are the
4 principals of the School Readiness Program Estimating
5 Conference. The principal representing the Executive Office of
6 the Governor shall preside over sessions of the conference.

7 Section 18. Effective January 1, 2002, paragraph (a)
8 of subsection (1) of section 232.01, Florida Statutes, is
9 amended to read:

10 232.01 School attendance.--

11 (1)(a)1. All children who have attained the age of 6
12 years or who will have attained the age of 6 years by February
13 1 of any school year or who are older than 6 years of age but
14 who have not attained the age of 16 years, except as
15 hereinafter provided, are required to attend school regularly
16 during the entire school term.

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

21 ~~3. Children who will have attained the age of 3 years~~
22 ~~on or before September 1 of the school year are eligible for~~
23 ~~admission to prekindergarten early intervention programs~~
24 ~~during that school year as provided in s. 230.2305 or a~~
25 ~~preschool program as provided in s. 228.061.~~

26 Section 19. Effective July 1, 2002, subsection (5) of
27 section 236.08104, Florida Statutes, is amended to read:

28 236.08104 Supplemental academic instruction;
29 categorical fund.--

30 (5) Beginning in the 1999-2000 school year, dropout
31 prevention programs as defined in ss. 230.2316(3)(a), (b), and

1 (c) ~~and, 230.23161, and 230.23166~~ shall be included in Group 1
2 programs under s. 236.081(1)(d)3.

3 Section 20. Effective January 1, 2002, paragraphs (b)
4 and (c) of subsection (1) and subsection (4) of section
5 445.023, Florida Statutes, are amended to read:

6 445.023 Program for dependent care for families with
7 children with special needs.--

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

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

15 (c) The family meets the income guidelines established
16 under s. ~~411.01(6)402.3015. Financial eligibility for this~~
17 ~~program shall be based solely on the guidelines used for~~
18 ~~subsidized child care~~, notwithstanding any financial
19 eligibility criteria to the contrary in s. 414.075, s.
20 414.085, or s. 414.095.

21 (4) In addition to school readiness ~~child care~~
22 services provided under s. 411.01 ~~402.3015~~, dependent care may
23 be provided for children age 13 years and older who are in
24 need of care due to disability and where such care is needed
25 for the parent to accept or continue employment or otherwise
26 participate in work activities. The amount of subsidy shall be
27 consistent with the rates for special needs child care
28 established by the department. Dependent care needed for
29 employment may be provided as transitional services for up to
30 2 years after eligibility for temporary cash assistance ends.

31

1 Section 21. Effective January 1, 2002, subsections (1)
2 and (2) of section 228.061, paragraph (o) of subsection (4) of
3 section 230.23, sections 230.2303, 230.2305, and 230.2306,
4 Florida Statutes, are repealed.

5 Section 22. Effective July 1, 2002, section 230.23166,
6 paragraph (d) of subsection (1) of section 232.01, paragraph
7 (e) of subsection (1) of section 234.01, and paragraph (f) of
8 subsection (1) of section 236.083, Florida Statutes, are
9 repealed.

10 Section 23. Effective January 1, 2002, section 402.28,
11 subsection (1) of section 402.281, sections 402.3015,
12 402.3027, and 402.3028, subsection (18) of section 402.305,
13 section 402.3052, paragraph (c) of subsection (2) of section
14 402.3135, and subsections (2) and (6) of section 402.45,
15 Florida Statutes, are repealed.

16 Section 24. Effective January 1, 2002, paragraph (a)
17 of subsection (1) of section 391.304, paragraphs (l), (q),
18 (s), and (t) of subsection (4), paragraph (g) of subsection
19 (5), and paragraph (c) of subsection (9) of section 411.01,
20 and sections 411.201, 411.202, 411.203, 411.205, 411.22,
21 411.221, 411.222, 411.223, 411.224, 411.23, and 411.231,
22 Florida Statutes, are repealed.

23 Section 25. Section 229.0084, Florida Statutes, is
24 created to read:

25 229.0084 Legislative findings and intent.--

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

31 Nothing contained in Florida law shall make the state or local

1 school districts the guarantors that students will fully avail
2 themselves of the opportunities provided them to attain high
3 academic achievement.

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

9 Section 26. Section 228.082, Florida Statutes, is
10 amended to read:

11 228.082 The Florida Virtual ~~On-Line~~ High School.--

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

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

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

31

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

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

8
9 The board of trustees of the Florida Virtual High School shall
10 identify appropriate performance measures and standards based
11 on student achievement that reflect the school's statutory
12 mission and priorities, and shall implement an accountability
13 system for the school that includes assessment of its
14 effectiveness and efficiency in providing quality services
15 that encourage high student achievement, seamless
16 articulation, and maximum access.

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

30 (a) 1. The board of trustees shall meet ~~within 30 days~~
31 ~~of July 1, 2000, and shall continue to meet~~ at least 4 times

1 each year, upon the call of the chair, or at the request of a
2 majority of the membership.

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

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

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

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

1 shall be used to support the school's research and development
2 activities in order to improve courseware and services to its
3 students.

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

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

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

23 2. The board of trustees may establish and maintain a
24 personnel loan or exchange program by which persons employed
25 by the board for the Florida Virtual ~~On-Line~~ High School as
26 academic administrative and instructional staff may be loaned
27 to, or exchanged with persons employed in like capacities by,
28 public agencies either within or without this state, or by
29 private industry. With respect to public agency employees, the
30 program authorized by this subparagraph shall be consistent
31 with the requirements of part II of chapter 112. The salary

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

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

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

24 5. All employees except temporary, seasonal, and
25 student employees may be state employees for the purpose of
26 being eligible to participate in the Florida Retirement System
27 and receive benefits. The classification and pay plan,
28 including terminal leave and other benefits, and any
29 amendments thereto, shall be subject to review and approval by
30 the Department of Management Services and the Executive Office
31 of the Governor prior to adoption. In the event that the board

1 of trustees assumes responsibility for governance pursuant to
2 this section before approval is obtained, employees shall be
3 compensated pursuant to the system in effect for the employees
4 of the fiscal agent.

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

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

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

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

27 ~~(j)(k)~~ The financial records and accounts of the
28 Florida Virtual On-Line High School shall be maintained under
29 the direction of the board of trustees and under regulations
30 prescribed by the Florida State Board of Education for the
31

1 uniform system of financial records and accounts for the
2 schools of the state.
3
4 The Governor shall designate the initial chair of the board of
5 trustees to serve a term of 4 years. Members of the board of
6 trustees shall serve without compensation, but may be
7 reimbursed for per diem and travel expenses pursuant to s.
8 112.061. The board of trustees shall be a body corporate with
9 all the powers of a body corporate and such authority as is
10 needed for the proper operation and improvement of the Florida
11 Virtual ~~On-Line~~ High School. The board of trustees is
12 specifically authorized to adopt rules, policies, and
13 procedures, consistent with law and rules of the Florida Board
14 of Education related to governance, personnel, budget and
15 finance, administration, programs, curriculum and instruction,
16 travel and purchasing, technology, students, contracts and
17 grants, and property as necessary for optimal, efficient
18 operation of the Florida Virtual ~~On-Line~~ High School. Tangible
19 personal property owned by the board of trustees shall be
20 subject to the provisions of chapter 273.

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

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

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

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

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

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

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

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

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

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

28 (e) Recommendations regarding the unit cost of
29 providing services to students. In order to most effectively
30 develop public policy regarding any future funding of the
31 Florida Virtual ~~On-Line~~ High School, it is imperative that the

1 cost of the program is accurately identified. The identified
2 cost of the program must be based on reliable data ~~and reflect~~
3 ~~the costs associated with maintaining a state-of-the-art~~
4 ~~on-line high school, including the costs associated with~~
5 ~~maintaining a high-quality research and development effort to~~
6 ~~locate and assimilate, or develop, Internet-based courses.~~

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

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

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

17 Section 27. The Department of Education shall maximize
18 the available federal indirect cost allowed on all federal
19 grants. Beginning with the 2002-2003 fiscal year, none of the
20 funds received from indirect cost allowance shall be expended
21 by the department without specific appropriation by the
22 Legislature. Funds received pursuant to s. 240.241, Florida
23 Statutes, are specifically exempt from this provision.

24 Section 28. Effective June 30, 2002, section 229.8065,
25 Florida Statutes, is repealed.

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

28 229.085 Custody of educational funds.--

29 (2) There is created in the Department of Education
30 the Projects, Contracts, and Grants Trust Fund. ~~If, in~~
31 ~~executing the terms of such grants or contracts for specific~~

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

15 Section 30. By October 31, 2002, the Florida Board of
16 Education shall provide recommendations to the Governor, the
17 Speaker of the House of Representatives, and the President of
18 the Senate for a performance-based funding model for the State
19 University System. The recommendations shall provide that at
20 least 10 percent of legislatively appropriated funds shall be
21 allocated based on performance standards which are tied to the
22 mission of each university.

23 Section 31. Subsections (2), (4), and (5), paragraphs
24 (b), (c), and (d) of subsection (1), and paragraphs (a), (c),
25 (d), and (e) of subsection (3) of section 235.217, Florida
26 Statutes, are repealed.

27 Section 32. Sections 240.145, 240.147, 240.227,
28 240.307, subsection (2) of section 240.209, and subsection (4)
29 of section 240.311, Florida Statutes, are repealed.

30 Section 33. Except as otherwise provided herein, this
31 act shall take effect upon becoming a law.