

By the Committees on Appropriations, Education and Senators
Pruitt, Horne and Lawson

309-1927A-01

1 A bill to be entitled
2 An act relating to education governance
3 reorganization; amending s. 240.3836, F.S.;
4 providing legislative intent; providing a
5 process for authorizing community colleges to
6 offer baccalaureate degree programs; amending
7 s. 240.527, F.S.; requiring a Campus Board of
8 the University of South Florida St. Petersburg;
9 requiring separate accreditation; providing
10 powers and duties of the Campus Board and the
11 Campus Executive Officer; providing a procedure
12 for preparing a budget request; providing for
13 central support services contracts and a letter
14 of agreement; excluding certain entities from
15 certain provisions; amending s. 240.2011, F.S.;
16 adding to the State University System the New
17 College in Sarasota; creating fiscally
18 autonomous campuses of the University of South
19 Florida; requiring a Campus Board of the
20 University of South Florida Sarasota/Manatee;
21 authorizing separate accreditation; providing
22 powers and duties of the Campus Board and the
23 Campus Executive Officer; providing a procedure
24 for preparing a budget request; providing for
25 central-support-services contracts and a letter
26 of agreement; establishing a mission, goals,
27 and board of trustees for New College of
28 Florida; providing Legislative intent;
29 redesignating St. Petersburg Junior College as
30 "St. Petersburg College"; requiring
31 accreditation; providing a mission; providing

1 for students and fees; providing conditional
2 authority to offer baccalaureate-degree-level
3 programs; authorizing certain
4 baccalaureate-degree programs and a process for
5 increasing their number; establishing a
6 governing board and a coordinating board;
7 providing for dispute resolution; providing for
8 certain employment classifications; providing
9 for the acquisition of land, buildings, and
10 equipment; authorizing the power of eminent
11 domain; providing for state funding; requiring
12 a cost-accounting process; amending s. 229.001,
13 F.S.; revising a short title to delete obsolete
14 language; amending s. 229.002, F.S.; revising
15 the policy and guiding principles of the
16 Legislature relating to education governance;
17 amending s. 229.003, F.S.; revising the
18 timeframe for education governance
19 reorganization; revising the titles of the
20 education governance officers; revising the
21 name of the Florida On-Line High School to
22 conform with changes made by the bill; revising
23 the membership of university boards of
24 trustees; abolishing the Board of Regents, the
25 State Board of Community Colleges, and the
26 Postsecondary Education Planning Commission;
27 transferring the powers, duties, functions,
28 records, personnel, property, unexpended
29 balances of appropriations, allocations, other
30 funds, administrative authority, administrative
31 rules, pending issues, and existing contracts

1 of the Board of Regents to the Florida Board of
2 Education, of the State Board of Community
3 Colleges to the Florida Board of Education, and
4 of the Postsecondary Education Planning
5 Commission to the Education K-20 Policy and
6 Research Council, respectively; creating the
7 Education K-20 Policy and Research Council
8 within the Department of Education;
9 transferring the Articulation Coordinating
10 Committee and the Education Standards
11 Commission by a type two transfer from the
12 Department of Education to the Florida Board of
13 Education; requiring the Commissioner of
14 Education to commence reorganization of the
15 department and specifying offices and
16 divisions; requiring the merger of the powers,
17 duties, and staffs of the State Board of
18 Independent Colleges and Universities and the
19 State Board of Nonpublic Career Education, with
20 an exception, into a single Commission for
21 Independent Education; creating s. 229.0031,
22 F.S.; creating the Education K-20 Policy and
23 Research Council; establishing the membership
24 and duties of the council; providing for the
25 appointment and employment of an executive
26 director; amending s. 229.004, F.S.; revising
27 the timeframe for the creation of the Florida
28 Board of Education; deleting the requirement
29 that the board be part time; revising the
30 duties and responsibilities of the board;
31 conforming terminology with changes made by the

1 bill; providing cross-references to newly
2 created missions and goals and guidelines;
3 amending s. 229.005, F.S.; revising provisions
4 relating to qualifications of Florida education
5 governance officers to conform terminology to
6 changes made by the bill and to provide
7 cross-references to newly created missions and
8 goals; requiring the Commissioner of Education
9 to work with the board and oversee the
10 chancellors and the executive director and to
11 serve as chief executive officer of the
12 seamless K-20 education system; deleting
13 references to requirements of the Florida
14 Constitution relating to education; requiring
15 the Chancellor of Public Schools, the
16 Chancellor of Colleges and Universities, the
17 Chancellor of Community Colleges, and the
18 Executive Director of Independent Education to
19 work as division vice presidents of the
20 seamless K-20 education system; revising the
21 name of the Florida On-Line High School to
22 conform with changes made by the bill; amending
23 s. 229.006, F.S.; deleting obsolete language
24 relating to the creation and the already
25 accomplished duties of the Education Governance
26 Reorganization Transition Task Force; revising
27 the timeframe for the reorganization; requiring
28 the task force to provide guidance and
29 monitoring of the reorganization implementation
30 process and to report to the Governor, the
31 Legislature, the Secretary of the Florida Board

1 of Education, and the public on its progress;
2 revising the timeframe and recipients of the
3 final report of the task force; creating s.
4 229.0061, F.S.; establishing guidelines for the
5 implementation, structure, functions, and
6 organization of Florida's K-20 education
7 system; creating s. 229.007, F.S.; establishing
8 Florida's K-20 education performance
9 accountability system; providing legislative
10 intent; establishing the mission and goals and
11 systemwide measures; requiring proposals and an
12 implementation schedule for performance-based
13 funding; creating s. 229.0072, F.S. ;
14 establishing a reorganization implementation
15 process; requiring the Governor to appoint
16 university boards of trustees, a Florida Board
17 of Education and a Secretary of the Florida
18 Board of Education; establishing duties of the
19 Florida Board of Education relating to the
20 transition and implementation of the K-20
21 system; requiring the Commissioner of Education
22 to work with the Florida Board of Education to
23 achieve full implementation of the seamless
24 K-20 system and to commence reorganization of
25 the department as required by the act;
26 requiring the Florida Board of Education to
27 appoint advisory bodies as necessary, and
28 develop and recommend to the Legislature a new
29 School Code; creating s. 229.0073, F.S. ;
30 directing the Commissioner of Education to work
31 with the Florida Board of Education to

1 reorganize the Department of Education as
2 provided by the act; creating s. 229.0074,
3 F.S.; establishing the mission of the Division
4 of Independent Education; providing duties of
5 the executive director; combining and
6 transferring the powers and duties of the State
7 Board of Independent Colleges and Universities
8 and the State Board of Nonpublic Career
9 Education, with an exception, to the Commission
10 for Independent Education; providing duties of
11 the commission; providing composition of the
12 Commission for Independent Education; creating
13 s. 229.008, F.S.; providing for establishment
14 and membership of boards of trustees of
15 universities in the State University System;
16 creating s. 229.0081, F.S.; establishing powers
17 and duties of university boards of trustees;
18 creating s. 229.0082, F.S.; establishing powers
19 and duties of university presidents; creating
20 s. 229.0083, F.S.; transferring the Partnership
21 for School Readiness from the Executive Office
22 of the Governor to the Agency for Workforce
23 Innovation; revising the name of the Florida
24 On-Line High School to the Florida Virtual High
25 School, which school shall be housed within the
26 Commissioner of Education's Office of
27 Technology and Information Services and
28 monitored by the commissioner; stating the
29 mission of the Florida Virtual High School;
30 deleting obsolete language; revising the duties
31 of the school's board of trustees; requiring

1 the Department of Education to maximize federal
2 indirect cost allowed on federal grants;
3 requiring appropriation for expenditure of
4 funds received from indirect cost allowance;
5 repealing s. 229.0865, F.S., relating to the
6 Knott Data Center and projects, contracts, and
7 grants; amending s. 229.085, F.S.; removing an
8 exemption for personnel employed by projects
9 funded by contracts and grants; repealing ss.
10 240.145, 240.147, 240.209(2), 240.227, 240.307,
11 and 240.311(4), F.S., relating to the
12 Postsecondary Education Planning Commission,
13 the powers and duties of the commission, the
14 Board of Regents appointment of a Chancellor of
15 the State University System, powers and duties
16 of university presidents, the appointment of
17 members of the State Board of Community
18 Colleges, and the appointment of an executive
19 director of the community college system;
20 repealing s. 235.217(1)(b), (c), and (d),
21 (3)(a), (c), (d), and (e), and (2), (4), and
22 (5), F.S., relating to the SMART Schools
23 Clearinghouse; providing effective dates.

24
25 WHEREAS, in response to Floridians' amendment of s. 2,
26 Art. IX of the State Constitution requiring a seven-member
27 state board of education appointed by the Governor to
28 staggered 4-year terms, subject to confirmation by the Senate,
29 which "shall appoint the commissioner of education," the 2000
30 Legislature enacted the "Florida Education Governance
31

1 Reorganization Act of 2000" (chapter 2000-321, Laws of
2 Florida), and

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

16 WHEREAS, the Education Governance Reorganization
17 Transition Task Force was timely appointed and has been
18 aggressively pursuing its statutory duties by holding meetings
19 and public hearings throughout the state, consulting with
20 education stakeholders and national experts, taking public
21 testimony, and working to expedite its recommendations, NOW,
22 THEREFORE,

23

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

25

26 Section 1. Section 240.3836, Florida Statutes, is
27 amended to read:

28 240.3836 Site-determined baccalaureate degree access
29 program; funding.--

30 (1) The Legislature recognizes that public and private
31 postsecondary education institutions play essential roles in

1 improving the quality of life and economic well-being of the
2 state and its residents. The Legislature also recognizes that
3 economic development needs and the educational needs of
4 place-bound, nontraditional students have increased the demand
5 for local access to baccalaureate degree programs. In some,
6 but not all, geographic regions, baccalaureate degree programs
7 are being delivered successfully at the local community
8 college through agreements between the community college and
9 4-year postsecondary institutions within or outside of the
10 state. It is therefore the intent of the Legislature to
11 further expand access to baccalaureate degree programs through
12 the use of community colleges ~~apply this concept in the~~
13 ~~creation and funding of a program that supports local economic~~
14 ~~development and responds to public demand for increased access~~
15 ~~to baccalaureate degrees in areas of the state that are~~
16 ~~underserved by 4-year institutions.~~

17 (2) A community college may be authorized by the State
18 Board of Education to offer a limited number of baccalaureate
19 degrees designed to meet local workforce needs through one of
20 the following processes:

21 (a) A community college may enter into a formal
22 agreement with the state university in its service area for
23 the community college to deliver specified baccalaureate
24 degree programs. The agreement must be submitted to the State
25 Board of Education for approval. The college's proposal must
26 include the following information:

27 1. Demand for the baccalaureate degree program is
28 identified by the workforce development board, local
29 businesses and industry, local chambers of commerce, and
30 potential students.

31

1 2. Unmet need for graduates of the proposed degree
2 program is substantiated.

3 3. The community college has the facilities and
4 academic resources to deliver the program.

5
6 The proposal must be submitted to the Postsecondary Education
7 Planning Commission for review and comment. Upon approval of
8 the State Board of Education for the specific degree program
9 or programs, the college shall pursue regional accreditation
10 by the Commission on Colleges of the Southern Association of
11 Colleges and Schools. Any additional baccalaureate degree
12 programs the college wishes to offer must be approved by the
13 State Board of Education.

14 (b) A community college may develop a proposal to
15 deliver specified baccalaureate degree programs in its
16 district. The proposal must be submitted to the State Board of
17 Education for approval. The college's proposal must include
18 the following information:

19 1. Demand for the baccalaureate degree program is
20 identified by the workforce development board, local
21 businesses and industry, local chambers of commerce, and
22 potential students.

23 2. Unmet need for graduates of the proposed degree
24 program is substantiated.

25 3. The community college has the facilities and
26 academic resources to deliver the program.

27
28 The proposal must be submitted to the Postsecondary Education
29 Planning Commission for review and comment. Upon approval of
30 the State Board of Education for the specific degree program
31 or programs, the college shall pursue regional accreditation

1 by the Commission on Colleges of the Southern Association of
2 Colleges and Schools. Any additional baccalaureate degree
3 programs the college wishes to offer must be approved by the
4 State Board of Education.

5 (3) A community college may not terminate its
6 Associate-in-Arts or Associate-in-Science degree programs as a
7 result of the authorization provided in subsection (2). The
8 Legislature intends that the primary mission of a community
9 college, including a college that offers baccalaureate-degree
10 programs, continues to be the provision of associate degrees
11 that provide access to a university.

12 ~~(2) Categorical funding is authorized for the~~
13 ~~site-determined baccalaureate degree access program created by~~
14 ~~this section. Funds may not be used to support the~~
15 ~~construction, renovation, or remodeling of facilities. This~~
16 ~~program is voluntary and does not preclude other mutually~~
17 ~~agreed upon arrangements between community colleges and 4-year~~
18 ~~institutions for the delivery of baccalaureate degrees on~~
19 ~~community college sites.~~

20 ~~(3) Each community college wishing to participate in~~
21 ~~the site-determined baccalaureate degree access program must:~~

22 ~~(a) Identify baccalaureate degree programs that are~~
23 ~~not currently offered at the community college but are~~
24 ~~proposed for delivery at the college to meet the academic and~~
25 ~~economic development needs of one or more communities within~~
26 ~~the college's service area. When assessing local needs, the~~
27 ~~college should seek input from the appropriate chamber of~~
28 ~~commerce, workforce development council, and other civic and~~
29 ~~business groups. As used in this section, the term "economic~~
30 ~~development" means entrepreneurial efforts, the attraction of~~

31

1 ~~new business and industry to the area, and the expansion of~~
2 ~~existing business and industry.~~

3 ~~(b) Determine the number of students interested in~~
4 ~~pursuing each proposed baccalaureate degree program and~~
5 ~~identify the enrollment patterns, any special characteristics~~
6 ~~of those students, and any unique combination or modification~~
7 ~~of course offerings that may be necessary to meet student~~
8 ~~enrollment needs.~~

9 ~~(c) Submit a proposal to the Postsecondary Education~~
10 ~~Planning Commission requesting validation of the need for the~~
11 ~~proposed baccalaureate degree program and tentative approval~~
12 ~~for program funding. The proposal must include:~~

13 ~~1. A description of each proposed baccalaureate degree~~
14 ~~program identifying the junior-level and senior-level courses~~
15 ~~to be offered and designating whether the program should be~~
16 ~~offered for a cohort group or as an ongoing degree program.~~

17 ~~2. Evidence that local occupational forecasts support~~
18 ~~the existence of jobs for graduates of the proposed~~
19 ~~baccalaureate degree programs.~~

20 ~~3. An estimated number of students to be served by~~
21 ~~each proposed degree program.~~

22 ~~4. An assurance that the community college's existing~~
23 ~~facilities are sufficient to meet the additional demands for~~
24 ~~classroom and laboratory space for the proposed degree~~
25 ~~programs.~~

26 ~~5. Evidence that the college has requested the~~
27 ~~participation of no fewer than three regionally accredited~~
28 ~~4-year postsecondary institutions, including at least one~~
29 ~~member of the State University System. Any member of the~~
30 ~~State University System and any independent, regionally~~
31 ~~accredited, 4-year institution that is chartered in, and has~~

1 ~~its primary campus located in, Florida may be a partner in a~~
2 ~~site-determined baccalaureate degree access program at any~~
3 ~~community college.~~

4 ~~6. A tentative agreement between the community college~~
5 ~~and the 4-year postsecondary institution selected to offer the~~
6 ~~upper-level courses leading to the proposed degree or degrees.~~

7 ~~7. Any additional provisions that the Postsecondary~~
8 ~~Education Planning Commission considers pertinent to the~~
9 ~~proposal.~~

10 ~~(4) The Postsecondary Education Planning Commission,~~
11 ~~after soliciting comments from the Board of Regents and the~~
12 ~~State Board of Community Colleges, shall validate the need for~~
13 ~~each baccalaureate degree program proposed for delivery~~
14 ~~according to this section and shall notify the community~~
15 ~~college that its proposal has been approved or rejected. The~~
16 ~~commission shall establish procedures for the timely~~
17 ~~submission, review, and approval of the proposals and~~
18 ~~agreements required by this section. These procedures must be~~
19 ~~designed to allow the initiation of approved baccalaureate~~
20 ~~degree programs at least 3 times each fiscal year.~~

21 ~~(5) Once the Postsecondary Education Planning~~
22 ~~Commission validates the need for the proposed baccalaureate~~
23 ~~degree program and notifies the community college that its~~
24 ~~proposal has been approved, the community college shall~~
25 ~~finalize an agreement with the regionally accredited, public~~
26 ~~or nonpublic, 4-year postsecondary institution selected to~~
27 ~~provide the upper-level instructional services in the approved~~
28 ~~baccalaureate degree program. The commission shall identify~~
29 ~~the common aspects that each agreement must address,~~
30 ~~including, but not limited to:~~

31

1 ~~(a) A course delivery pattern based on the student~~
2 ~~enrollment patterns and characteristics included in the~~
3 ~~approved proposal.~~

4 ~~(b) An articulation provision that guarantees~~
5 ~~acceptance of students who hold an associate in arts or~~
6 ~~associate in science degree and satisfy any other~~
7 ~~prerequisites for admission to the specific baccalaureate~~
8 ~~degree program.~~

9 ~~(c) The provision of library services and student~~
10 ~~support services.~~

11 ~~(d) An agreement that the participating 4-year~~
12 ~~postsecondary institution will continue offering instructional~~
13 ~~services at least until all qualified members of the initial~~
14 ~~group of students have had an opportunity to complete the~~
15 ~~degree program.~~

16 ~~(e) The specific and measurable performance criteria~~
17 ~~that the Postsecondary Education Planning Commission may use~~
18 ~~to evaluate the outcomes and outputs of the baccalaureate~~
19 ~~degree program within an identified timeframe.~~

20 ~~(f) An agreement that in-state student tuition for the~~
21 ~~degree program will not exceed the matriculation fee for the~~
22 ~~State University System unless the proposal approved by the~~
23 ~~Postsecondary Education Planning Commission allows the~~
24 ~~participating institutions to charge differentiated tuition~~
25 ~~and fees to encourage student attendance and participation.~~
26 ~~Out-of-state students shall pay full costs. Notwithstanding~~
27 ~~s. 240.605, students participating in a site-determined~~
28 ~~baccalaureate degree program may not receive a Florida~~
29 ~~Resident Access Grant.~~

30 ~~(6) Each participating community college must submit~~
31 ~~the agreement required by this section to the Postsecondary~~

1 ~~Education Planning Commission for review and final approval~~
2 ~~before initiating an approved site-determined baccalaureate~~
3 ~~degree access program. Subject to the availability of~~
4 ~~legislative appropriations specifically provided for this~~
5 ~~purpose, the Postsecondary Education Planning Commission must~~
6 ~~recommend to the Commissioner of Education the total funds to~~
7 ~~be released to each participating community college for the~~
8 ~~initiation of the approved site-determined baccalaureate~~
9 ~~degree access program. The community college shall distribute~~
10 ~~funds to the participating 4-year postsecondary institution at~~
11 ~~the rate specified in the approved agreement. The~~
12 ~~Postsecondary Education Planning Commission shall not~~
13 ~~recommend the release of funding for any program that is~~
14 ~~terminated before or after the evaluation required by this~~
15 ~~section. The total funds to be released for the initiation of~~
16 ~~an approved program shall be based on the number of fundable~~
17 ~~upper-level student credit hours for each term. Unless~~
18 ~~otherwise provided in an appropriations act, the funding per~~
19 ~~credit hour shall be an amount equal to the state funds,~~
20 ~~excluding student fees, appropriated to the State University~~
21 ~~System for each full-time equivalent student enrolled in~~
22 ~~upper-level course work. Student credit hours funded under~~
23 ~~this program may not be duplicated in any other calculation of~~
24 ~~state funding for the 4-year institution.~~

25 ~~(7) The Postsecondary Education Planning Commission~~
26 ~~may require the participating community colleges and 4-year~~
27 ~~postsecondary institutions to submit information necessary to~~
28 ~~monitor the annual performance of the program. Within 90 days~~
29 ~~after the 2nd and 4th year of the site-determined~~
30 ~~baccalaureate degree access program, the commission shall~~
31 ~~submit to the chairs of the education and fiscal committees of~~

1 ~~the Legislature a progress report, including an evaluation of~~
2 ~~the funding mechanism created by this section. The commission~~
3 ~~shall review each site-determined baccalaureate degree access~~
4 ~~program funded under this section to ascertain whether the~~
5 ~~performance measures specified in the agreement between the~~
6 ~~participating community college and the 4-year institution~~
7 ~~have been met. Each program must be reviewed 4 years after~~
8 ~~initiation unless a shorter timeframe is specified in the~~
9 ~~agreement. The performance measures must include the student~~
10 ~~graduation rate, the employment rate of program graduates both~~
11 ~~within and outside the community college service area, the~~
12 ~~continuing need to offer the specific baccalaureate degree~~
13 ~~program in the community college service area, and such other~~
14 ~~information as the Postsecondary Education Planning Commission~~
15 ~~may determine necessary for program and performance~~
16 ~~evaluation. Based on its evaluation, the commission shall~~
17 ~~either approve continuation of the program, require~~
18 ~~modifications prior to program approval, or recommend that the~~
19 ~~participating institutions terminate the program after all~~
20 ~~qualified members of the initial group of students have an~~
21 ~~opportunity to complete the degree program. The commission~~
22 ~~must submit to the Commissioner of Education for inclusion in~~
23 ~~the legislative budget a request for funding for approved~~
24 ~~site-determined baccalaureate degree access programs.~~

25 ~~(8) If no accredited 4-year institution is willing to~~
26 ~~provide a baccalaureate degree program approved by the~~
27 ~~Postsecondary Education Planning Commission under this~~
28 ~~section, the community college board of trustees may ask the~~
29 ~~commission to evaluate the college's request to offer the~~
30 ~~degree program. If the commission is satisfied that the~~
31 ~~community college should offer the degree program, it shall~~

1 ~~recommend to the Legislature the enactment of statutory~~
2 ~~authority for the community college to offer that specific~~
3 ~~baccalaureate degree program.~~

4 Section 2. Section 240.527, Florida Statutes, is
5 amended to read:

6 (Substantial rewording of section. See
7 s. 240.527, F.S., for present text.)

8 240.527 The University of South Florida St.

9 Petersburg.--

10 (1) The St. Petersburg campus of the University of
11 South Florida is established and shall be known as the
12 "University of South Florida St. Petersburg."

13 (a) The Legislature intends that the University of
14 South Florida St. Petersburg be operated and maintained as a
15 separate organizational and budget entity of the University of
16 South Florida, and that all legislative appropriations for the
17 University of South Florida St. Petersburg be set forth as
18 separate line items in the annual General Appropriations Act.

19 (b) The University of South Florida St. Petersburg
20 shall have a Campus Board and a Campus Executive Officer.

21 (c) As soon as possible, but no later than the
22 effective date of this act, the President of the University of
23 South Florida shall begin the process of application to the
24 Commission on Colleges of the Southern Association of Colleges
25 and Schools for separate accreditation of the University of
26 South Florida St. Petersburg. If the application is not
27 approved or is provisionally approved, the University of South
28 Florida shall correct any identified deficiencies and shall
29 continue to work for accreditation.

30 (2) The Board of Trustees of the University of South
31 Florida shall appoint to the Campus Board, from

1 recommendations of the President of the University of South
2 Florida, five residents of Pinellas County. If a resident of
3 Pinellas County is appointed to the Board of Trustees of the
4 University of South Florida, the board shall appoint that
5 member to serve jointly as a member of the Campus Board. If
6 more than one Pinellas County resident is appointed to the
7 Board of Trustees, the board shall select one joint member.
8 The Board of Trustees may reappoint a member to the Campus
9 Board for one additional term. The Campus Board has the powers
10 and duties provided by law, which include the authority to:
11 (a) Review and approve an annual legislative budget
12 request to be submitted to the Commissioner of Education. The
13 Campus Executive Officer shall prepare the legislative budget
14 request in accordance with guidelines established by the
15 Florida Board of Education. This request must include items
16 for campus operations and fixed capital outlay.
17 (b) Approve and submit an annual operating plan and
18 budget for review and consultation by the Board of Trustees of
19 the University of South Florida. The campus operating budget
20 must reflect the actual funding available to that campus from
21 separate line-item appropriations contained in each annual
22 General Appropriations Act, which line-item appropriations
23 must initially reflect the funds reported to the Florida
24 Legislature for the University of South Florida St. Petersburg
25 Campus for fiscal year 2000-2001 and any additional funds
26 provided in the fiscal year 2001-2002 legislative
27 appropriation.
28 (c) Enter into central support services contracts with
29 the Board of Trustees of the University of South Florida for
30 any services that the St. Petersburg campus cannot provide
31 more economically, including payroll processing, accounting,

1 technology, construction administration, and other desired
2 services. However, all legal services for the campus must be
3 provided by a central services contract with the university.
4 The Board of Trustees of the University of South Florida and
5 the Campus Board shall determine in a letter of agreement any
6 allocation or sharing of student fee revenue between the
7 University of South Florida's main campus and the St.
8 Petersburg campus.

9
10 The Board of Trustees of the University of South Florida may
11 lawfully delegate other powers and duties to the Campus Board
12 for the efficient operation and improvement of the campus and
13 for the purpose of vesting in the campus the attributes
14 necessary to meet the requirements for separate accreditation
15 by the Southern Association of Colleges and Schools.

16 (3) The University of South Florida St. Petersburg
17 shall be administered by a Campus Executive Officer who shall
18 be appointed by, report directly to, and serve at the pleasure
19 of the President of the University of South Florida. The
20 President shall consult with the Campus Board before hiring or
21 terminating the Campus Executive Officer. The Campus Executive
22 Officer has authority and responsibility as provided in law,
23 including the authority to:

24 (a) Administer campus operations within the annual
25 operating budget as approved by the Campus Board.

26 (b) Recommend to the Campus Board an annual
27 legislative budget request that includes funding for campus
28 operations and fixed capital outlay.

29 (c) Recommend to the Campus Board an annual campus
30 operating budget.

31

1 (d) Recommend to the Campus Board appropriate services
2 and terms and conditions to be included in annual central
3 support services contracts.

4 (e) Carry out any additional responsibilities assigned
5 or delegated by the President of the University of South
6 Florida for the efficient operation and improvement of the
7 campus, especially any authority necessary for the purpose of
8 vesting in the campus attributes necessary to meet the
9 requirements for separate accreditation.

10 (4) Students enrolled at the University of South
11 Florida, including those enrolled at a branch campus, have the
12 same rights and obligations as provided by law, policy, or
13 rule adopted by the University of South Florida, the Florida
14 Department of Education, or other lawful entity. The
15 University of South Florida shall provide a comprehensive and
16 coordinated system of student registration so that a student
17 enrolled at any campus of the University of South Florida has
18 the ability to register for courses at any other campus of the
19 University of South Florida.

20 (5) The following entities are not affected by this
21 section and remain under the administrative control of the
22 University of South Florida:

23 (a) The University of South Florida College of Marine
24 Science, which is a component college of the main campus.

25 (b) The Florida Institute of Oceanography, which is a
26 Type One Institute.

27 (c) The University of South Florida Pediatric Research
28 Center.

29 (d) The University of South Florida/USGS joint
30 facility.

31

1 Section 3. Effective July 1, 2001, subsection (5) of
2 section 240.2011, Florida Statutes, is amended, and subsection
3 (12) is added to that section, to read:

4 240.2011 State University System defined.--The State
5 University System shall consist of the following:

6 (5) The University of South Florida, with a main
7 campus located in Hillsborough County and two fiscally
8 autonomous campuses, one in Pinellas County, named the
9 University of South Florida St. Petersburg, and the other
10 named the University of South Florida Sarasota/Manatee.

11 (12) New College of Florida, located in Sarasota
12 County, which is the 4-year residential liberal arts honors
13 college of the state of Florida.

14 Section 4. The University of South Florida
15 Sarasota/Manatee.--

16 (1) The Sarasota/Manatee campus of the University of
17 South Florida is established and shall be known as the
18 "University of South Florida Sarasota/Manatee."

19 (a) The Legislature intends that the University of
20 South Florida Sarasota/Manatee be operated and maintained as a
21 separate organizational and budget entity of the University of
22 South Florida and that all legislative appropriations for the
23 University of South Florida Sarasota/Manatee be set forth as
24 separate line items in the annual General Appropriations Act.

25 (b) The University of South Florida Sarasota/Manatee
26 shall have a Campus Board and a Campus Executive Officer.

27 (c) As soon as possible, but no later than July 1,
28 2002, the President of the University of South Florida shall
29 begin the process of application to the Commission on Colleges
30 of the Southern Association of Colleges and Schools for
31 separate accreditation of the University of South Florida

1 Sarasota/Manatee. If the application is not approved or is
2 provisionally approved, the University of South Florida shall
3 correct any identified deficiencies and shall continue to work
4 for accreditation.

5 (2) The Board of Trustees of the University of South
6 Florida shall appoint to the Campus Board, from
7 recommendations of the President of the University of South
8 Florida, three residents of Manatee County and two residents
9 of Sarasota County, to serve 4-year staggered terms. If one or
10 more residents of Sarasota County or Manatee County is
11 appointed to the Board of Trustees of the University of South
12 Florida, the board shall, at the next vacancy of the campus
13 board, appoint one of those members to serve jointly as a
14 member of the Campus Board. The Board of Trustees may
15 reappoint a member to the Campus Board for one additional
16 term. The Campus Board has the powers and duties provided by
17 law, which include the authority to:

18 (a) Review and approve an annual legislative budget
19 request to be submitted to the Commissioner of Education. The
20 Campus Executive Officer shall prepare the legislative budget
21 request in accordance with guidelines established by the
22 Florida Board of Education. This request must include items
23 for campus operations and fixed capital outlay.

24 (b) Approve and submit an annual operating plan and
25 budget for review and consultation by the Board of Trustees of
26 the University of South Florida. The campus operating budget
27 must reflect the actual funding available to that campus from
28 separate line-item appropriations contained in each annual
29 General Appropriations Act, which line-item appropriations
30 must initially reflect the funds reported to the Florida
31 Legislature for the University of South Florida

1 Sarasota/Manatee Campus for fiscal year 2000-2001 and any
2 additional funds provided in the fiscal year 2001-2002
3 legislative appropriation.

4 (c) Enter into central support services contracts with
5 the Board of Trustees of the University of South Florida for
6 any services that the campus at Sarasota/Manatee cannot
7 provide more economically, including payroll processing,
8 accounting, technology, construction administration, and other
9 desired services. However, all legal services for the campus
10 must be provided by a central services contract with the
11 university. The Board of Trustees of the University of South
12 Florida and the Campus Board shall determine in a letter of
13 agreement any allocation or sharing of student fee revenue
14 between the University of South Florida's main campus and the
15 Sarasota/Manatee campus.

16
17 The Board of Trustees of the University of South Florida may
18 lawfully delegate other powers and duties to the Campus Board
19 for the efficient operation and improvement of the campus and
20 for the purpose of vesting in the campus the attributes
21 necessary to meet the requirements for separate accreditation
22 by the Southern Association of Colleges and Schools.

23 (3) The University of South Florida Sarasota/Manatee
24 shall be administered by a Campus Executive Officer who shall
25 be appointed by, report directly to, and serve at the pleasure
26 of the President of the University of South Florida. The
27 President shall consult with the Campus Board before hiring or
28 terminating the Campus Executive Officer. The Campus Executive
29 Officer has authority and responsibility as provided in law,
30 including the authority to:

31

1 (a) Administer campus operations within the annual
2 operating budget as approved by the Campus Board.

3 (b) Recommend to the Campus Board an annual
4 legislative budget request that includes funding for campus
5 operations and fixed capital outlay.

6 (c) Recommend to the Campus Board an annual campus
7 operating budget.

8 (d) Recommend to the Campus Board appropriate services
9 and terms and conditions to be included in annual central
10 support services contracts.

11 (e) Carry out any additional responsibilities assigned
12 or delegated by the President of the University of South
13 Florida for the efficient operation and improvement of the
14 campus, especially any authority necessary for the purpose of
15 vesting in the campus attributes necessary to meet the
16 requirements for separate accreditation.

17 (4) Students enrolled at the University of South
18 Florida, including those enrolled at a branch campus, have the
19 same rights and obligations as provided by law, policy, or
20 rule adopted by the University of South Florida, the Florida
21 Department of Education, or other lawful entity. The
22 University of South Florida shall provide a comprehensive and
23 coordinated system of student registration so that a student
24 enrolled at any campus of the University of South Florida has
25 the ability to register for courses at any other campus of the
26 University of South Florida.

27 (5) Promote technology transfer between the research
28 operations of the University of South Florida and local
29 economic development agencies.

30 Section 5. New College of Florida.--
31

1 (1) Mission and goals.--As a member of the State
2 University System of Florida, New College of Florida preserves
3 its distinctive mission as a residential liberal arts honors
4 college. To maintain this mission, New College of Florida has
5 the following goals:

6 (a) To provide a quality education to students of high
7 ability who, because of their ability, deserve a program of
8 study that is both demanding and stimulating.

9 (b) To engage in undergraduate educational reform by
10 combining educational innovation with educational excellence.

11 (c) To provide programs of study that allow students
12 to design their educational experience as much as possible in
13 accordance with their individual interests, values, and
14 abilities.

15 (d) To challenge undergraduates not only to master
16 existing bodies of knowledge but also to extend the frontiers
17 of knowledge through original research.

18 (2) Accreditation.--As soon as possible, New College
19 of Florida shall apply to the Commission on Colleges of the
20 Southern Association of Colleges and Schools for separate
21 accreditation.

22 (3) Board of Trustees.--The Governor shall appoint 11
23 members to the Board of Trustees, to serve 4-year staggered
24 terms, as follows:

25 (a) Three residents of Sarasota County.

26 (b) Two residents of Manatee County.

27 (c) Until the expiration date of the terms of office
28 of the members who are on the board June 30, 2001, six members
29 shall be selected from the Board of Trustees of the New
30 College Foundation.

31

1 Section 6. Legislative intent.--The Legislature
2 intends to create an innovative means to increase access to
3 baccalaureate-degree-level education in populous counties that
4 are underserved by public baccalaureate-degree-granting
5 institutions. This education is intended to address the
6 state's workforce needs, especially the need for teachers,
7 nurses, and business managers in agencies and firms that
8 require expertise in technology.

9 Section 7. St. Petersburg College; mission.--St.
10 Petersburg Junior College is redesignated as St. Petersburg
11 College. The college shall immediately seek accreditation from
12 the Southern Association of Colleges and Schools as a
13 baccalaureate-degree-granting college.

14 (1) The primary mission of St. Petersburg College is
15 to provide high-quality undergraduate education at an
16 affordable price for students and the state. The purpose is to
17 promote economic development by preparing people for
18 occupations that require a bachelor's degree and are in demand
19 by existing or emerging public and private employers in this
20 state.

21 (2) The college is to maintain the mission and
22 policies of a Florida community college, including the
23 open-door admissions policy and the authority to offer all
24 programs consistent with a public community college's
25 authority.

26 (3) St. Petersburg College shall maintain the
27 distinction between the college and its university center. St.
28 Petersburg College is limited to community college programs
29 and to selected baccalaureate-degree-level programs that meet
30 community needs and are authorized as provided by this act.
31 The University Center may make available more diverse program

1 offerings, but those programs are offered by a participating
2 college or university and are not to be classified or funded
3 as a program of St. Petersburg College.

4 (4) The academic policies of the upper-division
5 program at St. Petersburg College must be in accordance with
6 policies of the State University System.

7 (5) Sections 240.293 and 240.2945, Florida Statutes,
8 apply to St. Petersburg College.

9 Section 8. St. Petersburg College; students.--

10 (1) St. Petersburg College shall maintain separate
11 records for students who are enrolled in courses classified in
12 the upper division and lower division of a baccalaureate
13 program, according to the Common Course Numbering System. A
14 student shall be reported as a community college student for
15 enrollment in a lower-division course and as a
16 baccalaureate-degree-program student for enrollment in an
17 upper-division course.

18 (2) The Board of Trustees of St. Petersburg College
19 shall establish the level of matriculation, tuition, and other
20 authorized student fees.

21 (a) For each credit hour of enrollment in a
22 certificate-level course or lower-division-level college
23 credit course, matriculation and tuition fees must be within
24 the range authorized in law and rule for a community college
25 student at that level.

26 (b) For each credit hour of enrollment in an
27 upper-division-level course, matriculation and tuition fees
28 must be in an amount established by the Board of Trustees of
29 St. Petersburg College. However, fees for upper-division
30 students must reflect the fact that the college does not incur
31 the costs of major research programs. Therefore, the board

1 shall establish fees for upper-division students within a
2 range that is lower than the fees established for students at
3 a public university but higher than the fees for community
4 college students.

5 (c) Other mandatory fees and local fees must be at the
6 same level for all lower division students. For upper division
7 students, other mandatory fees and local fees must be at a
8 level less than fees established for University of South
9 Florida students, regardless of program enrollment or level.
10 However, students in workforce development education courses
11 maintain the authorized fee exemptions described in section
12 239.117, Florida Statutes, and may be exempt from local fees
13 imposed by the Board of Trustees, at the board's discretion.

14 Section 9. St. Petersburg College; degrees.--

15 (1) In addition to the certificates, diplomas, and
16 degrees authorized in section 240.301, Florida Statutes, St.
17 Petersburg College may offer selected baccalaureate degrees.
18 Initially, the college may offer programs that lead to a
19 baccalaureate degree in the following fields:

20 (a) Bachelor of Science in Nursing. This program must
21 be designed to articulate with the Associate in Science Degree
22 in nursing. St. Petersburg College shall continue to offer the
23 Associate in Science degree in nursing.

24 (b) Bachelor of Arts and Bachelor of Science in
25 Elementary Education.

26 (c) Bachelor of Arts and Bachelor of Science in
27 Special Education.

28 (d) Bachelor of Arts and Bachelor of Science in
29 Secondary Education.

30 (e) Bachelor of Applied Science in fields selected by
31 the Board of Trustees of St. Petersburg College. The board

1 shall base the selection on an analysis of workforce needs and
2 opportunities in the following counties: Pinellas, Pasco,
3 Hernando, and other counties approved by the Florida
4 Department of Education. For each program selected, St.
5 Petersburg College must offer a related Associate-in-Science
6 or Associate-in-Applied-Science degree program, and the
7 baccalaureate-degree-level program must be designed to
8 articulate fully with at least one Associate-in-Science degree
9 program. The college is encouraged to develop articulation
10 agreements for enrollment of graduates of related
11 Associate-in-Applied-Science degree programs.

12 (2) St. Petersburg College may offer courses that
13 enable teachers to qualify for certification and
14 recertification as required by law or rule.

15 (3) The college may offer programs to provide
16 opportunities for a person who holds a baccalaureate degree,
17 but is not certified to teach, to obtain any additional
18 courses required for teacher certification.

19 (4) Masters-degree-level programs and doctoral
20 programs may be provided by agreement with a college or
21 university participating in the University Center of St.
22 Petersburg College.

23 (5) For those students living outside Pinellas County,
24 St. Petersburg College shall recruit for the upper-division
25 only those students who have earned an associate degree. In
26 recruiting upper division students in Pasco and Hernando
27 Counties, St. Petersburg College shall work cooperatively with
28 Pasco-Hernando Community College and shall seek to offer
29 courses and programs at Pasco-Hernando Community College when
30 feasible. The nursing programs, in particular, must be
31 conducted cooperatively, and programs at St. Petersburg

1 College shall not conflict with Pasco-Hernando Community
2 College's and the University of South Florida's cooperative
3 nursing program.

4 Section 10. St. Petersburg College; boards.--

5 (1) The Board of Trustees of St. Petersburg Junior
6 College is renamed the Board of Trustees of St. Petersburg
7 College and serves as its governing board. The Governor shall
8 appoint members as provided in section 240.313, Florida
9 Statutes, and the board has the duties and authorities granted
10 in sections 240.315 and 240.319, Florida Statutes, and by
11 rules of the State Board of Education.

12 (2) The Board of Trustees of St. Petersburg College
13 may authorize direct support organizations as authorized in
14 sections 240.299 and 240.331, Florida Statutes.

15 (3) The Board of Trustees of St. Petersburg College
16 may continue to award degrees, diplomas, and certificates as
17 authorized for St. Petersburg Junior College, and in the name
18 of St. Petersburg Junior College, until St. Petersburg College
19 receives its accreditation.

20 (4) A coordinating board shall assist the Board of
21 Trustees in its deliberations concerning issues that affect
22 the upper division of the college. The coordinating board
23 consists of the President of the University of South Florida,
24 the President of St. Petersburg College, the President of
25 Pasco-Hernando Community College, and the chairpersons of the
26 boards of trustees of those institutions.

27 (5) Beginning 4 years after the college receives
28 accreditation to offer baccalaureate degrees, the Board of
29 Trustees of St. Petersburg College may determine additional
30 programs to be offered, with the approval of the coordinating
31

1 board. The determination must consider community needs and
2 economic opportunities.

3 (6) The coordinating board shall meet at the request
4 of the President of the University of South Florida or the
5 President of St. Petersburg College.

6 (7) If the coordinating board cannot decide an issue
7 of importance to the programs designed for upper-division
8 students, the chief educational officer of this state shall
9 resolve the issue.

10 Section 11. St. Petersburg College; employees.--

11 (1) Employment at St. Petersburg College is governed
12 by the same laws that govern community colleges, except that
13 upper-division faculty are eligible for continuing contract
14 upon the completion of the fifth year of teaching.

15 (2) Employee records for all personnel shall be
16 maintained as required by s. 240.337, Florida Statutes.

17 Section 12. St. Petersburg College; facilities.--The
18 St. Petersburg College may request funding from the Public
19 Education Capital Outlay and Debt Service Trust Fund as a
20 community college and as a university. The municipalities of
21 Pinellas County, the Board of County Commissioners of Pinellas
22 County, and all other governmental entities are authorized to
23 cooperate with the Board of Trustees in establishing this
24 institution. The acquisition and donation of lands, buildings,
25 and equipment for the use of St. Petersburg College are
26 authorized as a public purpose. The Board of County
27 Commissioners of Pinellas County and all municipalities in
28 Pinellas County may exercise the power of eminent domain to
29 acquire lands, buildings, and equipment for the use of St.
30 Petersburg College, regardless of whether such lands,

31

1 buildings, and equipment are located in a community
2 redevelopment area.

3 Section 13. St. Petersburg College; state funding.--

4 (1) The Legislature intends to fund St. Petersburg
5 College as a community college for its workforce development
6 education programs and for its lower-division-level college
7 credit courses and programs.

8 (2) The Legislature intends to fund St. Petersburg
9 College as a baccalaureate-degree-level institution for its
10 upper-division-level courses and programs.

11 (3) During the 2001-2002 fiscal year, St. Petersburg
12 College shall estimate the appropriate level of funding for
13 these programs. By March 1, 2002, the college shall complete a
14 cost study and shall submit to the Legislature a proposal for
15 cost accounting and legislative budget requests designed to
16 acknowledge its unique classification. The cost study must
17 indicate actual costs projected for the first 4 years of
18 operation as a baccalaureate-level institution, with the first
19 students expected to enroll in the upper division in fall
20 semester of 2002.

21 Section 14. Nothing contained within this act shall be
22 construed to adversely impact the accreditation of the
23 University of South Florida.

24 Section 15. Section 229.001, Florida Statutes, is
25 amended to read:

26 229.001 Short title.--This act may be cited as the
27 "Florida Education Governance Reorganization Implementation
28 Act of 2000."

29 Section 16. Section 229.002, Florida Statutes, is
30 amended to read:

31

1 229.002 Declaration of policy and guiding
2 principles.--

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

4 (a) To achieve within existing resources true systemic
5 change in education governance by establishing a seamless
6 academic educational system that fosters an integrated
7 continuum of kindergarten through graduate school education
8 for Florida's citizens.

9 (b) To promote enhanced academic success and funding
10 efficiency by centralizing the governance of educational
11 delivery systems and aligning responsibility with
12 accountability.

13 (c) To provide consistent education policy vertically
14 and horizontally across all educational delivery systems,
15 focusing on students ~~the needs of those receiving education,~~
16 not those providing education.

17 (d) To provide substantially improved vertical and
18 horizontal articulation across all educational delivery
19 systems ~~while ensuring that nonpublic education institutions~~
20 ~~and home education programs maintain their independence,~~
21 ~~autonomy, and nongovernmental status.~~

22 (e) To provide for devolution of authority to the
23 schools, community colleges, universities, and other education
24 institutions that are the actual deliverers of educational
25 services in order to provide student-centered education
26 services within the clear parameters of the overarching
27 education policy established by the Legislature.

28 (f) To ensure that independent education institutions
29 and home education programs maintain their independence,
30 autonomy, and nongovernmental status.

31

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

3 (a) A coordinated, seamless system for kindergarten
4 through graduate school education.

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

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

9 (d) A system that safeguards equity and supports
10 academic excellence.

11 (e) A system that provides for local operational
12 flexibility while promoting accountability for student
13 achievement and improvement ~~refuses to compromise academic~~
14 ~~excellence~~.

15 Section 17. Section 229.003, Florida Statutes, is
16 amended to read:

17 229.003 Florida education governance reorganization.--

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

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

26 ~~(2)(3) Effective January 7, 2003,~~There are is
27 established the following education governance officers in
28 addition to the Commissioner of Education:

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

31

1 (b) ~~A~~ Chancellor of Colleges and State Universities,
2 appointed by the Secretary of the Florida Board ~~Commissioner~~
3 of Education.

4 (c) ~~A~~ Chancellor of Community Colleges ~~and Career~~
5 ~~Preparation~~, appointed by the Secretary of the Florida Board
6 ~~Commissioner~~ of Education.

7 (d) ~~An~~ Executive Director of Independent ~~Nonpublic and~~
8 ~~Nontraditional~~ Education, appointed by the Commissioner of
9 Education.

10
11 Each chancellor and executive director shall be subject to
12 confirmation by the Florida Board of Education and shall serve
13 at the pleasure and under the authority of the Commissioner of
14 Education and the Secretary of the Florida Board of Education.

15 ~~(3)(4)~~ ~~Effective July 1, 2000,~~The Governor shall
16 appoint a seven-member board of trustees for the Florida
17 Virtual On-Line High School, which shall be a body corporate
18 with all the powers of a body corporate.

19 ~~(4)(5)~~ ~~Effective January 7, 2003,~~The Governor shall
20 appoint for each university in the State University System, an
21 11-member ~~a nine-member~~ board of trustees, with members
22 subject to confirmation by the Senate, ~~trustees~~ which shall be
23 a body corporate with all the powers of a body corporate. In
24 addition to the 11 members, each student body president shall
25 serve as an ex officio nonvoting member of the board of
26 trustees. There shall be no state residency requirement for
27 university board members, but the Governor shall consider
28 regional representatives, as appropriate ~~All members of the~~
29 ~~board of trustees of Florida Atlantic University must reside~~
30 ~~within the service area of the university; three must be~~
31 ~~residents of Broward County, three must be residents of Palm~~

1 ~~Beach County, and three may be residents of any county within~~
2 ~~the service area.~~ Each appointee is subject to confirmation by
3 the Senate in the regular legislative session immediately
4 following his or her appointment.

5 (5) Effective July 1, 2001:

6 (a) The Board of Regents created in s. 240.205 is
7 abolished.

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

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

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

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

27 (f) The Education K-20 Policy and Research Council is
28 created and assigned for administrative purposes to the
29 Department of Education.

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

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

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

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

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

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

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

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

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

22 6. The merger of the powers, duties, and staffs of the
23 State Board of Independent Colleges and Universities and the
24 State Board of Nonpublic Career Education, except as relating
25 to any independent nonprofit college or university which is
26 located in and chartered by the state, is accredited by the
27 Commission on Colleges of the Southern Association of Colleges
28 and Schools, and grants baccalaureate degrees, into a single
29 Commission for Independent Education administratively housed
30 within the Division of Independent Education.

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

5 Section 18. Section 229.0031, Florida Statutes, is
6 created to read:

7 229.0031 Education K-20 Policy and Research
8 Council.--Effective July 1, 2001, the Education K-20 Policy
9 and Research Council is created and assigned to the Department
10 of Education. The council shall be administratively housed
11 within the Office of the Commissioner of Education, but it
12 shall independently exercise the responsibilities assigned to
13 it in this section or delegated by the Florida Board of
14 Education. The council shall serve as an advisory body to the
15 Florida Board of Education, the Legislature, and other
16 appropriate state agencies and entities on all matters
17 relating to education in this state. In addition, the
18 Council's reports and recommendations shall be made available
19 to the Legislature, the Florida Board of Education, and other
20 appropriate government and educational agencies and entities.

21 (1)(a) The council shall be composed of 11 members of
22 the general public and 1 full-time student representing the
23 education system of the state. Each member shall be appointed
24 by the Governor, approved by three members of the Florida
25 Board of Education, and confirmed by the Senate. Members shall
26 be appointed to serve staggered 4-year terms, except for the
27 full-time student member, who shall serve for 1 year; however,
28 of the initial nonstudent appointees, two shall be appointed
29 for 1-year terms and three shall be appointed for 4-year
30 terms. The student member shall be selected annually with the
31 qualification that he or she be a registered full-time student

1 at any of this state's educational institutions as defined in
2 chapters 228 and 229 relating to public and nonpublic schools,
3 in chapter 230 relating to public community colleges and
4 universities, or in chapter 246 relating to nonpublic
5 colleges, universities, and vocational schools. The members of
6 the council shall elect a chair annually. The Governor shall,
7 subject to approval and confirmation, fill all vacancies that
8 occur on the council.

9 (b) The council shall meet as often as it considers
10 necessary to carry out its duties and responsibilities.

11 (c) Members shall be paid travel and per diem expenses
12 as provided in s. 112.061 while performing their duties under
13 this section.

14 (2) The council shall appoint an executive director,
15 who shall serve at the pleasure of the council and shall
16 perform the duties assigned to him or her by the council. The
17 executive director is the chief administrative officer of the
18 council and shall appoint all employees and staff members of
19 the council, who shall serve under the executive director's
20 direction and control.

21 (3) The council shall:

22 (a) Serve as a citizen board to provide independent
23 policy analyses and recommendations to the Florida Board of
24 Education, the Commissioner of Education, the Governor, and
25 the Legislature to ensure a seamless educational system in
26 this state.

27 (b) Assist the Florida Board of Education in the
28 conduct of its educational responsibilities in such capacities
29 as the state board considers appropriate.

30 (c) Prepare and submit to the Florida Board of
31 Education a long-range master plan for education. The plan

1 must include consideration of the promotion of quality,
2 fundamental educational goals, programmatic access, needs for
3 remedial education, regional and state economic development,
4 international education programs, demographic patterns,
5 student demand for programs, needs of particular subgroups of
6 the population, implementation of innovative educational
7 techniques and technology, and the requirements of the labor
8 market. The capacity of existing programs, in public and
9 independent institutions, to respond to identified needs must
10 be evaluated, and a plan must be developed to respond
11 efficiently to unmet needs.

12 (d) Update the state master plan for education every 5
13 years.

14 (e) Review implementation of the state master plan and
15 annually report to the Florida Board of Education and the
16 Legislature the progress toward implementation.

17 (f) Explore emerging educational issues.

18 (g) Identify successful and innovative educational
19 programs.

20 (h) On its own initiative or in response to the
21 Governor, the Legislature, the Florida Board of Education, or
22 the Commissioner of Education, issue reports and
23 recommendations on matters relating to any education sector.

24 (i) Recommend goals for the overall improvement of
25 education in this state.

26 (j) Recommend to the Florida Board of Education rules
27 concerning the planning and coordination of educational
28 programs.

29 (k) By January 1, 2003, and on a 3-year cycle
30 thereafter, review and make recommendations to the Legislature
31 regarding the activities of research centers and institutes

1 supported with state funds to assess the return on the state's
2 investment in research conducted by public postsecondary
3 education institutions, in coordination with the Leadership
4 Board for Applied Research and Public Service, created
5 pursuant to s. 240.706.

6 Section 19. Section 229.004, Florida Statutes, is
7 amended to read:

8 229.004 Florida Board of Education.--

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

1 guidelines of ss. 229.0061 and 229.0073, and to achieve the
2 mission and goals of s. 229.007 ~~K-12 Education.~~

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

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

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

20 Section 20. Section 229.005, Florida Statutes, is
21 amended to read:

22 229.005 Florida education governance officers.--

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

1 ~~accomplishing to accomplish~~ the policies and guiding
2 principles of s. 229.002 and achieving the mission and goals
3 of s. 229.007. The commissioner shall ~~have the ability to~~
4 ~~successfully~~ provide education policy and planning direction,
5 program development, performance management, and funding
6 allocation recommendations across the spectrum of kindergarten
7 through graduate school education. The commissioner shall
8 serve as chief executive officer of the seamless K-20
9 education system., ~~and the ability to achieve and safeguard~~
10 ~~the will of the people of Florida as expressed in s. 1, Art.~~
11 ~~IX of the Florida Constitution, that "adequate provision shall~~
12 ~~be made by law for a uniform, efficient, safe, secure, and~~
13 ~~high quality system of free public schools that allows~~
14 ~~students to obtain a high quality education and for the~~
15 ~~establishment, maintenance, and operation of institutions of~~
16 ~~higher learning and other public education programs that the~~
17 ~~needs of the people may require."~~

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

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

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

1 and boards of trustees in focusing on the education needs of
2 the communities and students they serve.

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

25 Section 21. Subsections (1), (4), (5), (6), and (7) of
26 section 229.006, Florida Statutes, are amended to read:

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

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

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

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

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

20 (4) Upon completion of its recommendations to the
21 Legislature by March 1, 2001, the transition task force shall
22 redirect its focus to provide guidance and monitoring of the
23 implementation process pursuant to s. 229.0072 as recommended
24 by the task force, and to regularly report to the Governor,
25 the Legislature, Secretary of the Florida Board of Education,
26 and the public on the progress of the reorganization
27 implementation process. If any implementation activity is
28 determined by a majority vote of the task force to be
29 inconsistent with the intent of this act, the chair of the
30 task force shall report such activity directly to the State
31 Board of Education. The reporting of such activity shall

1 automatically suspend any action relating to the disputed
2 activity. The State Board of Education shall act to resolve
3 the dispute.~~recommend to the Legislature+~~

4 ~~(a) How best to achieve education system integration~~
5 ~~by+~~

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

8 ~~2. Devolving the education delivery services and~~
9 ~~operational decisions to the appropriate location of delivery~~
10 ~~to students, specifically the schools, community colleges,~~
11 ~~colleges, universities, area technical centers, and other~~
12 ~~education institutions or places where the students receive~~
13 ~~their education.~~

14 ~~3. Providing for a single or coordinated kindergarten~~
15 ~~through graduate school education budget.~~

16 ~~(b) How best to achieve economies in education~~
17 ~~services, including recommendations concerning consolidation~~
18 ~~of information systems and integrated performance and~~
19 ~~financial accounting systems, while maximizing effectiveness~~
20 ~~within existing resources and staff.~~

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

24 ~~2. A recommended salary structure for the Commissioner~~
25 ~~of Education and for the chancellors.~~

26 ~~(d) Whether an Office of Policy Research should be~~
27 ~~established to explore emerging issues, locate successful and~~
28 ~~innovative educational programs, and make recommendations to~~
29 ~~the Governor, the Florida Board of Education, and the~~
30 ~~Legislature and, if so, its mission, staffing, and location.~~

31

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

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

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

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

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

20 ~~(c) A systemwide strategic plan for postsecondary~~
21 ~~institutions that considers the role, in their respective~~
22 ~~communities, of each of the institutions.~~

23 ~~(d) Methodologies for degree program approval,~~
24 ~~establishment of matriculation and tuition fees, and~~
25 ~~coordination of colleges' and universities' budget requests.~~

26 ~~(e) Any additional statutory changes needed during the~~
27 ~~2002 legislative session to complete the education governance~~
28 ~~reorganization transition.~~

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

31

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

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

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

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

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

22 (b) The status of all pending and completed actions on
23 orders and rules, all enforcement matters, and all
24 delegations, interagency agreements, and contracts with
25 federal, state, regional, and local governments and private
26 entities.

27 (c) Identification of any remaining or potential
28 duplication in the administration of state education laws and
29 rules, with specific recommendations to eliminate such
30 duplication and promote more efficient administration.

31

1 Section 22. Section 229.0061, Florida Statutes, is
2 created to read:

3 229.0061 Florida's K-20 education system; guidelines
4 for implementation; guidelines for structure, functions, and
5 organization.--

6 (1) GUIDELINES FOR IMPLEMENTATION.--

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

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

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

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

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

26 (a) Roles of the Legislature, the Florida Board of
27 Education, the education governance officers, the university
28 boards of trustees, and the institutional boards of trustees
29 and school boards.--The Legislature shall enact education laws
30 and policies and shall appropriate and allocate education
31 resources. The Florida Board of Education shall enforce all

1 laws, rules, and guidelines and shall timely provide
2 direction, resources, assistance, intervention when needed,
3 and strong incentives and disincentives to force
4 accountability for results. In terms of major areas of
5 responsibility, the Legislature, the Florida Board of
6 Education, the education governance officers, the university
7 boards of trustees, and the institutional boards of trustees
8 and school boards shall each perform essential constituent
9 roles.

10 (b) Florida Board of Education.--The Florida Board of
11 Education shall serve as the body corporate for Florida's
12 seamless K-20 education system; implement the systemwide
13 education vision; and, together with the commissioner,
14 Secretary of the Florida Board of Education, chancellors, and
15 executive director, oversee the success of that vision. The
16 Florida Board of Education shall:

17 1. Enforce systemwide education policies and goals.

18 2. Recommend annually the coordinated education budget
19 and authorize the allocation of resources in accordance with
20 law and rule. Any program recommended by the Florida Board of
21 Education which requires state funding for more than 1 year
22 must be presented in a multi-year budget plan.

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

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

26 5. Accurately and continuously assess data and monitor
27 and report performance.

28 6. Provide high-quality assistance and intervention
29 when and where needed.

30 7. Provide timely and accurate information on all
31 public and independent education services.

1 8. Establish the missions of the public colleges and
2 universities and community colleges.

3 9. Approve new degree programs above the master's
4 degree level.

5 10. Approve new undergraduate medical education
6 programs or colleges, new graduate medical education programs,
7 and Programs in Medical Sciences (PIMS) which are partnerships
8 between two or more public higher education institutions or
9 between public and private higher education institutions.

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

20 1. Legal.

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

24 3. Strategic planning and budget development.

25 4. General administration.

26 5. Assessment and accountability.

27 6. Data management, education technology, and an
28 education data warehouse.

29 7. Access and opportunity, including student financial
30 assistance.

31

1 8. Policy research and development, except the
2 Education K-20 Policy and Research Council.

3 9. Florida Board of Education personnel.

4 10. Workforce and economic development.

5 11. Educational facilities.

6 12. Inspector General.

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

31

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

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

3 (e) Institutional boards of trustees and school
4 boards.--Each institutional board of trustees and school board
5 shall:

6 1. Provide strategic planning and budget development
7 for their institution or school district.

8 2. Implement and maintain high-quality education
9 programs within law and rules of the Florida Board of
10 Education.

11 3. Measure and enforce performance.

12 4. Provide timely and accurate reporting of
13 information.

14 5. Provide direct input on education issues to the
15 education governance officers.

16 6. Have broad latitude within law and rules of the
17 Florida Board of Education in developing local policies and
18 local programs to meet the needs of their students, their
19 communities, and area employers.

20 7. Hold presidents and appointed superintendents
21 responsible for institution and school performance.

22 8. Be responsible for the fiscal accountability of
23 their institution or school district.

24 9. Be responsible for compliance with all laws, rules
25 of the Florida Board of Education, and performance
26 accountability requirements.

27 (f) Presidents and superintendents.--Each
28 institutional president and school district superintendent
29 shall:

30 1. Be responsible for efficient and effective budget
31 and program administration.

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

3 3. Closely monitor education performance.

4 4. Provide timely and accurate financial and
5 performance data.

6 5. Link instructional staff evaluations to student
7 performance.

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

16 Section 23. Section 229.007, Florida Statutes, is
17 created to read:

18 229.007 Florida's K-20 education performance
19 accountability system; legislative intent; mission, goals, and
20 systemwide measures.--

21 (1) LEGISLATIVE INTENT.--It is the intent of the
22 Legislature that:

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

27 1. What is the public getting in return for funds it
28 invests in education?

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

31

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

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

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

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

20 (d) The Florida Board of Education shall work with the
21 chancellors and each delivery system to develop proposals for
22 performance-based funding, using performance measures
23 established by the Legislature. The proposals must provide
24 that at least 10 percent of the state funds appropriated for
25 the K-20 education system are conditional upon meeting or
26 exceeding established performance standards. The boards must
27 submit the recommendations to the Legislature in the following
28 sequence:

29 1. By December 1, 2001, recommendations for state
30 universities and independent colleges eligible for the William
31 L. Boyd, IV, Florida Resident Access Grant, pursuant to s.

1 240.605, for consideration by the 2002 Legislature and
2 implementation in the 2002-2003 fiscal year.

3 2. By December 1, 2002, recommendations for public
4 schools, nonpublic schools that receive state funding and
5 workforce education, for consideration by the 2003 Legislature
6 and implementation in the 2003-2004 fiscal year.

7 3. By December 1, 2003, recommendations for community
8 colleges, for consideration by the 2004 Legislature and
9 implementation in the 2004-2005 fiscal year.

10 4. By December 1, 2004, recommendations for all other
11 programs that receive state funds within the Department of
12 Education.

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

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

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

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

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

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

23 Section 24. Section 229.0072, Florida Statutes, is
24 created to read:

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

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

31

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

5 (3) The Governor shall appoint a Secretary of the
6 Florida Board of Education who shall possess proven
7 organizational leadership and knowledge of broad-based
8 education policy. The secretary shall be confirmed by the
9 Senate during the 2002 regular legislative session, but may
10 perform all duties in the interim. The secretary shall serve
11 as the board's primary liaison with all entities involved in
12 the reorganization of education in Florida. The secretary
13 shall be responsible directly to the Florida Board of
14 Education and shall serve as staff to the board on all action
15 items relating to the reorganization. During the
16 implementation period, the secretary shall:

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

19 (b) Be responsible for integration of the Department
20 of Education as it is reorganized into an agency of the
21 Governor.

22 (c) Serve as Secretary of the Florida Board of
23 Education during the reorganization implementation period.

24 (d) Serve as the head of the K-20 education leadership
25 team during the reorganization implementation period.

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

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

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

7 (b) Prepare and submit a coordinated K-20 education
8 budget that clearly defines the individual needs of the four
9 divisions created within the Department of Education.

10 (c) Establish a work plan and timeline for the orderly
11 implementation of the transition, including a fully detailed
12 plan and timeline for the devolution of duties, as
13 appropriate, to the university boards of trustees.

14 (d) Establish accountability standards for existing
15 legislative performance goals, standards, and measures, and
16 order the development of mechanisms to implement new
17 legislative goals, standards, and measures.

18 (e) Supervise the coordination of institutions and
19 delivery sectors.

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

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

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

26 (i) Establish advisory boards to provide the support
27 needed to address issues such as public education facilities
28 planning; student issues; instructional issues; distance
29 learning and technology; academic quality, freedom, and
30 responsibility; and research.

31

1 (j) Develop and review recommendations on issues of
2 statewide importance, such as technology systems and
3 facilities.

4 (k) Adopt criteria and implementation plans for future
5 growth issues, such as new colleges and universities and
6 campus mergers; and provide for cooperative agreements between
7 and within public and private education sectors.

8 (l) Advise the State Board of Education regarding the
9 issuance of bonds.

10 (m) Appoint advisory bodies, as necessary, on an ad
11 hoc basis.

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

21 (6) Effective July 1, 2001, the Commissioner of
22 Education shall:

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

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

1 (c) As a member of the State Board of Education,
2 determine the agenda for the Florida Board of Education and
3 provide the Florida Board of Education and the State Board of
4 Education the full support of the reorganized Department of
5 Education.

6 Section 25. Section 229.0073, Florida Statutes, is
7 created to read:

8 229.0073 Reorganization of the Department of
9 Education.--Effective July 1, 2001, notwithstanding the
10 provisions of s. 20.15, the secretary's Education
11 Reorganization Advisory Workgroup is established to provide
12 oversight and direction for the reorganization of Florida's
13 K-20 Department of Education. The Secretary of the Florida
14 Board of Education, the Commissioner of Education, the
15 Governor or his or her designee, the Chairman of the Education
16 Governance Reorganization Transition Task Force, the
17 Chancellor of Public Schools, the Executive Director of
18 Independent Education, the Chancellor of the Division of
19 Colleges and Universities, the Chancellor of the Division of
20 Community Colleges, a member of the Senate appointed by the
21 President, and a member of the House of Representatives
22 appointed by the Speaker shall serve on this workgroup. The
23 reorganization shall:

24 (1) Eliminate duplication across divisions; achieve
25 greater efficiencies in financial and human resources and
26 education services; and identify functions, resources, and
27 services that should be eliminated, transferred, or realigned.

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

31

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

8 (4) Establish the following divisions within the
9 department:

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

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

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

29 (d) Division of Independent Education.--The
30 independent education providers within the state, including
31 home education programs that meet the requirements of s.

1 232.0201, private K-12 institutions as described in s.
2 229.808, independent colleges and universities, except those
3 identified under paragraph (c), and private postsecondary
4 career preparation and vocational training institutions.

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

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

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

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

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

26 (a) Office of Technology and Information Services.--In
27 conjunction with the chancellors of the divisions of public
28 schools, community colleges, and colleges and universities,
29 the office shall be responsible for developing a systemwide
30 technology plan, making budget recommendations to the
31 commissioner, providing data collection and management for the

1 system, and coordinating services with other state, local, and
2 private agencies. The office shall develop a method to address
3 the need for a statewide approach to planning and operations
4 of library and information services. The Florida Virtual High
5 School shall be administratively housed within the office.

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

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

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

27 (6) Establish a K-20 education leadership team,
28 including, but not limited to, the Secretary of the Florida
29 Board of Education and the education governance officers. The
30 leadership team shall be responsible for systemwide horizontal
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1 and vertical communication, and assisting the achievement of
2 the seamless K-20 education system.

3 Section 26. Section 229.0074, Florida Statutes, is
4 created to read:

5 229.0074 Division of Independent Education.--

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

21 (2) 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. The
25 executive director shall:

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

29 (b) Articulate the interests and concerns of the
30 students and providers of independent education at all levels

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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.

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

15 229.008 Boards of trustees of the state
16 universities.--

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

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

28 (2) There shall be no state residency requirements for
29 members of university boards of trustees. For regional
30 universities defined in rule as having a service area of more
31 than three counties, no county shall have a majority of board

1 members, and every county where the university has a physical
2 presence must be represented on the board.

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

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

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

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

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1 (7) Upon appointment, each board of trustees shall
2 commence professional orientation, training, and board
3 development activities, and shall begin setting direction for
4 its university in keeping with accountability and performance
5 expectations of the seamless K-20 education system. In
6 preparation for the transition from operating as a state
7 agency to a body corporate employer without state agency
8 status on July 1, 2002, each board of trustees shall submit to
9 the Florida Board of Education action plans and timelines for
10 devolution of duties and responsibilities to the board of
11 trustees.

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

19 Section 28. Section 229.0081, Florida Statutes, is
20 created to read:

21 229.0081 Powers and duties of university boards of
22 trustees.--

23 (1) Notwithstanding the provisions of chapter 240,
24 effective July 1, 2001, each university board of trustees is
25 vested with the authority to govern and set policy for its
26 university, as necessary to provide proper governance and
27 improvement of the university in accordance with law and with
28 rules of the Florida Board of Education. Each board of
29 trustees shall perform all duties assigned by law or by rule
30 of the Florida Board of Education or the Commissioner of
31 Education.

1 (2) Notwithstanding the provisions of chapter 240,
2 effective July 1, 2001, each university board of trustees may
3 adopt rules and policies consistent with the university
4 mission, with law, and with rule of the Florida Board of
5 Education, including rules and policies for the following:

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

9 (b) Fixing the compensation and other conditions of
10 employment of the president.

11 (c) Conducting periodic evaluations of the president,
12 submitting such evaluations to the Chancellor for review, and
13 suspending or removing the president in accordance with
14 guidelines established by the Chancellor.

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

19 (e) In consultation with the university president,
20 defining and developing a strategic plan for the university
21 for recommendation to the Chancellor, the Commissioner of
22 Education, and the Florida Board of Education, as provided by
23 law, specifying institutional goals and objectives.

24 (f) In consultation with the university president,
25 providing for academic freedom and academic responsibility at
26 the university.

27 (g) In consultation with the university president,
28 submitting an institutional budget request, including a
29 request for fixed capital outlay, to the Chancellor in
30 accordance with guidelines established by the Florida Board of
31 Education.

1 (h) Approving new, and terminating existing,
2 undergraduate and graduate degree programs up to and including
3 the master's degree level, based on criteria established by
4 the Florida Board of Education.

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

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

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

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

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

31

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

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

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

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

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

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

26 (t) Establishing a procurement program for the
27 purchase, lease, or acquisition in any manner (including
28 purchase by installment or lease-purchase contract which may
29 provide for the payment of interest on the unpaid portion of
30 the purchase price and for the granting of a security interest
31

1 in the items purchased) of goods, materials, equipment, and
2 services required by the university.

3 (u) Supervising faculty practice plans for the
4 academic health science centers.

5 (v) Establishing policies for the procurement and use
6 of information resources and technology, including but not
7 limited to, information systems, communications systems,
8 computer hardware and software, and networks.

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

16 (4) Notwithstanding the provisions of s. 216.351(1), a
17 state university board of trustees may authorize the rent or
18 lease of parking facilities, provided that such facilities are
19 funded through parking fees or parking fines imposed by a
20 university. A board of trustees may authorize a university to
21 charge fees for parking at such rented or leased parking
22 facilities.

23 (5) Effective July 1, 2002, within proviso in the
24 General Appropriations Act and law, each board of trustees
25 shall set university matriculation fees, tuition, and other
26 fees. The matriculation fees and tuition level set by the
27 Board of Trustees shall vary from the standard tuition,
28 established in the annual General Appropriations Act, by no
29 more than 10 percent below or 15 percent above the standard.

30 (6) Effective July 1, 2002, each board of trustees
31 shall implement the university facilities plan in accordance

1 with law and guidelines of the Commissioner of Education's
2 Office of Educational Facilities and SMART Schools
3 Clearinghouse.

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

7 (8) Establish policies relating to credit and
8 noncredit educational offerings by the university, subject to
9 guidelines of the Florida Board of Education.

10 Section 29. Section 229.0082, Florida Statutes, is
11 created to read:

12 229.0082 University presidents; powers and
13 duties.--The president is the chief executive officer of the
14 university, shall be corporate secretary of the state
15 university board of trustees, and is responsible for the
16 operation and administration of the university. Each
17 university president shall:

18 (1) Recommend the adoption of rules, as appropriate,
19 to the state university board of trustees to implement
20 provisions of law governing the operation and administration
21 of the university, which shall include the specific powers and
22 duties enumerated in this section. Such rules shall be
23 consistent with the mission of the university and the rules
24 and policies of the Florida Board of Education.

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

27 (3) Establish and implement policies and procedures to
28 recruit, appoint, transfer, promote, compensate, evaluate,
29 reward, demote, discipline, and remove personnel, within law
30 and rules of the Florida Board of Education and in accordance
31

1 with rules or policies approved by the university board of
2 trustees.

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

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

15 (6) Act for the university board of trustees as
16 custodian of all university property. The authority vested in
17 the university president under this subsection includes the
18 authority to prioritize the use of university space, property,
19 equipment, and resources and the authority to impose charges
20 for the use of those items.

21 (7) Establish the internal academic calendar of the
22 university within general guidelines of the Florida Board of
23 Education.

24 (8) Administer the university's program of
25 intercollegiate athletics.

26 (9) Recommend to the board of trustees the
27 establishment and termination of undergraduate and master's
28 level degree programs within the approved role and scope of
29 the university.

30 (10) Award degrees.
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1 (11) Recommend to the board of trustees a schedule of
2 matriculation fees, tuition, and other fees to be charged by
3 the university, within law and rules of the Florida Board of
4 Education.

5 (12) Organize the university to efficiently and
6 effectively achieve the goals of the university.

7 (13) Review periodically the operations of the
8 university in order to determine how effectively and
9 efficiently the university is being administered and whether
10 it is meeting the goals of its strategic plan adopted by the
11 Florida Board of Education.

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

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

18 (16) Ensure compliance with federal and state laws,
19 regulations, and other requirements that are applicable to the
20 university.

21 (17) Maintain all data and information pertaining to
22 the operation of the university, and report on the attainment
23 by the university of institutional and statewide performance
24 accountability goals.

25 (18) Each university president has the authority to
26 adjust property records and dispose of state-owned tangible
27 personal property in the university's custody in accordance
28 with procedures established by the university board of
29 trustees. Notwithstanding the provisions of s. 273.055(5), all
30 moneys received from the disposition of state-owned tangible
31 personal property shall be retained by the university and

1 disbursed for the acquisition of tangible personal property
2 and for all necessary operating expenditures. The university
3 shall maintain records of the accounts into which such moneys
4 are deposited.

5 Section 30. (1) Notwithstanding any provision of law
6 to the contrary, effective July 1, 2001, the Florida
7 Partnership for School Readiness is transferred by a type two
8 transfer, pursuant to section 20.06(2), Florida Statutes, from
9 the Executive Office of the Governor to the Agency for
10 Workforce Innovation.

11 (2) Notwithstanding any provision of law to the
12 contrary, effective July 1, 2001, the child care executive
13 partnership program; the child care resource and referral
14 program; and the subsidized child care program including
15 statewide staff as referenced in the interagency agreement
16 between the Department of Children and Family Services and the
17 Florida Partnership for School Readiness signed on March 15,
18 2001, shall be transferred by a type two transfer, pursuant to
19 section 20.06(2), Florida Statutes, to the Agency for
20 Workforce Innovation.

21 (3) Notwithstanding any provision of law to the
22 contrary, effective July 1, 2001, prekindergarten, migrant
23 prekindergarten, and Florida First Start programs including
24 statewide staff as referenced in the interagency agreement
25 between the Department of Education and the Florida
26 Partnership for School Readiness shall be transferred by a
27 type two transfer, pursuant to section 20.06(2), Florida
28 Statutes, to the Agency for Workforce Innovation.

29 (4) The Agency for Workforce Innovation shall prepare
30 a plan that provides for the distribution and expenditure of
31 all school readiness funds. The plan shall be submitted to

1 the Governor and the Legislative Budget Commission. Upon
2 approval, the Legislative Budget Commission shall authorize
3 the transfer of funds to the Agency for Workforce Innovation
4 for distribution in accordance with the provisions of the
5 School Readiness Act.

6 Section 31. Section 229.0084, Florida Statutes, is
7 created to read:

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

18 Section 32. Section 228.082, Florida Statutes, is
19 amended to read:

20 228.082 The Florida Virtual ~~On-Line~~ High School.--

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

29 (b) The mission of the Florida Virtual High School is
30 to provide students with high-quality technology-based
31 educational opportunities to gain the knowledge and skills

1 necessary to succeed in the 21st century. The school shall
2 serve any student in the state who meets the profile for
3 success in this educational delivery context and shall give
4 priority to:

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

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

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

20 (2) The Florida Virtual ~~On-Line~~ High School shall be
21 governed by a board of trustees comprised of seven members
22 appointed by the Governor to 4-year staggered terms, one of
23 whom shall be the current chair of the Florida High School
24 Advisory Board and one of whom shall be a representative of
25 the fiscal agent, and one of whom shall be the Chief
26 Information Officer or ~~his~~ designee from the State Technology
27 Office ~~pursuant to ch. 2000-164, Laws of Florida~~. The board
28 shall be a public agency entitled to sovereign immunity
29 pursuant to s. 768.28, and board members shall be public
30 officers who shall bear fiduciary responsibility for the
31

1 Florida Virtual ~~On-Line~~ High School. The board of trustees
2 shall have the following powers and duties:

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

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

10 2.(c) The fiscal year for the Florida Virtual ~~On-Line~~
11 High School shall be the state fiscal year as provided in s.
12 216.011(1)(n).

13 (b) The board of trustees shall be responsible for the
14 Florida Virtual High School's development of a
15 state-of-the-art technology-based education delivery system
16 that is cost-effective, educationally sound, marketable, and
17 capable of sustaining a self-sufficient delivery system
18 through the Florida Education Finance Program, by fiscal year
19 2003-2004. Beginning in fiscal year 2002-2003, the school
20 shall collect FTE for home-schooled students.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 uniform system of financial records and accounts for the
2 schools of the state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 Section 33. The Department of Education shall maximize
18 the available federal indirect cost allowed on all federal
19 grants. Effective with fiscal year 2001-2002, the Division of
20 Public Schools and the state's public colleges and
21 universities shall provide a report by December 15 of each
22 year to the Governor, the President of the Senate, and the
23 Speaker of the House of Representatives that addresses the
24 expenditures of the indirect overhead. The report shall be in
25 a format to support the legislative appropriations process
26 and, at a minimum, shall include expenditure summaries by
27 revenue source and specific purpose.

28 Section 34. Effective June 30, 2002, section 229.8065,
29 Florida Statutes, is repealed.

30 Section 35. Effective June 30, 2002, subsection (2) of
31 section 229.085, Florida Statutes, is amended to read:

1 229.085 Custody of educational funds.--

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

18 Section 36. Subsections (2), (4), and (5), paragraphs
19 (b), (c), and (d) of subsection (1), and paragraphs (a), (c),
20 (d), and (e) of subsection (3) of section 235.217, Florida
21 Statutes, are repealed.

22 Section 37. Sections 240.145, 240.147, 240.227,
23 240.307, subsection (2) of section 240.209, and subsection (4)
24 of section 240.311, Florida Statutes, are repealed.

25 Section 38. Except as otherwise provided in this act,
26 this act shall take effect upon becoming a law.

27
28
29
30
31

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/SB 2108

4 The Governor will appoint the Secretary of the Florida Board
5 of Education. The secretary and the commissioner are required
6 to conduct the transition activities in partnership.

7 The board that replaces the Postsecondary Education Planning
8 Commission is named the Education K-20 Policy and Research
9 Council, has 11 members instead of 9, and is administratively
10 housed in the Office of the Commissioner of Education.

11 Several subsections state that the bill does not constitute
12 any interference with the status of independent and home
13 education.

14 The SMART Schools Clearinghouse is transferred from the
15 Department of Management Services to a newly created unit in
16 the Office of the Commissioner, called the Office of
17 Educational Facilities and the SMART Schools Clearinghouse.

18 A community college may obtain the authority to offer a
19 limited number of selected baccalaureate-degree level
20 programs; the bill details procedures and requirements for the
21 process.

22 New College, which is currently a branch campus of the
23 University of South Florida, is designated as the eleventh
24 member of the State University System, while it retains its
25 distinctive mission as the 4-year residential liberal arts
26 honors college of the State of Florida.

27 The branch campuses of the University of South Florida in
28 Sarasota/Manatee and in St. Petersburg are converted into
29 fiscally autonomous campuses with separate campus boards and
30 executive officers. The bill requires the University of South
31 Florida to seek separate accreditation for the two campuses.
The Board of Trustees of the University of South Florida will
appoint the members of the campus boards from recommendations
of the President of the University of South Florida, who will
appoint the campus executive officers.

By type two transfer, the following entities are transferred
to the Agency for Workforce Innovation: the Florida
Partnership for School Readiness, prekindergarten program,
migrant prekindergarten, Florida First Start program,
subsidized child care programs, child care executive
partnership program, and child care resource and referral
program.