

By the Committee on Education and Senators Pruitt, Horne and
Lawson

304-1630-01

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 regents;
15 abolishing the Board of Regents, the State
16 Board of Community Colleges, and the
17 Postsecondary Education Planning Commission;
18 transferring the powers, duties, functions,
19 records, personnel, property, unexpended
20 balances of appropriations, allocations, other
21 funds, administrative authority, administrative
22 rules, pending issues, and existing contracts
23 of the Board of Regents to the Florida Board of
24 Education, of the State Board of Community
25 Colleges to the Florida Board of Education, and
26 of the Postsecondary Education Planning
27 Commission to the Education K-20 Policy and
28 Research Commission, respectively; creating the
29 Education K-20 Policy and Research Commission
30 within OPPAGA; transferring the Articulation
31 Coordinating Committee and the Education

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

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

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

1 F.S.; providing for establishment and
2 membership of boards of regents of universities
3 in the State University System; creating s.
4 229.0081, F.S.; establishing powers and duties
5 of university boards of regents; creating s.
6 229.0082, F.S.; establishing powers and duties
7 of university presidents; creating s. 229.0083,
8 F.S.; providing legislative intent regarding
9 the School Readiness Act; clarifying
10 responsibilities of the Florida Partnership for
11 School Readiness, the Department of Education,
12 and parents relating to school readiness;
13 creating s. 229.0084, F.S.; providing a
14 statement of legislative finding and intent
15 regarding liability for student achievement;
16 amending s. 228.082, F.S.; revising the name of
17 the Florida On-Line High School to the Florida
18 Virtual High School, which school shall be
19 housed within the Commissioner of Education's
20 Office of Technology and Information Services
21 and monitored by the commissioner; stating the
22 mission of the Florida Virtual High School;
23 deleting obsolete language; revising the duties
24 of the school's board of trustees; requiring
25 the Department of Education to maximize federal
26 indirect cost allowed on federal grants;
27 requiring appropriation for expenditure of
28 funds received from indirect cost allowance;
29 repealing s. 229.0865, F.S., relating to the
30 Knott Data Center and projects, contracts, and
31 grants; amending s. 229.085, F.S.; removing an

1 exemption for personnel employed by projects
2 funded by contracts and grants; repealing ss.
3 240.145, 240.147, 240.209(2), 240.227, 240.307,
4 and 240.311(4), F.S., relating to the
5 Postsecondary Education Planning Commission,
6 the powers and duties of the commission, the
7 Board of Regents appointment of a Chancellor of
8 the State University System, powers and duties
9 of university presidents, the appointment of
10 members of the State Board of Community
11 Colleges, and the appointment of an executive
12 director of the community college system;
13 providing effective dates.
14

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

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

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

12

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

14

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

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

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 still ensuring that nonpublic education
10 institutions and home education programs maintain their
11 independence, 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 (2) The guiding principles for Florida's new education
19 governance are:

20 (a) A coordinated, seamless system for kindergarten
21 through graduate school education.

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

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

26 (d) A system that safeguards equity and supports
27 academic excellence.

28 (e) A system that provides for local operational
29 flexibility while promoting accountability for student
30 achievement and improvement ~~refuses to compromise academic~~
31 ~~excellence~~.

1 Section 3. Section 229.003, Florida Statutes, is
2 amended to read:

3 229.003 Florida education governance reorganization.--

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

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

12 ~~(2)(3) Effective January 7, 2003, There are is~~
13 established the following education governance officers in
14 addition to the Commissioner of Education:

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

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

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

21 (d) ~~An~~ Executive Director of Independent Nonpublic and
22 ~~Nontraditional~~ Education, appointed by the Commissioner of
23 Education.

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

29 ~~(3)(4) Effective July 1, 2000,~~The Governor shall
30 appoint a seven-member board of trustees for the Florida
31

1 Virtual On-Line High School, which shall be a body corporate
2 with all the powers of a body corporate.

3 ~~(4)(5) Effective January 7, 2003,~~The Governor shall
4 appoint for each university in the State University System, an
5 11-member a nine-member board of regents, with members subject
6 to confirmation by the Senate, trustees which shall be a body
7 corporate with all the powers of a body corporate. In addition
8 to the 11 members, each student body president shall serve as
9 an ex officio nonvoting member of the board of regents. There
10 shall be no state residency requirement for university board
11 members, but the Governor shall consider regional
12 representatives, as appropriate ~~All members of the board of~~
13 ~~trustees of Florida Atlantic University must reside within the~~
14 ~~service area of the university; three must be residents of~~
15 ~~Broward County, three must be residents of Palm Beach County,~~
16 ~~and three may be residents of any county within the service~~
17 ~~area. Each appointee is subject to confirmation by the Senate~~
18 ~~in the regular legislative session immediately following his~~
19 ~~or her appointment.~~

20 (5) Effective July 1, 2001:

21 (a) The Board of Regents created in s. 240.205 is
22 abolished.

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

30 (c) The State Board of Community Colleges is
31 abolished.

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

9 (e) The Postsecondary Education Planning Commission is
10 abolished.

11 (f) The Education K-20 Policy and Research Commission
12 is created and assigned for administrative purposes to the
13 Office of Program Policy Analysis and Government
14 Accountability (OPPAGA).

15 (g) All personnel, unexpended balances of
16 appropriations, and allocations of the Postsecondary Education
17 Planning Commission are transferred to the Education K-20
18 Policy and Research Commission.

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

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

29 1. The creation of an Office of Technology and
30 Information Services, an Office of Workforce and Economic
31 Development, and an Office of Educational Facilities.

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

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

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

5 5. The creation of a Division of Independent

6 Education.

7 6. The merger of the powers, duties, and staffs of the
8 State Board of Independent Colleges and Universities and the
9 State Board of Nonpublic Career Education, except as relating
10 to any independent nonprofit college or university which is
11 located in and chartered by the state, is accredited by the
12 Commission on Colleges of the Southern Association of Colleges
13 and Schools, and grants baccalaureate degrees, into a single
14 Commission for Independent Education administratively housed
15 within the Division of Independent Education.

16 ~~(6) Effective January 7, 2003, the powers and duties~~
17 ~~of the following entities are relocated to the Florida Board~~
18 ~~of Education, which shall retain all related funding and~~
19 ~~budget authority for purposes of a single, seamless~~
20 ~~kindergarten through graduate school education system and~~
21 ~~single or coordinated budget and may retain or redistribute~~
22 ~~the powers and duties of each entity in accordance with the~~
23 ~~policies and guiding principles of s. 229.002, and the~~
24 ~~entities shall cease to exist:~~

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

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

27 ~~(c) The State Board of Independent Colleges and~~
28 ~~Universities.~~

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

30 ~~(e) The Division of Workforce Development of the~~
31 ~~Department of Education.~~

- 1 ~~(f) The Postsecondary Education Planning Commission.~~
2 ~~(g) The Articulation Coordination Committee.~~
3 ~~(h) The Division of Human Resource Development of the~~
4 ~~Department of Education.~~
5 ~~(i) The Division of Support Services of the Department~~
6 ~~of Education.~~
7 ~~(j) The Division of Administration of the Department~~
8 ~~of Education.~~
9 ~~(k) The Division of Financial Services of the~~
10 ~~Department of Education.~~
11 ~~(l) The Division of Technology of the Department of~~
12 ~~Education.~~
13 ~~(m) The Office of Student Financial Assistance of the~~
14 ~~Department of Education.~~
15 ~~(n) The Division of Universities of the Department of~~
16 ~~Education.~~
17 ~~(o) The Division of Community Colleges of the~~
18 ~~Department of Education.~~

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

21 229.0031 Education K-20 Policy and Research
22 Commission.--Effective July 1, 2001, the Education K-20 Policy
23 and Research Commission shall be created, which shall be
24 administratively housed within the Office of Program Policy
25 Analysis and Government Accountability (OPPAGA).

26 (1)(a) The commission shall be composed of five
27 members appointed by the Governor, two members appointed by
28 the President of the Senate, and two members appointed by the
29 Speaker of the House of Representatives, none of whom shall be
30 an elected official. Each member shall serve a term of 6
31 years; however, for the purpose of providing staggered terms,

1 of the initial appointments one of the members appointed by
2 the Governor, one of the members appointed by the President of
3 the Senate, and one of the members appointed by the Speaker of
4 the House of Representatives shall be appointed to 4-year
5 terms, one of the members appointed by the President of the
6 Senate and one of the members appointed by the Speaker of the
7 House of Representatives shall be appointed to 5-year terms,
8 and the remaining four members shall be appointed to 6-year
9 terms.

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

13 (2) The commission shall appoint and employ an
14 executive director, who shall be the chief administrative
15 officer of the commission and shall report directly to the
16 commission, except that the first executive director shall be
17 appointed by the Education Governance Reorganization
18 Transition Task Force, subject to confirmation by the
19 commission.

20 (3) The commission shall:

21 (a) Provide state policymakers with objective, timely,
22 and independent information that supports a seamless
23 student-centered K-20 education system and accountability
24 process that provides all students an opportunity for a
25 high-quality education, in accordance with the policies and
26 guiding principles of s. 229.002.

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

1 (c) Explore national, state, and local emerging
2 issues.

3 (d) Identify successful and innovative educational
4 programs.

5 (e) Prepare and submit for approval to the
6 Commissioner of Education and the Florida Board of Education a
7 long-range master plan for the seamless K-20 education system,
8 and review and report annually on the plan's implementation,
9 success, and recommended revision.

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

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

14 229.004 Florida Board of Education.--

15 (1)(a) In accordance with the implementation process
16 in s. 229.0072 ~~Effective January 7, 2003,~~ the Florida Board of
17 Education is established as a body corporate. The board shall
18 be a ~~part-time~~ citizen board consisting of seven members
19 appointed by the Governor to staggered 4-year terms, subject
20 to confirmation by the Senate. Members of the board shall
21 serve without compensation, but shall be entitled to
22 reimbursement of travel and per diem expenses in accordance
23 with s. 112.061. Members may be reappointed by the Governor
24 for additional terms.

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

27 (2) The primary duties of the board shall be to
28 establish education goals and objectives consistent with the
29 policies and guiding principles of s. 229.002 and the mission
30 and goals of s. 229.007 and, together with the Commissioner of
31 Education, to oversee the implementation of and enforce

1 compliance with the education policies established by the
2 Legislature. The board, and the commissioner, shall establish,
3 operate, and maintain optimal efficiency of an Office of the
4 Commissioner of Education, pursuant to s. 229.0061(2)(c)~~Board~~
5 ~~of Education.~~

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

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

12 (b) Establish and aggressively enforce efficient and
13 effective performance management objectives.

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

16 (d) Recommend one budget or a coordinated budget based
17 on consistent policies for a seamless kindergarten through
18 graduate school education.

19 (e) Adopt cohesive rules governing systemwide access
20 to educational opportunities, ~~within statutory authority, for~~
21 ~~education systemwide issues~~ and ensure that rules adopted for
22 the various education delivery systems are compatible.

23 (f) Ensure articulation and coordination within and
24 across the entire education delivery system.

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

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

30 (a) The work of ~~with~~ the Chancellor of Public Schools
31 ~~K-12 Education~~ to establish, and maintain optimal efficiency

1 of, a Division ~~an Office~~ of Public Schools, within the
2 guidelines of ss. 229.0061 and 229.0073, and to achieve the
3 mission and goals of s. 229.007 ~~K-12 Education~~.

4 (b) The work of ~~with~~ the Chancellor of Colleges and
5 ~~State~~ Universities to establish, and maintain optimal
6 efficiency of, a Division ~~an Office~~ of Colleges and State
7 Universities, within the guidelines of ss. 229.0061 and
8 229.0073, and to achieve the mission and goals of s. 229.007.

9 (c) The work of ~~with~~ the Chancellor of Community
10 ~~Colleges and Career Preparation~~ to establish, and maintain
11 optimal efficiency of, a Division ~~an Office~~ of Community
12 ~~Colleges and Career Preparation~~, within the guidelines of ss.
13 229.0061 and 229.0073, and to achieve the mission and goals of
14 s. 229.007.

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

21 Section 6. Section 229.005, Florida Statutes, is
22 amended to read:

23 229.005 Florida education governance officers.--

24 (1) COMMISSIONER OF EDUCATION.--The Commissioner of
25 Education shall work with the Florida Board of Education and
26 oversee the other education governance officers to focus ~~be~~
27 ~~appointed by the Board of Education from candidates of~~
28 ~~national caliber and respected and proven organizational~~
29 ~~leadership with established experience in administering~~
30 ~~broad-based policy. The commissioner shall be a person who is~~
31 ~~eminently capable of focusing~~ the entire kindergarten through

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

1 ~~provision shall be made by law for a uniform, efficient, safe,~~
2 ~~secure, and high quality system of free public schools that~~
3 ~~allows students to obtain a high quality education. . . ."~~

4 (3) CHANCELLOR OF COLLEGES AND STATE

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

18 (4) CHANCELLOR OF COMMUNITY COLLEGES ~~AND CAREER~~

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

30 (5) EXECUTIVE DIRECTOR OF INDEPENDENT NONPUBLIC AND

31 ~~NONTRADITIONAL~~ EDUCATION.--The Executive Director of

1 Independent Nonpublic and Nontraditional Education shall be
2 appointed by the Commissioner of Education based on his or her
3 ability to work as a division vice president of the seamless
4 K-20 education system with the Florida Board of Education and
5 the other education governance officers to comply with the
6 policies and guiding principles of s. 229.002, to achieve the
7 mission and goals of s. 229.007, to enhance the quality and
8 expand the offerings and innovations of independent nonpublic
9 ~~and nontraditional~~ education in Florida, to establish
10 partnerships with independent nonpublic education providers at
11 all levels to achieve these goals, and to work directly with
12 the Board of Trustees of the Florida Virtual ~~On-Line~~ High
13 School and with Florida's private school associations, home
14 education associations, independent nonpublic career education
15 institutions, and independent colleges and universities to
16 maximize educational choice and enhance the options,
17 educational alternatives, and student-focused delivery for
18 their students.

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

21 229.006 Education Governance Reorganization Transition
22 Task Force.--

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

30 (a) Five members appointed by the Governor;

31

1 (b) Three members appointed by the President of the
2 Senate; and

3 (c) Three members appointed by the Speaker of the
4 House of Representatives.

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

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

29 ~~(a) How best to achieve education system integration~~
30 ~~by+~~

31

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

3 ~~2. Devolving the education delivery services and~~
4 ~~operational decisions to the appropriate location of delivery~~
5 ~~to students, specifically the schools, community colleges,~~
6 ~~colleges, universities, area technical centers, and other~~
7 ~~education institutions or places where the students receive~~
8 ~~their education.~~

9 ~~3. Providing for a single or coordinated kindergarten~~
10 ~~through graduate school education budget.~~

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

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

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

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

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

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

31

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

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

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

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

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

21 ~~(e) Any additional statutory changes needed during the~~
22 ~~2002 legislative session to complete the education governance~~
23 ~~reorganization transition.~~

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

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

30 ~~(b) Rulemaking authority for the new Florida Board of~~
31 ~~Education and a plan and timetable for transition or~~

1 ~~coordination of existing education sector agency rules and~~
2 ~~rulemaking authority recommendations, if any, for education~~
3 ~~agencies.~~

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

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

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

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

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

25 Section 8. Section 229.0061, Florida Statutes, is
26 created to read:

27 229.0061 Florida's K-20 education system; guidelines
28 for implementation; guidelines for structure, functions, and
29 organization.--

30 (1) GUIDELINES FOR IMPLEMENTATION.--
31

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

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

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

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

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

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

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

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

10 1. Enforce systemwide education policies and goals.

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

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

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

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

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

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

25 8. Establish the missions of the public colleges and
26 universities and community colleges.

27 9. Approve new degree programs above the master's
28 degree level.

29 10. Approve new undergraduate medical education
30 programs or colleges, new graduate medical education programs,
31 and Programs in Medical Sciences (PIMS) which are partnerships

1 between two or more public higher education institutions or
2 between public and private higher education institutions.

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

14 1. Legal.

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

18 3. Strategic planning and budget development.

19 4. General administration.

20 5. Assessment and accountability.

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

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

25 8. Policy research and development, except the
26 Education K-20 Policy and Research Commission.

27 9. Florida Board of Education personnel.

28 10. Workforce and economic development.

29 11. Educational facilities.

30 12. Inspector General.

31

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

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

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

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

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

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

17 9. Direct the provision of state services to
18 institutions under the division.

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

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

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

28 1. Provide strategic planning and budget development
29 for their institution or school district.

30
31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (2) Effective July 1, 2001, the Governor shall appoint
31 a seven-member Florida Board of Education. The Florida Board

1 of Education shall be housed within, and operate under the
2 direction of, the State Board of Education.

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

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

9 (a) Adopt rules pursuant to ss. 120.536(1) and 120.54
10 to implement provisions of law conferring duties upon it. The
11 rules shall be submitted to the State Board of Education. If
12 any rule is not disapproved by the State Board of Education
13 within 45 days after its receipt, the rule shall be filed
14 immediately with the Department of State.

15 (b) Prepare and submit a unified K-20 education budget
16 that clearly defines the individual needs of the four
17 divisions created within the Department of Education.

18 (c) Establish a work plan and timeline for the orderly
19 implementation of the transition, including a fully detailed
20 plan and timeline for the devolution of duties, as
21 appropriate, to the university boards of regents.

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

26 (e) Supervise the coordination of institutions and
27 delivery sectors.

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

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

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

3 (i) Establish advisory boards to provide the support
4 needed to address issues such as public education facilities
5 planning; student issues; instructional issues; distance
6 learning and technology; academic quality, freedom, and
7 responsibility; and research.

8 (j) Develop and review recommendations on issues of
9 statewide importance, such as technology systems and
10 facilities.

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

15 (l) Advise the State Board of Education regarding the
16 issuance of bonds.

17 (m) Appoint advisory bodies, as necessary, on an ad
18 hoc basis.

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

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

30
31

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

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

10 (c) As a member of the State Board of Education,
11 determine the agenda for the Florida Board of Education and
12 provide the Florida Board of Education and the State Board of
13 Education the full support of the reorganized Department of
14 Education.

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

17 229.0073 Reorganization of the Department of
18 Education.--Effective July 1, 2001, notwithstanding the
19 provisions of s. 20.15, the commissioner's Education
20 Reorganization Workgroup is established to direct and provide
21 oversight for the reorganization of Florida's K-20 Department
22 of Education. The Commissioner of Education, the Governor or
23 his or her designee, the Chairman of the Education Governance
24 Reorganization Transition Task Force, the Chancellor of the
25 Division of Colleges and Universities, the Chancellor of the
26 Division of Community Colleges, a member of the Senate
27 appointed by the President, and a member of the House of
28 Representatives appointed by the Speaker shall serve on this
29 workgroup. The reorganization shall:

30 (1) Eliminate duplication across divisions; achieve
31 greater efficiencies in financial and human resources and

1 education services; and identify functions, resources, and
2 services that should be eliminated, transferred, or realigned.

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

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

13 (4) Establish the following divisions within the
14 department:

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

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

21 (c) Division of Colleges and Universities.--The
22 state's public universities and colleges and the 4-year
23 independent colleges and universities which are located in and
24 chartered by the state, are accredited by the Commission on
25 Colleges of the Southern Association of Colleges and Schools,
26 and grant baccalaureate degrees, to enable more effective
27 articulation between these public and private institutions.
28 The division chancellor shall administer those provisions of
29 chapter 246 that apply to the independent colleges and
30 universities within the division and shall establish a liaison
31 responsible for partnerships that enhance articulation between

1 and communication with Florida's 4-year independent colleges
2 and universities.

3 (d) Division of Independent Education.--The
4 independent education providers within the state, including
5 home education programs, private K-12 institutions,
6 independent colleges and universities, except those identified
7 under paragraph (c), and private postsecondary career
8 preparation and vocational training institutions.

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

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

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

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

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

30 (a) Office of Technology and Information
31 Services.--The office shall be responsible for developing a

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

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

17 (c) Office of Educational Facilities.--The office
18 shall validate all educational plant surveys, approve school
19 sites in accordance with rules of the Florida Board of
20 Education, and verify Florida Inventory of School Houses data.
21 The office shall work cooperatively with the SMART Schools
22 Clearinghouse to coordinate efforts to accomplish school
23 district educational facilities plans.

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

29 (6) Establish a K-20 education leadership team,
30 including, but not limited to, the education governance
31 officers. The leadership team shall be responsible for

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

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

6 229.0074 Division of Independent Education.--

7 (1) The mission of the Division of Independent
8 Education is to enhance the opportunity to raise the
9 educational attainment levels of students pursuing their
10 education in nongovernment settings by representing their
11 interests, and those of the institutions that serve them, in
12 the Department of Education. The Division of Independent
13 Education has no authority over the institutions or students
14 in Florida's independent education sector, other than those
15 specified in chapter 246 relating to independent postsecondary
16 education. The division shall serve as the advocate for, and
17 liaison to, independent education providers and institutions,
18 including home education programs, private K-12 institutions,
19 independent colleges and universities except as otherwise
20 provided in s. 229.0073(4)(c), and private postsecondary
21 career preparation/vocational training 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 unnecessary 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 which is located
13 in and chartered by the state, is accredited by the Commission
14 on Colleges of the Southern Association of Colleges and
15 Schools, and grants baccalaureate degrees, shall be combined
16 and transferred to a single board named the Commission for
17 Independent Education, which shall be administratively housed
18 within the division. This single board shall authorize
19 granting of certificates, diplomas, and degrees for
20 independent postsecondary education institutions through
21 exemption, registration authorization, and licensing.

22 (4) The Commission for Independent Education shall
23 consist of 10 citizens who are residents of this state, a
24 majority of whom represent independent postsecondary
25 educational institutions licensed, authorized, or exempt from
26 licensure by the Commission for Independent Education. Members
27 shall be selected from the state at large and shall be
28 appointed by the Governor and confirmed by the Senate. To be
29 consistent with an independent rulemaking commission, members,
30 except members appointed pursuant to paragraph (g), must be
31 employees, consultants, commission members, or trustees of an

1 independent postsecondary educational institution that is
2 licensed, authorized, or exempt from licensure by the
3 Commission for Independent Education and offers primarily
4 resident training. The commission shall consist of the
5 following members:

6 (a) One member from a college or university licensed
7 or exempt from licensure by the commission and accredited by a
8 regional accrediting agency.

9 (b) Two members from colleges or universities licensed
10 or exempt from licensure by the commission and accredited by a
11 national accrediting agency.

12 (c) One member from a college or university authorized
13 pursuant to s. 246.085(1)(b) or a college or university issued
14 an authorization pursuant to s. 246.084.

15 (d) Two members from a school licensed by the
16 commission and accredited by a national accrediting agency.

17 (e) One member from a nonaccredited school that is
18 licensed by the commission.

19 (f) One member from a college or university licensed
20 or exempt from licensure by the commission, nationally or
21 regionally accredited, and offering programs at both the
22 degrees and nondegree levels.

23 (g) Two lay citizens of the state who are not
24 employees, consultants, commission members, or trustees of a
25 nonpublic postsecondary educational institution and who do not
26 derive any income from a nonpublic postsecondary educational
27 institution.

28
29 Accreditation of an institution under this subsection must be
30 institutional accreditation by a regional or national
31

1 accrediting agency recognized by the United States Department
2 of Education.

3 (5) The Governor shall appoint the new members of the
4 commission to 3-year terms; however, for the initial
5 appointment in 2001, four members shall be appointed for 3
6 years, three members for 2 years, and three members for 1
7 year. The Governor shall make the initial appointments no
8 later than July 1, 2001.

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

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

15 229.008 Boards of regents of the state universities.--

16 (1)(a) Effective July 1, 2001, and no later than
17 November 1, 2001, the Governor shall appoint an 11-member
18 board of regents for each university in the State University
19 System, with members subject to confirmation by the Senate. In
20 addition, each student body president shall serve as an ex
21 officio nonvoting member of his or her university board of
22 regents. Members of the boards of regents shall receive no
23 compensation but may be reimbursed for travel and per diem
24 expenses as provided in s. 112.061.

25 (b) The Governor may remove a regent upon the
26 recommendation of the Florida Board of Education or for cause.

27 (2) There is no state residency requirement for
28 university board members, except that no university board
29 shall be composed of a majority of members from one county.

30 (3) A board of regents shall be a public body
31 corporate by the name of "The (name of university) Board of

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

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

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

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

27 (7) Upon appointment, each board of regents shall
28 commence professional orientation, training, and board
29 development activities, and shall begin setting direction for
30 its university in keeping with accountability and performance
31 expectations of the seamless K-20 education system. In

1 preparation for the transition from operating as a state
2 agency to a body corporate employer without state agency
3 status, each board of regents shall submit to the Florida
4 Board of Education action plans and timelines for devolution
5 of duties and responsibilities to the board of regents.

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

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

15 229.0081 Powers and duties of university boards of
16 regents.--

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

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

30
31

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

31

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

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

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

16 (s) Assuring that any challenge grant program, to be
17 matched with state funds, is consistent with the mission of
18 each institution, as approved by the Florida Board of
19 Education pursuant to s. 299.0061. The board of regents must
20 also approve state matching funds for private contributions
21 consistent with that mission.

22 (t) Establishing a procurement program for the
23 purchase, lease, or acquisition in any manner (including
24 purchase by installment or lease-purchase contract which may
25 provide for the payment of interest on the unpaid portion of
26 the purchase price and for the granting of a security interest
27 in the items purchased) of goods, materials, equipment, and
28 services required by the university.

29 (u) Supervising faculty practice plans for the
30 academic health science centers.

31

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

8 (4) Notwithstanding the provisions of s. 216.351(1), a
9 state university board of regents may authorize the rent or
10 lease of parking facilities, provided that such facilities are
11 funded through parking fees or parking fines imposed by a
12 university. A board of regents may authorize a university to
13 charge fees for parking at such rented or leased parking
14 facilities.

15 (5) Effective July 1, 2002, within proviso in the
16 General Appropriations Act and law, each board of regents
17 shall set university matriculation fees, tuition, and other
18 fees. The matriculation fees and tuition level set by the
19 Board of Regents shall vary from the standard tuition,
20 established in the annual General Appropriations Act, by no
21 more than 10 percent below or 15 percent above the standard.

22 (6) Effective July 1, 2002, each board of regents
23 shall implement the university facilities plan in accordance
24 with law and guidelines of the Commissioner of Education's
25 Office of Educational Facilities.

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

29 (8) Establish policies relating to credit and
30 noncredit educational offerings by the university, subject to
31 guidelines of the Florida Board of 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 regents, 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 regents 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 regents.

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 regents.

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

27 (5) Approve, execute, and administer contracts for and
28 on behalf of the university board of regents 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 regents, and are for the implementation of
4 approved programs of the university.

5 (6) Act for the university board of regents 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 regents the
17 establishment and termination of undergraduate and master's
18 level degree programs within the approved role and scope of
19 the university.

20 (10) Award degrees.

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

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

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

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

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

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

29 (1) The School Readiness Act, chapter 99-357, Laws of
30 Florida, created the Florida Partnership for School Readiness
31 to fulfill three major purposes: to administer school

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

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

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

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

29 (b) Create any obligation to provide publicly funded
30 pre-school programs or services beyond those authorized by the
31 Legislature.

1 (4) Notwithstanding any provision of law to the
2 contrary, the Florida Partnership for School Readiness shall
3 be assigned to the Agency for Workforce Innovation for
4 administrative purposes. The Agency for Workforce Innovation
5 shall prepare a plan that provides for the distribution and
6 expenditure of all school readiness funds based upon a
7 performance funding formula. The plan shall be submitted to
8 the Governor and the Legislative Budget Commission. Upon
9 approval, the Legislative Budget Commission shall authorize
10 the transfer of funds to the Agency for Workforce Innovation
11 for distribution in accordance with the provisions of the
12 formula. The partnership shall:

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

17 (b) Continue to provide the unified leadership for
18 school readiness through the local school readiness
19 coalitions.

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

22 (5) The Department of Education shall implement the
23 uniform school readiness screening instrument recommended by
24 the partnership and incorporate school readiness data into the
25 K-20 data warehouse for longitudinal tracking. The department
26 shall provide the partnership with complete and full access to
27 kindergarten uniform screening data at the student, school,
28 district, and state levels in a format that will enable the
29 partnership to prepare reports needed by state policymakers
30 and local school readiness coalitions to assess progress
31

1 toward school readiness goals and provide input for continuous
2 improvement of local school readiness services and programs.

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

5 229.0084 Legislative findings and intent.--It is the
6 finding of the Legislature that student achievement, from
7 kindergarten through graduate school, is dependent upon a
8 number of factors, including the quality of schools, the
9 quality of instruction, and the personal efforts and
10 responsibilities of the students and their parents. Nothing
11 contained in Florida law shall make the state or local school
12 districts the guarantors that students will fully avail
13 themselves of the opportunities provided them to attain high
14 academic achievement.

15 Section 18. Section 228.082, Florida Statutes, is
16 amended to read:

17 228.082 The Florida Virtual ~~On-Line~~ High School.--

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

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

31

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

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

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

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

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

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 2002-2003, the school
16 shall collect FTE for home-schooled students.

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

31

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

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

17 1. The board of trustees shall determine the
18 compensation, including salaries and fringe benefits, and
19 other conditions of employment for such personnel.

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

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

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

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

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

1 compensated pursuant to the system in effect for the employees
2 of the fiscal agent.

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

25 (e) Recommendations regarding the unit cost of
26 providing services to students. In order to most effectively
27 develop public policy regarding any future funding of the
28 Florida Virtual ~~On-Line~~ High School, it is imperative that the
29 cost of the program is accurately identified. The identified
30 cost of the program must be based on reliable data ~~and reflect~~
31 ~~the costs associated with maintaining a state-of-the-art~~

1 ~~on-line high school, including the costs associated with~~
2 ~~maintaining a high-quality research and development effort to~~
3 ~~locate and assimilate, or develop, Internet-based courses.~~

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

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

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

14 Section 19. The Department of Education shall maximize
15 the available federal indirect cost allowed on all federal
16 grants. Beginning with the 2002-2003 fiscal year, none of the
17 funds received from indirect cost allowance shall be expended
18 by the department without specific appropriation by the
19 Legislature.

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

22 Section 21. Effective June 30, 2002, subsection (2) of
23 section 229.085, Florida Statutes, is amended to read:

24 229.085 Custody of educational funds.--

25 (2) There is created in the Department of Education
26 the Projects, Contracts, and Grants Trust Fund. ~~If, in~~
27 ~~executing the terms of such grants or contracts for specific~~
28 ~~projects, the employment of personnel shall be required, such~~
29 ~~personnel shall not be subject to the requirements of s.~~
30 ~~216.262(1)(a).~~The personnel employed to plan and administer
31 such projects shall be considered in time-limited employment

1 not to exceed the duration of the grant or until completion of
2 the project, whichever first occurs. Such employees shall not
3 acquire retention rights under the Career Service System, the
4 provisions of s. 110.051(1) to the contrary notwithstanding.
5 Any employee holding permanent career service status in a
6 Department of Education position who is appointed to a
7 position under the Projects, Contracts, and Grants Trust Fund
8 shall retain such permanent status in the career service
9 position.

10 Section 22. Sections 240.145, 240.147, 240.227,
11 240.307, subsection (2) of section 240.209, and subsection (4)
12 of section 240.311, Florida Statutes, are repealed.

13 Section 23. Except as otherwise provided in this act,
14 this act shall take effect upon becoming a law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 2108
4 The Committee Substitute:
5 Names the university boards "boards of regents."
6 Does not provide a delay in the required Senate confirmation
7 for the members of the appointed Florida Board of Education.
8 Requires the function of administering student financial
9 assistance to be housed in an office of the Commissioner of
10 Education.
11 Requires the commissioner's budget request to reflect the
12 needs of the four divisions within the Department of
13 Education.
14 Specifies membership and terms of office for the Commission
15 for Independent Education.
16 Provides that the universities are in transition from state
17 agency status to that of a corporate employer without that
18 status.
19 Authorizes university student matriculation fees and tuition
20 to vary no more than 10 percent below and 15 percent above the
21 standard established in a General Appropriations Act.
22 Repeals the authority for the Knott Data Center and Projects,
23 Contracts, and Grants Programs to be exempt from legislative
24 budgeting requirements.
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