

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 serve as chief executive officer of the
10 seamless K-20 education system; deleting
11 references to requirements of the Florida
12 Constitution relating to education; requiring
13 the Chancellor of Public Schools, the
14 Chancellor of Colleges and Universities, the
15 Chancellor of Community Colleges, and the
16 Executive Director of Independent Education to
17 work as division vice presidents of the
18 seamless K-20 education system; revising the
19 name of the Florida On-Line High School to
20 conform with changes made by the bill; amending
21 s. 229.006, F.S.; deleting obsolete language
22 relating to the creation and the already
23 accomplished duties of the Education Governance
24 Reorganization Transition Task Force; revising
25 the timeframe for the reorganization; requiring
26 the task force to provide guidance and
27 monitoring of the reorganization implementation
28 process and to report to the Governor, the
29 Legislature, the Secretary of the Florida Board
30 of Education, and the public on its progress;
31 revising the timeframe and recipients of the

1 final report of the task force; creating s.
2 229.0061, F.S.; establishing guidelines for the
3 implementation, structure, functions, and
4 organization of Florida's K-20 education
5 system; creating s. 229.007, F.S.; establishing
6 Florida's K-20 education performance
7 accountability system; providing legislative
8 intent; establishing the mission and goals and
9 systemwide measures; requiring proposals and an
10 implementation schedule for performance-based
11 funding; creating s. 229.0072, F.S.;
12 establishing a reorganization implementation
13 process; requiring the Governor to appoint
14 university boards of trustees, a Florida Board
15 of Education and a Secretary of the Florida
16 Board of Education; establishing duties of the
17 Florida Board of Education relating to the
18 transition and implementation of the K-20
19 system; requiring the Commissioner of Education
20 to work with the Florida Board of Education to
21 achieve full implementation of the seamless
22 K-20 system and to commence reorganization of
23 the department as required by the act;
24 requiring the Florida Board of Education to
25 appoint advisory bodies as necessary, and
26 develop and recommend to the Legislature a new
27 School Code; creating s. 229.0073, F.S.;
28 directing the Commissioner of Education to work
29 with the Florida Board of Education to
30 reorganize the Department of Education as
31 provided by the act; creating s. 229.0074,

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

1 requiring appropriation for expenditure of
2 funds received from indirect cost allowance;
3 repealing s. 229.0865, F.S., relating to the
4 Knott Data Center and projects, contracts, and
5 grants; amending s. 229.085, F.S.; removing an
6 exemption for personnel employed by projects
7 funded by contracts and grants; repealing ss.
8 240.145, 240.147, 240.205, 240.209(2), 240.227,
9 240.307, and 240.311(4), F.S., relating to the
10 Postsecondary Education Planning Commission,
11 the powers and duties of the commission,
12 creation of the Board of Regents as a body
13 corporate, the Board of Regents appointment of
14 a Chancellor of the State University System,
15 powers and duties of university presidents, the
16 appointment of members of the State Board of
17 Community Colleges, and the appointment of an
18 executive director of the community college
19 system; amending s. 240.2995, F.S.; authorizing
20 university boards of trustees to establish
21 university health services support
22 organizations; providing rulemaking authority;
23 amending s. 768.28, F.S.; including university
24 boards of trustees within the definition of a
25 state agency for purposes of sovereign
26 immunity; amending s. 240.299, F.S.; providing
27 for university boards of trustees to certify
28 the operations of university direct-support
29 organizations; providing rulemaking authority;
30 amending s. 236.25, F.S.; allowing certain
31 school districts to levy, by referendum,

1 additional district school taxes; providing
2 limitations on the uses of the resulting
3 revenues; amending s. 236.31, F.S.; providing
4 for millage elections pursuant to s. 236.25,
5 F.S.; amending s. 236.32, F.S.; revising the
6 procedures for conducting school district
7 millage elections; repealing s. 235.217(1)(b),
8 (c), and (d), (3)(a), (c), (d), and (e), and
9 (2), (4), and (5), F.S., relating to the SMART
10 Schools Clearinghouse; providing effective
11 dates.

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

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

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

10

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

12

13 Section 1. Section 240.3836, Florida Statutes, is
14 amended to read:15 240.3836 Site-determined baccalaureate degree access
16 program; funding.--

17 (1) The Legislature recognizes that public and private
18 postsecondary education institutions play essential roles in
19 improving the quality of life and economic well-being of the
20 state and its residents. The Legislature also recognizes that
21 economic development needs and the educational needs of
22 place-bound, nontraditional students have increased the demand
23 for local access to baccalaureate degree programs. In some,
24 but not all, geographic regions, baccalaureate degree programs
25 are being delivered successfully at the local community
26 college through agreements between the community college and
27 4-year postsecondary institutions within or outside of the
28 state. It is therefore the intent of the Legislature to
29 further expand access to baccalaureate degree programs through
30 the use of community colleges ~~apply this concept in the~~
31 ~~creation and funding of a program that supports local economic~~

1 ~~development and responds to public demand for increased access~~
2 ~~to baccalaureate degrees in areas of the state that are~~
3 ~~underserved by 4-year institutions.~~

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

8 (a) A community college may enter into a formal
9 agreement with the state university in its service area for
10 the community college to deliver specified baccalaureate
11 degree programs. The agreement must be submitted to the State
12 Board of Education for approval. The college's proposal must
13 include the following information:

14 1. Demand for the baccalaureate degree program is
15 identified by the workforce development board, local
16 businesses and industry, local chambers of commerce, and
17 potential students.

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

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

22
23 The proposal must be submitted to the Postsecondary Education
24 Planning Commission for review and comment. Upon approval of
25 the State Board of Education for the specific degree program
26 or programs, the college shall pursue regional accreditation
27 by the Commission on Colleges of the Southern Association of
28 Colleges and Schools. Any additional baccalaureate degree
29 programs the college wishes to offer must be approved by the
30 State Board of Education.

31

1 (b) A community college may develop a proposal to
2 deliver specified baccalaureate degree programs in its
3 district. The proposal must be submitted to the State Board of
4 Education for approval. The college's proposal must include
5 the following information:

6 1. Demand for the baccalaureate degree program is
7 identified by the workforce development board, local
8 businesses and industry, local chambers of commerce, and
9 potential students.

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

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

14
15 The proposal must be submitted to the Postsecondary Education
16 Planning Commission for review and comment. Upon approval of
17 the State Board of Education for the specific degree program
18 or programs, the college shall pursue regional accreditation
19 by the Commission on Colleges of the Southern Association of
20 Colleges and Schools. Any additional baccalaureate degree
21 programs the college wishes to offer must be approved by the
22 State Board of Education.

23 (3) A community college may not terminate its
24 Associate-in-Arts or Associate-in-Science degree programs as a
25 result of the authorization provided in subsection (2). The
26 Legislature intends that the primary mission of a community
27 college, including a college that offers baccalaureate-degree
28 programs, continues to be the provision of associate degrees
29 that provide access to a university.

30 ~~(2) Categorical funding is authorized for the~~
31 ~~site-determined baccalaureate degree access program created by~~

1 ~~this section. Funds may not be used to support the~~
2 ~~construction, renovation, or remodeling of facilities. This~~
3 ~~program is voluntary and does not preclude other mutually~~
4 ~~agreed upon arrangements between community colleges and 4-year~~
5 ~~institutions for the delivery of baccalaureate degrees on~~
6 ~~community college sites.~~

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

9 ~~(a) Identify baccalaureate degree programs that are~~
10 ~~not currently offered at the community college but are~~
11 ~~proposed for delivery at the college to meet the academic and~~
12 ~~economic development needs of one or more communities within~~
13 ~~the college's service area. When assessing local needs, the~~
14 ~~college should seek input from the appropriate chamber of~~
15 ~~commerce, workforce development council, and other civic and~~
16 ~~business groups. As used in this section, the term "economic~~
17 ~~development" means entrepreneurial efforts, the attraction of~~
18 ~~new business and industry to the area, and the expansion of~~
19 ~~existing business and industry.~~

20 ~~(b) Determine the number of students interested in~~
21 ~~pursuing each proposed baccalaureate degree program and~~
22 ~~identify the enrollment patterns, any special characteristics~~
23 ~~of those students, and any unique combination or modification~~
24 ~~of course offerings that may be necessary to meet student~~
25 ~~enrollment needs.~~

26 ~~(c) Submit a proposal to the Postsecondary Education~~
27 ~~Planning Commission requesting validation of the need for the~~
28 ~~proposed baccalaureate degree program and tentative approval~~
29 ~~for program funding. The proposal must include:~~

30 ~~1. A description of each proposed baccalaureate degree~~
31 ~~program identifying the junior-level and senior-level courses~~

1 ~~to be offered and designating whether the program should be~~
2 ~~offered for a cohort group or as an ongoing degree program.~~

3 ~~2. Evidence that local occupational forecasts support~~
4 ~~the existence of jobs for graduates of the proposed~~
5 ~~baccalaureate degree programs.~~

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

8 ~~4. An assurance that the community college's existing~~
9 ~~facilities are sufficient to meet the additional demands for~~
10 ~~classroom and laboratory space for the proposed degree~~
11 ~~programs.~~

12 ~~5. Evidence that the college has requested the~~
13 ~~participation of no fewer than three regionally accredited~~
14 ~~4-year postsecondary institutions, including at least one~~
15 ~~member of the State University System. Any member of the~~
16 ~~State University System and any independent, regionally~~
17 ~~accredited, 4-year institution that is chartered in, and has~~
18 ~~its primary campus located in, Florida may be a partner in a~~
19 ~~site-determined baccalaureate degree access program at any~~
20 ~~community college.~~

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

24 ~~7. Any additional provisions that the Postsecondary~~
25 ~~Education Planning Commission considers pertinent to the~~
26 ~~proposal.~~

27 ~~(4) The Postsecondary Education Planning Commission,~~
28 ~~after soliciting comments from the Board of Regents and the~~
29 ~~State Board of Community Colleges, shall validate the need for~~
30 ~~each baccalaureate degree program proposed for delivery~~
31 ~~according to this section and shall notify the community~~

1 ~~college that its proposal has been approved or rejected. The~~
2 ~~commission shall establish procedures for the timely~~
3 ~~submission, review, and approval of the proposals and~~
4 ~~agreements required by this section. These procedures must be~~
5 ~~designed to allow the initiation of approved baccalaureate~~
6 ~~degree programs at least 3 times each fiscal year.~~

7 ~~(5) Once the Postsecondary Education Planning~~
8 ~~Commission validates the need for the proposed baccalaureate~~
9 ~~degree program and notifies the community college that its~~
10 ~~proposal has been approved, the community college shall~~
11 ~~finalize an agreement with the regionally accredited, public~~
12 ~~or nonpublic, 4-year postsecondary institution selected to~~
13 ~~provide the upper-level instructional services in the approved~~
14 ~~baccalaureate degree program. The commission shall identify~~
15 ~~the common aspects that each agreement must address,~~
16 ~~including, but not limited to:~~

17 ~~(a) A course delivery pattern based on the student~~
18 ~~enrollment patterns and characteristics included in the~~
19 ~~approved proposal.~~

20 ~~(b) An articulation provision that guarantees~~
21 ~~acceptance of students who hold an associate in arts or~~
22 ~~associate in science degree and satisfy any other~~
23 ~~prerequisites for admission to the specific baccalaureate~~
24 ~~degree program.~~

25 ~~(c) The provision of library services and student~~
26 ~~support services.~~

27 ~~(d) An agreement that the participating 4-year~~
28 ~~postsecondary institution will continue offering instructional~~
29 ~~services at least until all qualified members of the initial~~
30 ~~group of students have had an opportunity to complete the~~
31 ~~degree program.~~

1 ~~(e) The specific and measurable performance criteria~~
2 ~~that the Postsecondary Education Planning Commission may use~~
3 ~~to evaluate the outcomes and outputs of the baccalaureate~~
4 ~~degree program within an identified timeframe.~~

5 ~~(f) An agreement that in-state student tuition for the~~
6 ~~degree program will not exceed the matriculation fee for the~~
7 ~~State University System unless the proposal approved by the~~
8 ~~Postsecondary Education Planning Commission allows the~~
9 ~~participating institutions to charge differentiated tuition~~
10 ~~and fees to encourage student attendance and participation.~~
11 ~~Out-of-state students shall pay full costs. Notwithstanding~~
12 ~~s. 240.605, students participating in a site-determined~~
13 ~~baccalaureate degree program may not receive a Florida~~
14 ~~Resident Access Grant.~~

15 ~~(6) Each participating community college must submit~~
16 ~~the agreement required by this section to the Postsecondary~~
17 ~~Education Planning Commission for review and final approval~~
18 ~~before initiating an approved site-determined baccalaureate~~
19 ~~degree access program. Subject to the availability of~~
20 ~~legislative appropriations specifically provided for this~~
21 ~~purpose, the Postsecondary Education Planning Commission must~~
22 ~~recommend to the Commissioner of Education the total funds to~~
23 ~~be released to each participating community college for the~~
24 ~~initiation of the approved site-determined baccalaureate~~
25 ~~degree access program. The community college shall distribute~~
26 ~~funds to the participating 4-year postsecondary institution at~~
27 ~~the rate specified in the approved agreement. The~~
28 ~~Postsecondary Education Planning Commission shall not~~
29 ~~recommend the release of funding for any program that is~~
30 ~~terminated before or after the evaluation required by this~~
31 ~~section. The total funds to be released for the initiation of~~

1 ~~an approved program shall be based on the number of fundable~~
2 ~~upper-level student credit hours for each term. Unless~~
3 ~~otherwise provided in an appropriations act, the funding per~~
4 ~~credit hour shall be an amount equal to the state funds,~~
5 ~~excluding student fees, appropriated to the State University~~
6 ~~System for each full-time equivalent student enrolled in~~
7 ~~upper-level course work. Student credit hours funded under~~
8 ~~this program may not be duplicated in any other calculation of~~
9 ~~state funding for the 4-year institution.~~

10 ~~(7) The Postsecondary Education Planning Commission~~
11 ~~may require the participating community colleges and 4-year~~
12 ~~postsecondary institutions to submit information necessary to~~
13 ~~monitor the annual performance of the program. Within 90 days~~
14 ~~after the 2nd and 4th year of the site-determined~~
15 ~~baccalaureate degree access program, the commission shall~~
16 ~~submit to the chairs of the education and fiscal committees of~~
17 ~~the Legislature a progress report, including an evaluation of~~
18 ~~the funding mechanism created by this section. The commission~~
19 ~~shall review each site-determined baccalaureate degree access~~
20 ~~program funded under this section to ascertain whether the~~
21 ~~performance measures specified in the agreement between the~~
22 ~~participating community college and the 4-year institution~~
23 ~~have been met. Each program must be reviewed 4 years after~~
24 ~~initiation unless a shorter timeframe is specified in the~~
25 ~~agreement. The performance measures must include the student~~
26 ~~graduation rate, the employment rate of program graduates both~~
27 ~~within and outside the community college service area, the~~
28 ~~continuing need to offer the specific baccalaureate degree~~
29 ~~program in the community college service area, and such other~~
30 ~~information as the Postsecondary Education Planning Commission~~
31 ~~may determine necessary for program and performance~~

1 ~~evaluation. Based on its evaluation, the commission shall~~
2 ~~either approve continuation of the program, require~~
3 ~~modifications prior to program approval, or recommend that the~~
4 ~~participating institutions terminate the program after all~~
5 ~~qualified members of the initial group of students have an~~
6 ~~opportunity to complete the degree program. The commission~~
7 ~~must submit to the Commissioner of Education for inclusion in~~
8 ~~the legislative budget a request for funding for approved~~
9 ~~site-determined baccalaureate degree access programs.~~

10 ~~(8) If no accredited 4-year institution is willing to~~
11 ~~provide a baccalaureate degree program approved by the~~
12 ~~Postsecondary Education Planning Commission under this~~
13 ~~section, the community college board of trustees may ask the~~
14 ~~commission to evaluate the college's request to offer the~~
15 ~~degree program. If the commission is satisfied that the~~
16 ~~community college should offer the degree program, it shall~~
17 ~~recommend to the Legislature the enactment of statutory~~
18 ~~authority for the community college to offer that specific~~
19 ~~baccalaureate degree program.~~

20 Section 2. Section 240.527, Florida Statutes, is
21 amended to read:

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

24 240.527 The University of South Florida St.

25 Petersburg.--

26 (1) The St. Petersburg campus of the University of
27 South Florida is established and shall be known as the
28 "University of South Florida St. Petersburg."

29 (a) The Legislature intends that the University of
30 South Florida St. Petersburg be operated and maintained as a
31 separate organizational and budget entity of the University of

1 South Florida, and that all legislative appropriations for the
2 University of South Florida St. Petersburg be set forth as
3 separate line items in the annual General Appropriations Act.

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

6 (c) As soon as possible, but no later than the
7 effective date of this act, the President of the University of
8 South Florida shall begin the process of application to the
9 Commission on Colleges of the Southern Association of Colleges
10 and Schools for separate accreditation of the University of
11 South Florida St. Petersburg. If the application is not
12 approved or is provisionally approved, the University of South
13 Florida shall correct any identified deficiencies and shall
14 continue to work for accreditation.

15 (2) The Board of Trustees of the University of South
16 Florida shall appoint to the Campus Board, from
17 recommendations of the President of the University of South
18 Florida, five residents of Pinellas County. If a resident of
19 Pinellas County is appointed to the Board of Trustees of the
20 University of South Florida, the board shall appoint that
21 member to serve jointly as a member of the Campus Board. If
22 more than one Pinellas County resident is appointed to the
23 Board of Trustees, the board shall select one joint member.
24 The Board of Trustees may reappoint a member to the Campus
25 Board for one additional term. The Campus Board has the powers
26 and duties provided by law, which include the authority to:

27 (a) Review and approve an annual legislative budget
28 request to be submitted to the Commissioner of Education. The
29 Campus Executive Officer shall prepare the legislative budget
30 request in accordance with guidelines established by the
31

1 Florida Board of Education. This request must include items
2 for campus operations and fixed capital outlay.

3 (b) Approve and submit an annual operating plan and
4 budget for review and consultation by the Board of Trustees of
5 the University of South Florida. The campus operating budget
6 must reflect the actual funding available to that campus from
7 separate line-item appropriations contained in each annual
8 General Appropriations Act, which line-item appropriations
9 must initially reflect the funds reported to the Florida
10 Legislature for the University of South Florida St. Petersburg
11 Campus for fiscal year 2000-2001 and any additional funds
12 provided in the fiscal year 2001-2002 legislative
13 appropriation.

14 (c) Enter into central support services contracts with
15 the Board of Trustees of the University of South Florida for
16 any services that the St. Petersburg campus cannot provide
17 more economically, including payroll processing, accounting,
18 technology, construction administration, and other desired
19 services. However, all legal services for the campus must be
20 provided by a central services contract with the university.
21 The Board of Trustees of the University of South Florida and
22 the Campus Board shall determine in a letter of agreement any
23 allocation or sharing of student fee revenue between the
24 University of South Florida's main campus and the St.
25 Petersburg campus.

26
27 The Board of Trustees of the University of South Florida may
28 lawfully delegate other powers and duties to the Campus Board
29 for the efficient operation and improvement of the campus and
30 for the purpose of vesting in the campus the attributes
31

1 necessary to meet the requirements for separate accreditation
2 by the Southern Association of Colleges and Schools.

3 (3) The University of South Florida St. Petersburg
4 shall be administered by a Campus Executive Officer who shall
5 be appointed by, report directly to, and serve at the pleasure
6 of the President of the University of South Florida. The
7 President shall consult with the Campus Board before hiring or
8 terminating the Campus Executive Officer. The Campus Executive
9 Officer has authority and responsibility as provided in law,
10 including the authority to:

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

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

16 (c) Recommend to the Campus Board an annual campus
17 operating budget.

18 (d) Recommend to the Campus Board appropriate services
19 and terms and conditions to be included in annual central
20 support services contracts.

21 (e) Carry out any additional responsibilities assigned
22 or delegated by the President of the University of South
23 Florida for the efficient operation and improvement of the
24 campus, especially any authority necessary for the purpose of
25 vesting in the campus attributes necessary to meet the
26 requirements for separate accreditation.

27 (4) Students enrolled at the University of South
28 Florida, including those enrolled at a branch campus, have the
29 same rights and obligations as provided by law, policy, or
30 rule adopted by the University of South Florida, the Florida
31 Department of Education, or other lawful entity. The

1 University of South Florida shall provide a comprehensive and
2 coordinated system of student registration so that a student
3 enrolled at any campus of the University of South Florida has
4 the ability to register for courses at any other campus of the
5 University of South Florida.

6 (5) The following entities are not affected by this
7 section and remain under the administrative control of the
8 University of South Florida:

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

11 (b) The Florida Institute of Oceanography, which is a
12 Type One Institute.

13 (c) The University of South Florida Pediatric Research
14 Center.

15 (d) The University of South Florida/USGS joint
16 facility.

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

20 240.2011 State University System defined.--The State
21 University System shall consist of the following:

22 (5) The University of South Florida, with a main
23 campus located in Hillsborough County and two fiscally
24 autonomous campuses, one in Pinellas County, named the
25 University of South Florida St. Petersburg, and the other
26 named the University of South Florida Sarasota/Manatee.

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

30 Section 4. The University of South Florida
31 Sarasota/Manatee.--

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

4 (a) The Legislature intends that the University of
5 South Florida Sarasota/Manatee be operated and maintained as a
6 separate organizational and budget entity of the University of
7 South Florida and that all legislative appropriations for the
8 University of South Florida Sarasota/Manatee be set forth as
9 separate line items in the annual General Appropriations Act.

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

12 (c) As soon as possible, but no later than July 1,
13 2002, the President of the University of South Florida shall
14 begin the process of application to the Commission on Colleges
15 of the Southern Association of Colleges and Schools for
16 separate accreditation of the University of South Florida
17 Sarasota/Manatee. If the application is not approved or is
18 provisionally approved, the University of South Florida shall
19 correct any identified deficiencies and shall continue to work
20 for accreditation.

21 (2) The Board of Trustees of the University of South
22 Florida shall appoint to the Campus Board, from
23 recommendations of the President of the University of South
24 Florida, three residents of Manatee County and two residents
25 of Sarasota County, to serve 4-year staggered terms. If one or
26 more residents of Sarasota County or Manatee County is
27 appointed to the Board of Trustees of the University of South
28 Florida, the board shall, at the next vacancy of the campus
29 board, appoint one of those members to serve jointly as a
30 member of the Campus Board. The Board of Trustees may
31 reappoint a member to the Campus Board for one additional

1 term. The Campus Board has the powers and duties provided by
2 law, which include the authority to:

3 (a) Review and approve an annual legislative budget
4 request to be submitted to the Commissioner of Education. The
5 Campus Executive Officer shall prepare the legislative budget
6 request in accordance with guidelines established by the
7 Florida Board of Education. This request must include items
8 for campus operations and fixed capital outlay.

9 (b) Approve and submit an annual operating plan and
10 budget for review and consultation by the Board of Trustees of
11 the University of South Florida. The campus operating budget
12 must reflect the actual funding available to that campus from
13 separate line-item appropriations contained in each annual
14 General Appropriations Act, which line-item appropriations
15 must initially reflect the funds reported to the Florida
16 Legislature for the University of South Florida
17 Sarasota/Manatee Campus for fiscal year 2000-2001 and any
18 additional funds provided in the fiscal year 2001-2002
19 legislative appropriation.

20 (c) Enter into central support services contracts with
21 the Board of Trustees of the University of South Florida for
22 any services that the campus at Sarasota/Manatee cannot
23 provide more economically, including payroll processing,
24 accounting, technology, construction administration, and other
25 desired services. However, all legal services for the campus
26 must be provided by a central services contract with the
27 university. The Board of Trustees of the University of South
28 Florida and the Campus Board shall determine in a letter of
29 agreement any allocation or sharing of student fee revenue
30 between the University of South Florida's main campus and the
31 Sarasota/Manatee campus.

1
2 The Board of Trustees of the University of South Florida may
3 lawfully delegate other powers and duties to the Campus Board
4 for the efficient operation and improvement of the campus and
5 for the purpose of vesting in the campus the attributes
6 necessary to meet the requirements for separate accreditation
7 by the Southern Association of Colleges and Schools.

8 (3) The University of South Florida Sarasota/Manatee
9 shall be administered by a Campus Executive Officer who shall
10 be appointed by, report directly to, and serve at the pleasure
11 of the President of the University of South Florida. The
12 President shall consult with the Campus Board before hiring or
13 terminating the Campus Executive Officer. The Campus Executive
14 Officer has authority and responsibility as provided in law,
15 including the authority to:

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

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

21 (c) Recommend to the Campus Board an annual campus
22 operating budget.

23 (d) Recommend to the Campus Board appropriate services
24 and terms and conditions to be included in annual central
25 support services contracts.

26 (e) Carry out any additional responsibilities assigned
27 or delegated by the President of the University of South
28 Florida for the efficient operation and improvement of the
29 campus, especially any authority necessary for the purpose of
30 vesting in the campus attributes necessary to meet the
31 requirements for separate accreditation.

1 (4) Students enrolled at the University of South
2 Florida, including those enrolled at a branch campus, have the
3 same rights and obligations as provided by law, policy, or
4 rule adopted by the University of South Florida, the Florida
5 Department of Education, or other lawful entity. The
6 University of South Florida shall provide a comprehensive and
7 coordinated system of student registration so that a student
8 enrolled at any campus of the University of South Florida has
9 the ability to register for courses at any other campus of the
10 University of South Florida.

11 (5) Promote technology transfer between the research
12 operations of the University of South Florida and local
13 economic development agencies.

14 Section 5. New College of Florida.--

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

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

23 (b) To engage in undergraduate educational reform by
24 combining educational innovation with educational excellence.

25 (c) To provide programs of study that allow students
26 to design their educational experience as much as possible in
27 accordance with their individual interests, values, and
28 abilities.

29 (d) To challenge undergraduates not only to master
30 existing bodies of knowledge but also to extend the frontiers
31 of knowledge through original research.

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

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

8 (a) Three residents of Sarasota County.

9 (b) Two residents of Manatee County.

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

14 Section 6. Legislative intent.--The Legislature
15 intends to create an innovative means to increase access to
16 baccalaureate-degree-level education in populous counties that
17 are underserved by public baccalaureate-degree-granting
18 institutions. This education is intended to address the
19 state's workforce needs, especially the need for teachers,
20 nurses, and business managers in agencies and firms that
21 require expertise in technology.

22 Section 7. St. Petersburg College; mission.--St.
23 Petersburg Junior College is redesignated as St. Petersburg
24 College. The college shall immediately seek accreditation from
25 the Southern Association of Colleges and Schools as a
26 baccalaureate-degree-granting college.

27 (1) The primary mission of St. Petersburg College is
28 to provide high-quality undergraduate education at an
29 affordable price for students and the state. The purpose is to
30 promote economic development by preparing people for
31 occupations that require a bachelor's degree and are in demand

1 by existing or emerging public and private employers in this
2 state.

3 (2) The college is to maintain the mission and
4 policies of a Florida community college, including the
5 open-door admissions policy and the authority to offer all
6 programs consistent with a public community college's
7 authority.

8 (3) St. Petersburg College shall maintain the
9 distinction between the college and its university center. St.
10 Petersburg College is limited to community college programs
11 and to selected baccalaureate-degree-level programs that meet
12 community needs and are authorized as provided by this act.
13 The University Center may make available more diverse program
14 offerings, but those programs are offered by a participating
15 college or university and are not to be classified or funded
16 as a program of St. Petersburg College.

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

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

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

23 (1) St. Petersburg College shall maintain separate
24 records for students who are enrolled in courses classified in
25 the upper division and lower division of a baccalaureate
26 program, according to the Common Course Numbering System. A
27 student shall be reported as a community college student for
28 enrollment in a lower-division course and as a
29 baccalaureate-degree-program student for enrollment in an
30 upper-division course.

31

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

4 (a) For each credit hour of enrollment in a
5 certificate-level course or lower-division-level college
6 credit course, matriculation and tuition fees must be within
7 the range authorized in law and rule for a community college
8 student at that level.

9 (b) For each credit hour of enrollment in an
10 upper-division-level course, matriculation and tuition fees
11 must be in an amount established by the Board of Trustees of
12 St. Petersburg College. However, fees for upper-division
13 students must reflect the fact that the college does not incur
14 the costs of major research programs. Therefore, the board
15 shall establish fees for upper-division students within a
16 range that is lower than the fees established for students at
17 a public university but higher than the fees for community
18 college students.

19 (c) Other mandatory fees and local fees must be at the
20 same level for all lower division students. For upper division
21 students, other mandatory fees and local fees must be at a
22 level less than fees established for University of South
23 Florida students, regardless of program enrollment or level.
24 However, students in workforce development education courses
25 maintain the authorized fee exemptions described in section
26 239.117, Florida Statutes, and may be exempt from local fees
27 imposed by the Board of Trustees, at the board's discretion.

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

29 (1) In addition to the certificates, diplomas, and
30 degrees authorized in section 240.301, Florida Statutes, St.
31 Petersburg College may offer selected baccalaureate degrees.

1 Initially, the college may offer programs that lead to a
2 baccalaureate degree in the following fields:

3 (a) Bachelor of Science in Nursing. This program must
4 be designed to articulate with the Associate in Science Degree
5 in nursing. St. Petersburg College shall continue to offer the
6 Associate in Science degree in nursing.

7 (b) Bachelor of Arts and Bachelor of Science in
8 Elementary Education.

9 (c) Bachelor of Arts and Bachelor of Science in
10 Special Education.

11 (d) Bachelor of Arts and Bachelor of Science in
12 Secondary Education.

13 (e) Bachelor of Applied Science in fields selected by
14 the Board of Trustees of St. Petersburg College. The board
15 shall base the selection on an analysis of workforce needs and
16 opportunities in the following counties: Pinellas, Pasco,
17 Hernando, and other counties approved by the Florida
18 Department of Education. For each program selected, St.
19 Petersburg College must offer a related Associate-in-Science
20 or Associate-in-Applied-Science degree program, and the
21 baccalaureate-degree-level program must be designed to
22 articulate fully with at least one Associate-in-Science degree
23 program. The college is encouraged to develop articulation
24 agreements for enrollment of graduates of related
25 Associate-in-Applied-Science degree programs.

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

29 (3) The college may offer programs to provide
30 opportunities for a person who holds a baccalaureate degree,
31

1 but is not certified to teach, to obtain any additional
2 courses required for teacher certification.

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

7 (5) For those students living outside Pinellas County,
8 St. Petersburg College shall recruit for the upper-division
9 only those students who have earned an associate degree. In
10 recruiting upper division students in Pasco and Hernando
11 Counties, St. Petersburg College shall work cooperatively with
12 Pasco-Hernando Community College and shall seek to offer
13 courses and programs at Pasco-Hernando Community College when
14 feasible. The nursing programs, in particular, must be
15 conducted cooperatively, and programs at St. Petersburg
16 College shall not conflict with Pasco-Hernando Community
17 College's and the University of South Florida's cooperative
18 nursing program.

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

20 (1) The Board of Trustees of St. Petersburg Junior
21 College is renamed the Board of Trustees of St. Petersburg
22 College and serves as its governing board. The Governor shall
23 appoint members as provided in section 240.313, Florida
24 Statutes, and the board has the duties and authorities granted
25 in sections 240.315 and 240.319, Florida Statutes, and by
26 rules of the State Board of Education.

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

30 (3) The Board of Trustees of St. Petersburg College
31 may continue to award degrees, diplomas, and certificates as

1 authorized for St. Petersburg Junior College, and in the name
2 of St. Petersburg Junior College, until St. Petersburg College
3 receives its accreditation.

4 (4) A coordinating board shall assist the Board of
5 Trustees in its deliberations concerning issues that affect
6 the upper division of the college. The coordinating board
7 consists of the President of the University of South Florida,
8 the President of St. Petersburg College, the President of
9 Pasco-Hernando Community College, and the chairpersons of the
10 boards of trustees of those institutions.

11 (5) Beginning 4 years after the college receives
12 accreditation to offer baccalaureate degrees, the Board of
13 Trustees of St. Petersburg College may determine additional
14 programs to be offered, with the approval of the coordinating
15 board. The determination must consider community needs and
16 economic opportunities.

17 (6) The coordinating board shall meet at the request
18 of the President of the University of South Florida or the
19 President of St. Petersburg College.

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

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

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

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

31

1 Section 12. St. Petersburg College; facilities.--The
2 St. Petersburg College may request funding from the Public
3 Education Capital Outlay and Debt Service Trust Fund as a
4 community college and as a university. The municipalities of
5 Pinellas County, the Board of County Commissioners of Pinellas
6 County, and all other governmental entities are authorized to
7 cooperate with the Board of Trustees in establishing this
8 institution. The acquisition and donation of lands, buildings,
9 and equipment for the use of St. Petersburg College are
10 authorized as a public purpose. The Board of County
11 Commissioners of Pinellas County and all municipalities in
12 Pinellas County may exercise the power of eminent domain to
13 acquire lands, buildings, and equipment for the use of St.
14 Petersburg College, regardless of whether such lands,
15 buildings, and equipment are located in a community
16 redevelopment area.

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

18 (1) The Legislature intends to fund St. Petersburg
19 College as a community college for its workforce development
20 education programs and for its lower-division-level college
21 credit courses and programs.

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

25 (3) During the 2001-2002 fiscal year, St. Petersburg
26 College shall estimate the appropriate level of funding for
27 these programs. By March 1, 2002, the college shall complete a
28 cost study and shall submit to the Legislature a proposal for
29 cost accounting and legislative budget requests designed to
30 acknowledge its unique classification. The cost study must
31 indicate actual costs projected for the first 4 years of

1 operation as a baccalaureate-level institution, with the first
2 students expected to enroll in the upper division in fall
3 semester of 2002.

4 Section 14. Nothing contained within this act shall be
5 construed to adversely impact the accreditation of the
6 University of South Florida.

7 Section 15. Section 229.001, Florida Statutes, is
8 amended to read:

9 229.001 Short title.--This act may be cited as the
10 "Florida Education Governance Reorganization Implementation
11 Act of 2000."

12 Section 16. Section 229.002, Florida Statutes, is
13 amended to read:

14 229.002 Declaration of policy and guiding
15 principles.--

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

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

22 (b) To promote enhanced academic success and funding
23 efficiency by centralizing the governance of educational
24 delivery systems and aligning responsibility with
25 accountability.

26 (c) To provide consistent education policy vertically
27 and horizontally across all educational delivery systems,
28 focusing on students ~~the needs of those receiving education,~~
29 not those providing education.

30 (d) To provide substantially improved vertical and
31 horizontal articulation across all educational delivery

1 systems ~~while ensuring that nonpublic education institutions~~
2 ~~and home education programs maintain their independence,~~
3 ~~autonomy, and nongovernmental status.~~

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

10 (f) To ensure that independent education institutions
11 and home education programs maintain their independence,
12 autonomy, and nongovernmental status.

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

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

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

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

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

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

27 Section 17. Section 229.003, Florida Statutes, is
28 amended to read:

29 229.003 Florida education governance reorganization.--

30 (1) ~~Effective January 7, 2003,~~The Florida Board of
31 Education, created pursuant to s. 229.004, shall be

1 responsible for overseeing kindergarten through graduate
2 school education, in accordance with the implementation
3 process in s. 229.0072 and the policies and guiding principles
4 in s. 229.002 and the mission and goals of s. 229.007.

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

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

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

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

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

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

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

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

31

1 ~~(4)(5) Effective January 7, 2003,~~The Governor shall
2 appoint for each university in the State University System, an
3 11-member a nine-member board of trustees, with members
4 subject to confirmation by the Senate,~~trustees~~ which shall be
5 a body corporate with all the powers of a body corporate. In
6 addition to the 11 members, each student body president shall
7 serve as an ex officio voting member of the board of trustees.
8 There shall be no state residency requirement for university
9 board members, but the Governor shall consider regional
10 representatives, as appropriate ~~All members of the board of~~
11 ~~trustees of Florida Atlantic University must reside within the~~
12 ~~service area of the university; three must be residents of~~
13 ~~Broward County, three must be residents of Palm Beach County,~~
14 ~~and three may be residents of any county within the service~~
15 ~~area.~~ Each appointee is subject to confirmation by the Senate
16 in the regular legislative session immediately following his
17 or her appointment.

18 (5) Effective July 1, 2001:

19 (a) The Board of Regents created in s. 240.205 is
20 abolished.

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

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

31

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

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

12 (f) The Education K-20 Policy and Research Council is
13 created and assigned for administrative purposes to the
14 Department of Education.

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

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

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

31

1 1. The creation of an Office of Technology and
2 Information Services, an Office of Workforce and Economic
3 Development, and an Office of Educational Facilities.

4 2. The creation of a Division of Colleges and
5 Universities.

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

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

8 5. The creation of a Division of Independent
9 Education.

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

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

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

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

30 ~~(c) The State Board of Independent Colleges and~~
31 ~~Universities.~~

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

22 Section 18. Section 229.0031, Florida Statutes, is
23 created to read:

24 229.0031 Education K-20 Policy and Research
25 Council.--Effective July 1, 2001, the Education K-20 Policy
26 and Research Council is created and assigned to the Department
27 of Education. The council shall be administratively housed
28 within the Office of the Commissioner of Education, but it
29 shall independently exercise the responsibilities assigned to
30 it in this section or delegated by the Florida Board of
31 Education. The council shall serve as an advisory body to the

1 Florida Board of Education, the Legislature, and other
2 appropriate state agencies and entities on all matters
3 relating to education in this state. In addition, the
4 Council's reports and recommendations shall be made available
5 to the Legislature, the Florida Board of Education, and other
6 appropriate government and educational agencies and entities.

7 (1)(a) The council shall be composed of 11 members of
8 the general public and 1 full-time student representing the
9 education system of the state. Each member shall be appointed
10 by the Governor, approved by three members of the Florida
11 Board of Education, and confirmed by the Senate. Members shall
12 be appointed to serve staggered 4-year terms, except for the
13 full-time student member, who shall serve for 1 year; however,
14 of the initial nonstudent appointees, two shall be appointed
15 for 1-year terms, three shall be appointed for 2-year terms,
16 three shall be appointed for 3-year terms, and three shall be
17 appointed for 4-year terms. The student member shall be
18 selected annually with the qualification that he or she be a
19 registered full-time student at any of this state's
20 educational institutions as defined in chapters 228 and 229
21 relating to public and nonpublic schools, in chapter 230
22 relating to public community colleges and universities, or in
23 chapter 246 relating to nonpublic colleges, universities, and
24 vocational schools. The members of the council shall elect a
25 chair annually. The Governor shall, subject to approval and
26 confirmation, fill all vacancies that occur on the council.

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

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

1 (2) The council shall appoint an executive director,
2 who shall serve at the pleasure of the council and shall
3 perform the duties assigned to him or her by the council. The
4 executive director is the chief administrative officer of the
5 council and shall appoint all employees and staff members of
6 the council, who shall serve under the executive director's
7 direction and control.

8 (3) The council shall:

9 (a) Serve as a citizen board to provide independent
10 policy analyses and recommendations to the Florida Board of
11 Education, the Commissioner of Education, the Governor, and
12 the Legislature to ensure a seamless educational system in
13 this state.

14 (b) Assist the Florida Board of Education in the
15 conduct of its educational responsibilities in such capacities
16 as the state board considers appropriate.

17 (c) Prepare and submit to the Florida Board of
18 Education a long-range master plan for education. The plan
19 must include consideration of the promotion of quality,
20 fundamental educational goals, programmatic access, needs for
21 remedial education, regional and state economic development,
22 international education programs, demographic patterns,
23 student demand for programs, needs of particular subgroups of
24 the population, implementation of innovative educational
25 techniques and technology, and the requirements of the labor
26 market. The capacity of existing programs, in public and
27 independent institutions, to respond to identified needs must
28 be evaluated, and a plan must be developed to respond
29 efficiently to unmet needs.

30 (d) Update the state master plan for education every 5
31 years.

1 (e) Review implementation of the state master plan and
2 annually report to the Florida Board of Education and the
3 Legislature the progress toward implementation.

4 (f) Explore emerging educational issues.

5 (g) Identify successful and innovative educational
6 programs.

7 (h) On its own initiative or in response to the
8 Governor, the Legislature, the Florida Board of Education, or
9 the Commissioner of Education, issue reports and
10 recommendations on matters relating to any education sector.

11 (i) Recommend goals for the overall improvement of
12 education in this state.

13 (j) Recommend to the Florida Board of Education rules
14 concerning the planning and coordination of educational
15 programs.

16 (k) By January 1, 2003, and on a 3-year cycle
17 thereafter, review and make recommendations to the Legislature
18 regarding the activities of research centers and institutes
19 supported with state funds to assess the return on the state's
20 investment in research conducted by public postsecondary
21 education institutions, in coordination with the Leadership
22 Board for Applied Research and Public Service, created
23 pursuant to s. 240.706.

24 Section 19. Section 229.004, Florida Statutes, is
25 amended to read:

26 229.004 Florida Board of Education.--

27 (1)(a) In accordance with the implementation process
28 in s. 229.0072 ~~Effective January 7, 2003,~~ the Florida Board of
29 Education is established as a body corporate. The board shall
30 be a ~~part-time~~ citizen board consisting of seven members
31 appointed by the Governor to staggered 4-year terms, subject

1 to confirmation by the Senate. Members of the board shall
2 serve without compensation, but shall be entitled to
3 reimbursement of travel and per diem expenses in accordance
4 with s. 112.061. Members may be reappointed by the Governor
5 for additional terms.

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

8 (2) The primary duties of the board shall be to
9 establish education goals and objectives consistent with the
10 policies and guiding principles of s. 229.002 and the mission
11 and goals of s. 229.007 and, together with the Commissioner of
12 Education, to oversee the implementation of and enforce
13 compliance with the education policies established by the
14 Legislature. The board, its secretary, and the commissioner,
15 in partnership, shall establish, operate, and maintain optimal
16 efficiency of an Office of the Commissioner of Education,
17 pursuant to s. 229.0061(2)(c) ~~Board of Education~~.

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

20 (a) Ensure accountability and responsiveness to
21 Florida's citizens, including the establishment of a Citizen
22 Information Center that utilizes quick response and
23 customer-friendly methodologies.

24 (b) Establish and aggressively enforce efficient and
25 effective performance management objectives.

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

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

31

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

4 (f)~~(e)~~ Adopt cohesive rules governing systemwide
5 access to educational opportunities, within statutory
6 authority, for education systemwide issues and ensure that
7 rules adopted for the various education delivery systems are
8 compatible.

9 (g)~~(f)~~ Ensure articulation and coordination within and
10 across the entire education delivery system.

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

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

16 (a) The work of ~~with~~ the Chancellor of Public Schools
17 ~~K-12 Education~~ to establish, and maintain optimal efficiency
18 of, a Division ~~an Office~~ of Public Schools, within the
19 guidelines of ss. 229.0061 and 229.0073, and to achieve the
20 mission and goals of s. 229.007 ~~K-12 Education~~.

21 (b) The work of ~~with~~ the Chancellor of Colleges and
22 ~~State~~ Universities to establish, and maintain optimal
23 efficiency of, a Division ~~an Office~~ of Colleges and State
24 Universities, within the guidelines of ss. 229.0061 and
25 229.0073, and to achieve the mission and goals of s. 229.007.

26 (c) The work of ~~with~~ the Chancellor of Community
27 ~~Colleges and Career Preparation~~ to establish, and maintain
28 optimal efficiency of, a Division ~~an Office~~ of Community
29 ~~Colleges and Career Preparation~~, within the guidelines of ss.
30 229.0061 and 229.0073, and to achieve the mission and goals of
31 s. 229.007.

1 (d) The work of ~~with~~ the Executive Director of
2 Independent Nonpublic and Nontraditional Education to
3 establish, and maintain optimal efficiency of, a Division an
4 Office of Independent Nonpublic and Nontraditional Education,
5 within the guidelines of ss. 229.0061 and 229.0073, and to
6 achieve the mission and goals of s. 229.007 ~~Services~~.

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

9 229.005 Florida education governance officers.--

10 (1) COMMISSIONER OF EDUCATION.--The Commissioner of
11 Education shall work with the Florida Board of Education, and
12 its secretary, to ensure that all education governance
13 officers focus be appointed by the Board of Education from
14 candidates of national caliber and respected and proven
15 organizational leadership with established experience in
16 administering broad-based policy. The commissioner shall be a
17 person who is eminently capable of focusing the entire
18 kindergarten through graduate school education system on
19 accomplishing to accomplish the policies and guiding
20 principles of s. 229.002 and achieving the mission and goals
21 of s. 229.007. The commissioner shall have the ability to
22 successfully provide education policy and planning direction,
23 program development, performance management, and funding
24 allocation recommendations across the spectrum of kindergarten
25 through graduate school education. The commissioner shall
26 serve as chief executive officer of the seamless K-20
27 education system; however, for the period from July 1, 2001,
28 until January 7, 2003, the commissioner shall continue to be
29 primarily responsible for K-12 policies and issues., and the
30 ability to achieve and safeguard the will of the people of
31 Florida as expressed in s. 1, Art. IX of the Florida

1 ~~Constitution, that "adequate provision shall be made by law~~
2 ~~for a uniform, efficient, safe, secure, and high quality~~
3 ~~system of free public schools that allows students to obtain a~~
4 ~~high quality education and for the establishment, maintenance,~~
5 ~~and operation of institutions of higher learning and other~~
6 ~~public education programs that the needs of the people may~~
7 ~~require."~~

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

25 (3) CHANCELLOR OF COLLEGES AND STATE
26 UNIVERSITIES.--The Chancellor of Colleges and State
27 Universities shall be appointed by the Secretary of the
28 Florida Board of Education, subject to confirmation by the
29 Florida Board of Education, ~~Commissioner of Education~~ based on
30 his or her ability to work as a division vice president of the
31 seamless K-20 education system with the Florida Board of

1 Education and the other education governance officers to
2 comply with the policies and guiding principles of s. 229.002,
3 to achieve the mission and goals of s. 229.007, to enhance the
4 national reputation and quality of education and ~~educational~~
5 research in Florida's colleges and ~~state~~ universities, and to
6 work directly with each of the college and ~~state~~ university
7 presidents and boards of trustees in focusing on the education
8 and ~~educational~~ research needs of the individual college or
9 university and its students.

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

24 (5) EXECUTIVE DIRECTOR OF INDEPENDENT ~~NONPUBLIC AND~~
25 ~~NONTRADITIONAL~~ EDUCATION.--The Executive Director of
26 Independent ~~Nonpublic and Nontraditional~~ Education shall be
27 appointed by the Commissioner of Education, subject to
28 confirmation by the Florida Board of Education, based on his
29 or her ability to work as a division vice president of the
30 seamless K-20 education system with the Florida Board of
31 Education and the other education governance officers to

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

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

17 229.006 Education Governance Reorganization Transition
18 Task Force.--

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

26 (a) Five members appointed by the Governor;

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 Section 22. Section 229.0061, Florida Statutes, is
21 created to read:

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

25 (1) GUIDELINES FOR IMPLEMENTATION.--

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

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

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

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

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

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

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

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

1 education vision; and, together with the commissioner,
2 Secretary of the Florida Board of Education, chancellors, and
3 executive director, oversee the success of that vision. The
4 Florida Board of Education shall:

5 1. Enforce systemwide education policies and goals.
6 2. Recommend annually the coordinated education budget
7 and authorize the allocation of resources in accordance with
8 law and rule. Any program recommended by the Florida Board of
9 Education which requires state funding for more than 1 year
10 must be presented in a multi-year budget plan.

11 3. Adopt long-term and short-term education plans.
12 4. Enforce education accountability standards and
13 measures of all components of the K-20 education system.

14 5. Accurately and continuously assess data and monitor
15 and report performance.

16 6. Provide high-quality assistance and intervention
17 when and where needed.

18 7. Provide timely and accurate information on all
19 public and independent education services.

20 8. Establish the missions of the public colleges and
21 universities and community colleges.

22 9. Approve new degree programs above the master's
23 degree level.

24 10. Approve new undergraduate medical education
25 programs or colleges, new graduate medical education programs,
26 and Programs in Medical Sciences (PIMS) which are partnerships
27 between two or more public higher education institutions or
28 between public and private higher education institutions.

29 (c) Commissioner of Education.--The Commissioner of
30 Education shall serve as chief executive officer of Florida's
31 seamless K-20 education system. The commissioner shall propose

1 action on all issues that come before the board and be
2 responsible for enforcing compliance with the mission and
3 goals of the seamless K-20 education system by all education
4 delivery sectors. The commissioner's office shall operate all
5 statewide functions necessary to support the Florida Board of
6 Education and the seamless K-20 education system, including
7 the following areas:

- 8 1. Legal.
- 9 2. Communications, including a Citizen Information
10 Center that provides quick response and uses customer-friendly
11 methods.
- 12 3. Strategic planning and budget development.
- 13 4. General administration.
- 14 5. Assessment and accountability.
- 15 6. Data management, education technology, and an
16 education data warehouse.
- 17 7. Access and opportunity, including student financial
18 assistance.
- 19 8. Policy research and development, except the
20 Education K-20 Policy and Research Council.
- 21 9. Florida Board of Education personnel.
- 22 10. Workforce and economic development.
- 23 11. Educational facilities.
- 24 12. Inspector General.

25 (d) Chancellors and executive director.--The
26 chancellors of the public schools, community colleges, and
27 colleges and universities divisions and the Executive Director
28 of the Division of Independent Education shall serve the
29 Florida Board of Education, the Secretary of the Florida Board
30 of Education, and the Commissioner of Education in the role of
31 division vice presidents of the K-20 education system and as

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

1 the Florida Board of Education, and the institution and its
2 governing board.

3 6. Direct institutional governing boards to take
4 corrective action to improve unsatisfactory performance
5 pursuant to law and rules of the Florida Board of Education.

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

9 8. Direct the division's activities in order to
10 coordinate with other divisions to provide a seamless
11 education system.

12 9. Direct the provision of state services to
13 institutions under the division.

14 10. Direct the development of the division's
15 legislative budget request and work cooperatively with the
16 commissioner and other governance officers to develop a
17 coordinated budget request.

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

20 (e) Institutional boards of trustees and school
21 boards.--Each institutional board of trustees and school board
22 shall:

23 1. Provide strategic planning and budget development
24 for their institution or school district.

25 2. Implement and maintain high-quality education
26 programs within law and rules of the Florida Board of
27 Education.

28 3. Measure and enforce performance.

29 4. Provide timely and accurate reporting of
30 information.

31

1 5. Provide direct input on education issues to the
2 education governance officers.

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

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

9 8. Be responsible for the fiscal accountability of
10 their institution or school district.

11 9. Be responsible for compliance with all laws, rules
12 of the Florida Board of Education, and performance
13 accountability requirements.

14 (f) Presidents and superintendents.--Each
15 institutional president and school district superintendent
16 shall:

17 1. Be responsible for efficient and effective budget
18 and program administration.

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

21 3. Closely monitor education performance.

22 4. Provide timely and accurate financial and
23 performance data.

24 5. Link instructional staff evaluations to student
25 performance.

26 (g) Ad hoc advisory committees.--Advisory bodies shall
27 be appointed on an ad hoc basis by the Florida Board of
28 Education to serve the board, its secretary, the commissioner,
29 and chancellors when and as needed by studying and
30 recommending action on major issues that affect the direction
31 and quality of education, providing public forums for debate,

1 and safeguarding a coordinated systemwide approach to
2 education policy decisions.

3 Section 23. Section 229.007, Florida Statutes, is
4 created to read:

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

8 (1) LEGISLATIVE INTENT.--It is the intent of the
9 Legislature that:

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

14 1. What is the public getting in return for funds it
15 invests in education?

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

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

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

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

31

1 (c) The Florida Board of Education establish
2 performance measures and set performance standards for
3 individual components of the system, including individual
4 schools and postsecondary education institutions, which
5 measures and standards are based primarily on student
6 achievement.

7 (d) The Florida Board of Education shall work with the
8 chancellors and each delivery system to develop proposals for
9 performance-based funding, using performance measures
10 established by the Legislature. The proposals must provide
11 that at least 10 percent of the state funds appropriated for
12 the K-20 education system are conditional upon meeting or
13 exceeding established performance standards. The boards must
14 submit the recommendations to the Legislature in the following
15 sequence:

16 1. By December 1, 2001, recommendations for state
17 universities and independent colleges eligible for the William
18 L. Boyd, IV, Florida Resident Access Grant, pursuant to s.
19 240.605, for consideration by the 2002 Legislature and
20 implementation in the 2002-2003 fiscal year.

21 2. By December 1, 2002, recommendations for public
22 schools, nonpublic schools that receive state funding and
23 workforce education, for consideration by the 2003 Legislature
24 and implementation in the 2003-2004 fiscal year.

25 3. By December 1, 2003, recommendations for community
26 colleges, for consideration by the 2004 Legislature and
27 implementation in the 2004-2005 fiscal year.

28 4. By December 1, 2004, recommendations for all other
29 programs that receive state funds within the Department of
30 Education.

31

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

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

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

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

1 credentials; the percentage of business and community members
2 who find that Florida's graduates possess the skills they
3 need; and other measures identified in law or rule.

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

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

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

16 (1) The Governor shall appoint the members of the
17 boards of trustees of the state universities in accordance
18 with section 229.008, Florida Statutes.

19 (2) Effective July 1, 2001, the Governor shall appoint
20 a seven-member Florida Board of Education. The Florida Board
21 of Education shall be housed within, and operate under the
22 direction of, the State Board of Education. Appointees to the
23 board shall be residents of the State of Florida and are
24 subject to confirmation by the Senate.

25 (3) The Governor shall appoint a Secretary of the
26 Florida Board of Education who shall possess proven
27 organizational leadership and knowledge of broad-based
28 education policy. The secretary shall be confirmed by the
29 Senate during the 2002 regular legislative session, but may
30 perform all duties in the interim. The secretary shall serve
31 as the board's primary liaison with all entities involved in

1 the reorganization of education in Florida. The secretary
2 shall be responsible directly to the Florida Board of
3 Education and shall serve as staff to the board on all action
4 items relating to the reorganization. During the
5 implementation period, the secretary shall:

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

8 (b) Be responsible for integration of the Department
9 of Education as it is reorganized into an agency of the
10 Governor.

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

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

15 (e) Be primarily responsible for higher education
16 policies and issues for the period from July 1, 2001, until
17 January 7, 2003.

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

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

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

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

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

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

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

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

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

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

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

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

28 (k) Adopt criteria and implementation plans for future
29 growth issues, such as new colleges and universities and
30 campus mergers; and provide for cooperative agreements between
31 and within public and private education sectors.

1 (l) Advise the State Board of Education regarding the
2 issuance of bonds.

3 (m) Appoint advisory bodies, as necessary, on an ad
4 hoc basis.

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

14 (o) Serve as the successor for all collective
15 bargaining agreements currently in effect with the Board of
16 Regents.

17 (6) Effective July 1, 2001, the Commissioner of
18 Education shall:

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

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

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

3 Section 25. Section 229.0073, Florida Statutes, is
4 created to read:

5 229.0073 Reorganization of the Department of
6 Education.--Effective July 1, 2001, notwithstanding the
7 provisions of s. 20.15, the secretary's Education
8 Reorganization Advisory Workgroup is established to provide
9 oversight and direction for the reorganization of Florida's
10 K-20 Department of Education. The Secretary of the Florida
11 Board of Education, the Commissioner of Education, the
12 Governor or his or her designee, the Chairman of the Education
13 Governance Reorganization Transition Task Force, the
14 Chancellor of Public Schools, the Executive Director of
15 Independent Education, the Chancellor of the Division of
16 Colleges and Universities, the Chancellor of the Division of
17 Community Colleges, a member of the Senate appointed by the
18 President, and a member of the House of Representatives
19 appointed by the Speaker shall serve on this workgroup. The
20 reorganization shall:

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

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

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

1 and public relations, in order to increase efficiency, improve
2 service delivery to students, and fully support the
3 operational needs of the Florida Board of Education.

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

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

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

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

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

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

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

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

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

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

22 (a) Office of Technology and Information Services.--In
23 conjunction with the chancellors of the divisions of public
24 schools, community colleges, and colleges and universities,
25 the office shall be responsible for developing a systemwide
26 technology plan, making budget recommendations to the
27 commissioner, providing data collection and management for the
28 system, and coordinating services with other state, local, and
29 private agencies. The office shall develop a method to address
30 the need for a statewide approach to planning and operations
31

1 of library and information services. The Florida Virtual High
2 School shall be administratively housed within the office.

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

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

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

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

30 Section 26. Section 229.0074, Florida Statutes, is
31 created to read:

1 229.0074 Division of Independent Education.--
2 (1) The mission of the Division of Independent
3 Education is to enhance the opportunity to raise the
4 educational attainment levels of students pursuing their
5 education in nongovernment settings by representing their
6 interests, and those of the institutions that serve them, in
7 the Department of Education. The Division of Independent
8 Education has no authority over the institutions or students
9 in Florida's independent education sector, other than those
10 specified in chapter 246 relating to independent postsecondary
11 education. The division shall serve as the advocate for, and
12 liaison to, independent education providers and institutions,
13 including home education programs, private K-12 institutions,
14 independent colleges and universities except as otherwise
15 provided in s. 229.0073(4)(c), and private postsecondary
16 career preparation/vocational training institutions.
17 (2) 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. The
21 executive director shall:
22 (a) Learn the interests and concerns of the students
23 and providers of independent education at all levels in order
24 to strongly represent them in the Department of Education.
25 (b) Articulate the interests and concerns of the
26 students and providers of independent education at all levels
27 in all relevant government settings, accurately reflecting the
28 consensus or differences in opinion among those represented.
29 (c) Participate with the other division heads in key
30 education decisionmaking processes.
31

1 (d) Monitor and participate in rulemaking and other
2 activities relevant to the interests of the independent
3 education sector.

4 (e) Serve as a key spokesperson for the independent
5 education sector.

6 (f) Advocate for any necessary educational services
7 and funds for independent education sector families and
8 schools.

9 (g) Establish a clearinghouse of information.

10 (h) Foster a collaborative spirit and working
11 relationship among the institutions of the private and public
12 sectors.

13 (i) Identify and convey the best practices of the
14 independent education sector for the benefit of the other
15 education delivery sectors, and vice versa.

16 (j) Augment, where appropriate, the efforts of groups
17 representing the students and providers of independent
18 education to communicate their concerns to government.

19 (k) Facilitate the administration of education
20 services provided by the Department of Education to the
21 independent education sector, such as those relating to
22 teacher certification and background checks.

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

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

27 (n) Communicate relevant decisions to the independent
28 education sector.

29 (o) Establish and oversee the division staff necessary
30 to carry out the division's functions in the most economical
31 and effective manner.

1 (p) Evaluate pending policies to ensure they do not
2 place unnecessary regulation or mandates on the independent
3 education community.

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

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

1 (a) One member from a college or university licensed
2 or exempt from licensure by the commission and accredited by a
3 regional accrediting agency.

4 (b) Two members from colleges or universities licensed
5 or exempt from licensure by the commission and accredited by a
6 national accrediting agency.

7 (c) One member from a college or university authorized
8 pursuant to s. 246.085(1)(b) or a college or university issued
9 an authorization pursuant to s. 246.084.

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

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

14 (f) One member from a college or university licensed
15 or exempt from licensure by the commission, nationally or
16 regionally accredited, and offering programs at both the
17 degrees and nondegree levels.

18 (g) Two lay citizens of the state who are not
19 employees, consultants, commission members, or trustees of a
20 nonpublic postsecondary educational institution and who do not
21 derive any income from a nonpublic postsecondary educational
22 institution.

23
24 Accreditation of an institution under this subsection must be
25 institutional accreditation by a regional or national
26 accrediting agency recognized by the United States Department
27 of Education.

28 (5) The Governor shall appoint the new members of the
29 commission to 3-year terms; however, for the initial
30 appointment in 2001, four members shall be appointed for 3
31 years, three members for 2 years, and three members for 1

1 year. The Governor shall make the initial appointments no
2 later than July 1, 2001.

3 (6) The establishment of the Division of Independent
4 Education shall not be construed to advance the extension or
5 expansion of government regulation on independent or home
6 education programs.

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

9 229.008 Boards of trustees of the state
10 universities.--

11 (1)(a) Effective July 1, 2001, and no later than
12 November 1, 2001, the Governor shall appoint an 11-member
13 board of trustees for each university in the State University
14 System. A student body president shall serve as a voting
15 member of the 11-member board of his or her university. The
16 trustees shall be subject to confirmation by the Senate.
17 Members of the boards of trustees shall receive no
18 compensation but may be reimbursed for travel and per diem
19 expenses as provided in s. 112.061.

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

22 (2) There shall be no state residency requirements for
23 members of university boards of trustees. For regional
24 universities defined in rule as having a service area of more
25 than three counties, no county shall have a majority of board
26 members, and every county where the university has a physical
27 presence must be represented on the board.

28 (3) A board of trustees shall be a public body
29 corporate by the name of "The (name of university) Board of
30 Trustees," with all the powers of a body corporate, including
31 a corporate seal, the power to contract and be contracted

1 with, to sue and be sued, to plead and be impleaded in all
2 courts of law or equity, and to give and receive donations. In
3 all suits against a board of trustees, service of process
4 shall be made on the chair of the board or, in the absence of
5 the chair, on the corporate secretary or designee.

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

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

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

25 (7) Upon appointment, each board of trustees shall
26 commence professional orientation, training, and board
27 development activities, and shall begin setting direction for
28 its university in keeping with accountability and performance
29 expectations of the seamless K-20 education system. In
30 preparation for the transition from operating as a state
31 agency to a body corporate employer without state agency

1 status on July 1, 2002, each board of trustees shall submit to
2 the Florida Board of Education action plans and timelines for
3 devolution of duties and responsibilities to the board of
4 trustees.

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

12 Section 28. Section 229.0081, Florida Statutes, is
13 created to read:

14 229.0081 Powers and duties of university boards of
15 trustees.--

16 (1) Notwithstanding the provisions of chapter 240,
17 effective July 1, 2001, each university board of trustees is
18 vested with the authority to govern and set policy for its
19 university, as necessary to provide proper governance and
20 improvement of the university in accordance with law and with
21 rules of the Florida Board of Education. Each board of
22 trustees shall perform all duties assigned by law or by rule
23 of the Florida Board of Education or the Commissioner of
24 Education.

25 (2) Notwithstanding the provisions of chapter 240,
26 effective July 1, 2001, each university board of trustees may
27 adopt rules and policies consistent with the university
28 mission, with law, and with rule of the Florida Board of
29 Education, including rules and policies for the following:
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1 (a) Selecting the president to serve at the pleasure
2 of the board and perform such duties as are assigned by the
3 board or otherwise provided by law or by rule.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 (v) Establishing policies for the procurement and use
2 of information resources and technology, including but not
3 limited to, information systems, communications systems,
4 computer hardware and software, and networks.

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

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

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

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

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

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

7 (9) If a civil action is brought against any member of
8 a university board of trustees for any act or omission arising
9 out of and in the course of the performance of his or her
10 duties and responsibilities, the university board of trustees
11 may defray all costs of defending such action, including
12 reasonable attorney's fees and expenses, together with costs
13 of appeal, and may save harmless and protect such person from
14 any financial loss resulting from the lawful performance of
15 his or her duties and responsibilities. A claim based on any
16 such action or omission may, in the discretion of the
17 university board of trustees, be settled prior to or after the
18 filing of suit. The board of trustees may arrange for and pay
19 the premium for appropriate insurance to cover all such losses
20 and expenses.

21 Section 29. Section 229.0082, Florida Statutes, is
22 created to read:

23 229.0082 University presidents; powers and
24 duties.--The president is the chief executive officer of the
25 university, shall be corporate secretary of the state
26 university board of trustees, and is responsible for the
27 operation and administration of the university. Each
28 university president shall:

29 (1) Recommend the adoption of rules, as appropriate,
30 to the state university board of trustees to implement
31 provisions of law governing the operation and administration

1 of the university, which shall include the specific powers and
2 duties enumerated in this section. Such rules shall be
3 consistent with the mission of the university and the rules
4 and policies of the Florida Board of Education.

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

7 (3) Establish and implement policies and procedures to
8 recruit, appoint, transfer, promote, compensate, evaluate,
9 reward, demote, discipline, and remove personnel, within law
10 and rules of the Florida Board of Education and in accordance
11 with rules or policies approved by the university board of
12 trustees.

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

16 (5) Approve, execute, and administer contracts for and
17 on behalf of the university board of trustees for the
18 acquisition of commodities, goods, equipment, services, leases
19 of real and personal property, and planning and construction
20 to be rendered to or by the university, provided such
21 contracts are within law and guidelines of the Florida Board
22 of Education and in conformance with policies of the
23 university board of trustees, and are for the implementation
24 of approved programs of the university.

25 (6) Act for the university board of trustees as
26 custodian of all university property. The authority vested in
27 the university president under this subsection includes the
28 authority to prioritize the use of university space, property,
29 equipment, and resources and the authority to impose charges
30 for the use of those items.

31

1 (7) Establish the internal academic calendar of the
2 university within general guidelines of the Florida Board of
3 Education.

4 (8) Administer the university's program of
5 intercollegiate athletics.

6 (9) Recommend to the board of trustees the
7 establishment and termination of undergraduate and master's
8 level degree programs within the approved role and scope of
9 the university.

10 (10) Award degrees.

11 (11) Recommend to the board of trustees a schedule of
12 matriculation fees, tuition, and other fees to be charged by
13 the university, within law and rules of the Florida Board of
14 Education.

15 (12) Organize the university to efficiently and
16 effectively achieve the goals of the university.

17 (13) Review periodically the operations of the
18 university in order to determine how effectively and
19 efficiently the university is being administered and whether
20 it is meeting the goals of its strategic plan adopted by the
21 Florida Board of Education.

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

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

28 (16) Ensure compliance with federal and state laws,
29 regulations, and other requirements that are applicable to the
30 university.

31

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

5 (18) Each university president has the authority to
6 adjust property records and dispose of state-owned tangible
7 personal property in the university's custody in accordance
8 with procedures established by the university board of
9 trustees. Notwithstanding the provisions of s. 273.055(5), all
10 moneys received from the disposition of state-owned tangible
11 personal property shall be retained by the university and
12 disbursed for the acquisition of tangible personal property
13 and for all necessary operating expenditures. The university
14 shall maintain records of the accounts into which such moneys
15 are deposited.

16 Section 30. (1) Notwithstanding any provision of law
17 to the contrary, effective July 1, 2001, the Florida
18 Partnership for School Readiness is transferred by a type two
19 transfer, pursuant to section 20.06(2), Florida Statutes, from
20 the Executive Office of the Governor to the Agency for
21 Workforce Innovation.

22 (2) Notwithstanding any provision of law to the
23 contrary, effective July 1, 2001, the child care executive
24 partnership program; the child care resource and referral
25 program; and the subsidized child care program including
26 statewide staff as referenced in the interagency agreement
27 between the Department of Children and Family Services and the
28 Florida Partnership for School Readiness signed on March 15,
29 2001, shall be transferred by a type two transfer, pursuant to
30 section 20.06(2), Florida Statutes, to the Agency for
31 Workforce Innovation.

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

9 (4) The Agency for Workforce Innovation shall prepare
10 a plan that provides for the distribution and expenditure of
11 all school readiness funds. The plan shall be submitted to
12 the Governor and the Legislative Budget Commission. Upon
13 approval, the Legislative Budget Commission shall authorize
14 the transfer of funds to the Agency for Workforce Innovation
15 for distribution in accordance with the provisions of the
16 School Readiness Act.

17 Section 31. Section 229.0084, Florida Statutes, is
18 created to read:

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

29 Section 32. Section 228.082, Florida Statutes, is
30 amended to read:

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

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

9 (b) The mission of the Florida Virtual High School is
10 to provide students with high-quality technology-based
11 educational opportunities to gain the knowledge and skills
12 necessary to succeed in the 21st century. The school shall
13 serve any student in the state who meets the profile for
14 success in this educational delivery context and shall give
15 priority to:

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

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

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

31

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

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

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

21 2.(c) The fiscal year for the Florida Virtual ~~On-Line~~
22 High School shall be the state fiscal year as provided in s.
23 216.011(1)(n).

24 (b) The board of trustees shall be responsible for the
25 Florida Virtual High School's development of a
26 state-of-the-art technology-based education delivery system
27 that is cost-effective, educationally sound, marketable, and
28 capable of sustaining a self-sufficient delivery system
29 through the Florida Education Finance Program, by fiscal year
30 2003-2004. Beginning in fiscal year 2002-2003, the school
31 shall collect FTE for home-schooled students.

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

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

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

31

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

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

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

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

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

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

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

27 ~~(h)(i)~~ The board of trustees shall annually submit to
28 the Florida Board ~~Department~~ of Education both forecasted and
29 actual enrollments for the Florida Virtual ~~On-Line~~ High
30 School, according to procedures established by the Florida
31 Board ~~Department~~ of Education. At a minimum, such procedures

1 must include the number of public, private, and home school
2 students served by district.

3 ~~(i)(j)~~ The board of trustees shall provide for the
4 content and custody of student and employee personnel records.
5 Student records shall be subject to the provisions of s.
6 228.093. Employee records shall be subject to the provisions
7 of s. 231.291.

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

14

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 Section 33. The Department of Education shall maximize
29 the available federal indirect cost allowed on all federal
30 grants. Effective with fiscal year 2001-2002, the Division of
31 Public Schools and the state's public colleges and

1 universities shall provide a report by December 15 of each
2 year to the Governor, the President of the Senate, and the
3 Speaker of the House of Representatives that addresses the
4 expenditures of the indirect overhead. The report shall be in
5 a format to support the legislative appropriations process
6 and, at a minimum, shall include expenditure summaries by
7 revenue source and specific purpose.

8 Section 34. Effective June 30, 2002, section 229.8065,
9 Florida Statutes, is repealed.

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

12 229.085 Custody of educational funds.--

13 (2) There is created in the Department of Education
14 the Projects, Contracts, and Grants Trust Fund. ~~If, in~~
15 ~~executing the terms of such grants or contracts for specific~~
16 ~~projects, the employment of personnel shall be required, such~~
17 ~~personnel shall not be subject to the requirements of s.~~
18 ~~216.262(1)(a).~~The personnel employed to plan and administer
19 such projects shall be considered in time-limited employment
20 not to exceed the duration of the grant or until completion of
21 the project, whichever first occurs. Such employees shall not
22 acquire retention rights under the Career Service System, the
23 provisions of s. 110.051(1) to the contrary notwithstanding.
24 Any employee holding permanent career service status in a
25 Department of Education position who is appointed to a
26 position under the Projects, Contracts, and Grants Trust Fund
27 shall retain such permanent status in the career service
28 position.

29 Section 36. Subsections (3), (4), and (5) of section
30 240.2995, Florida Statutes, are amended to read:

31

1 240.2995 University health services support
2 organizations.--

3 (3) The board of trustees ~~regents~~ of a state
4 university may prescribe, by rule, conditions with which a
5 university health services support organization must comply in
6 order to be certified and to use property, facilities, or
7 personal services at any state university. The rules must
8 provide for budget, audit review, and oversight by the board
9 of trustees ~~regents~~ of the state university. Such rules shall
10 provide that the university health services support
11 organization may provide salary supplements and other
12 compensation or benefits for university faculty and staff
13 employees only as set forth in the organization's budget,
14 which shall be subject to approval by the university
15 president.

16 (4) The chair of the board of trustees ~~regents~~ of a
17 state university may appoint a representative to the board of
18 directors and the executive committee of any university health
19 services support organization established under this section.
20 The president of the university for which the university
21 health services support organization is established, or the
22 president's designee, shall also serve on the board of
23 directors and the executive committee of any university health
24 services support organization established to benefit that
25 university.

26 (5) Each university health services support
27 organization shall make provisions for an annual postaudit of
28 its financial accounts to be conducted by an independent
29 certified public accountant in accordance with rules of the
30 board of trustees ~~regents~~ of a state university. The annual
31 audit report shall include a management letter and shall be

1 submitted to the Auditor General and the board of regents for
2 review. The board of trustees ~~regents~~ of a state university
3 and the Auditor General may ~~shall have the authority to~~
4 require and receive from the organization or from its
5 independent auditor any detail or supplemental data relative
6 to the operation of the organization. The auditor's report,
7 management letter, and any supplemental data requested by the
8 board of trustees ~~regents~~ of a state university and the
9 Auditor General shall be considered public records, pursuant
10 to s. 119.07.

11 Section 37. Subsection (2) of section 768.28, Florida
12 Statutes, is amended to read:

13 768.28 Waiver of sovereign immunity in tort actions;
14 recovery limits; limitation on attorney fees; statute of
15 limitations; exclusions; indemnification; risk management
16 programs.--

17 (2) As used in this act, "state agencies or
18 subdivisions" include the executive departments, the
19 Legislature, the judicial branch (including public defenders),
20 and the independent establishments of the state; counties and
21 municipalities; state university boards of trustees; and
22 corporations primarily acting as instrumentalities or agencies
23 of the state, counties, or municipalities, including the
24 Spaceport Florida Authority.

25 Section 38. Subsections (1), (2), (3), (5), and (7) of
26 section 240.299, Florida Statutes, are amended to read:

27 240.299 Direct-support organizations; use of property;
28 board of directors; activities; audit; facilities.--

29 (1) DEFINITIONS.--For the purposes of this section:

30 (a) "University direct-support organization" means an
31 organization that ~~which~~ is:

1 1. A Florida corporation not for profit incorporated
2 under the provisions of chapter 617 and approved by the
3 Department of State;

4 2. Organized and operated exclusively to receive,
5 hold, invest, and administer property and to make expenditures
6 to or for the benefit of a state university in Florida or for
7 the benefit of a research and development park or research and
8 development authority affiliated with a state university and
9 organized under part V of chapter 159; and

10 3. An organization that ~~which~~ the board of trustees
11 regents of a state university, after review, has certified to
12 be operating in a manner consistent with the goals of the
13 university and in the best interest of the state. Any
14 organization that ~~which~~ is denied certification by the board
15 of trustees regents of a state university may ~~shall~~ not use
16 the name of the university that ~~which~~ it serves.

17 (b) "Personal services" includes full-time or
18 part-time personnel as well as payroll processing.

19 (2) USE OF PROPERTY.--

20 (a) The board of trustees regents of a state
21 university may ~~is authorized to~~ permit the use of property,
22 facilities, and personal services at its ~~any~~ state university
23 by any university direct-support organization, and, subject to
24 the provisions of this section, direct-support organizations
25 may establish accounts with the State Board of Administration
26 for investment of funds pursuant to part IV of chapter 218.

27 (b) The board of trustees regents of a state
28 university shall prescribe by rule conditions with which a
29 university direct-support organization must comply in order to
30 use property, facilities, or personal services at the ~~any~~
31 state university. Such rules shall provide for budget and

1 audit review and oversight by the board of trustees regents of
2 the state university.

3 (c) The board of trustees regents of a state
4 university may ~~shall~~ not permit the use of property,
5 facilities, or personal services at its ~~any~~ state university
6 by any university direct-support organization that ~~which~~ does
7 not provide equal employment opportunities to all persons
8 regardless of race, color, religion, sex, age, or national
9 origin.

10 (3) BOARD OF DIRECTORS.--The chair of the board of
11 trustees regents of a state university may appoint a
12 representative to the board of directors and the executive
13 committee of any direct-support organization established under
14 this section. The president of the university for which the
15 direct-support organization is established, or his or her
16 designee, shall also serve on the board of directors and the
17 executive committee of any direct-support organization
18 established to benefit that university.

19 (5) ANNUAL AUDIT.--Each direct-support organization
20 shall make provisions for an annual postaudit of its financial
21 accounts to be conducted by an independent certified public
22 accountant in accordance with rules to be promulgated by the
23 board of trustees regents of the state university. The annual
24 audit report shall include a management letter and shall be
25 submitted to the Auditor General and the board of regents for
26 review. The board of trustees regents of the state university
27 and the Auditor General may ~~shall have the authority to~~
28 require and receive from the organization or from its
29 independent auditor any detail or supplemental data relative
30 to the operation of the organization. The identity of donors
31 who desire to remain anonymous shall be protected, and that

1 anonymity shall be maintained in the auditor's report. All
2 records of the organization other than the auditor's report,
3 management letter, and any supplemental data requested by the
4 board of ~~trustees regents~~ of a state university and the
5 Auditor General shall be confidential and exempt from the
6 provisions of s. 119.07(1).

7 (7) ANNUAL BUDGETS AND REPORTS.--Each direct-support
8 organization shall submit to the university president and the
9 board of ~~trustees regents~~ of the state university its federal
10 Internal Revenue Service Application for Recognition of
11 Exemption form (Form 1023) and its federal Internal Revenue
12 Service Return of Organization Exempt from Income Tax form
13 (Form 990).

14 Section 39. Subsection (6) is added to section 236.25,
15 Florida Statutes, to read:

16 236.25 District school tax.--

17 (6) In addition to the maximum millage levied under
18 this section and the General Appropriations Act, a school
19 district may levy, by local referendum or in a general
20 election, additional millage for school operational purposes
21 up to an amount that, when combined with nonvoted millage
22 levied under this section, does not exceed the 10-mill limit
23 established in s. 9(b), Art. VII of the State Constitution.
24 Any such levy shall be for a maximum of 4 years and shall be
25 counted as part of the 10-mill limit established in s. 9(b),
26 Art. VII of the State Constitution. Millage elections
27 conducted under the authority granted pursuant to this section
28 are subject to ss. 236.31 and 236.32. Funds generated by such
29 additional millage do not become a part of the calculation of
30 the Florida Education Finance Program total potential funds in
31 2001-2002 or any subsequent year and must not be incorporated

1 in the calculation of any hold-harmless or other component of
2 the Florida Education Finance Program formula in any year.

3 Section 40. Section 236.31, Florida Statutes, is
4 amended to read:

5 236.31 District millage elections.--

6 (1) The school board, pursuant to resolution adopted
7 at a regular meeting, shall direct the county commissioners to
8 call an election at which the electors within the school
9 districts may approve an ad valorem tax millage as authorized
10 in s. 9, Art. VII of the State Constitution. Such election may
11 be held at any time, except that not more than one such
12 election shall be held during any 12-month period. Any
13 millage so authorized shall be levied for a period not in
14 excess of 2 years or until changed by another millage
15 election, whichever is the earlier. In the event any such
16 election is invalidated by a court of competent jurisdiction,
17 such invalidated election shall be considered not to have been
18 held.

19 (2) The school board, pursuant to resolution adopted
20 at a regular meeting, shall direct the county commissioners to
21 call an election at which the electors within the school
22 district may approve an ad valorem tax millage as authorized
23 under s. 236.25(6). Such election may be held at any time,
24 except that not more than one such election shall be held
25 during any 12-month period. Any millage so authorized shall be
26 levied for a period not in excess of 4 years or until changed
27 by another millage election, whichever is earlier. If any such
28 election is invalidated by a court of competent jurisdiction,
29 such invalidated election shall be considered not to have been
30 held.

31

1 Section 41. Section 236.32, Florida Statutes, is
2 amended to read:

3 (Substantial rewording of section. See
4 s. 236.32, F.S., for present text.)

5 236.32 Procedures for holding and conducting school
6 district millage elections.--

7 (1) HOLDING ELECTIONS.--All school district millage
8 elections shall be held and conducted in the manner prescribed
9 by law for holding general elections, except as provided in
10 this chapter.

11 (2) FORM OF BALLOT.--

12 (a) The school board may propose a single millage or
13 two millages, with one for operating expenses and another for
14 a local capital improvement reserve fund. When two millage
15 figures are proposed, each millage must be voted on
16 separately.

17 (b) The school board shall provide the wording of the
18 substance of the measure and the ballot title in the
19 resolution calling for the election. The wording of the
20 ballot must conform to the provisions of s. 101.161.

21 (3) QUALIFICATION OF ELECTORS.--All qualified electors
22 of the school district are entitled to vote in the election to
23 set the school tax district millage levy.

24 (4) RESULTS OF ELECTION.--When the school board
25 proposes one tax levy for operating expenses and another for
26 the local capital improvement reserve fund, the results shall
27 be considered separately. The tax levy shall be levied only
28 in case a majority of the electors participating in the
29 election vote in favor of the proposed special millage.

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1 (5) EXPENSES OF ELECTION.--The cost of the publication
2 of the notice of the election and all expenses of the election
3 in the school district shall be paid by the school board.

4 Section 42. Subsections (2), (4), and (5), paragraphs
5 (b), (c), and (d) of subsection (1), and paragraphs (a), (c),
6 (d), and (e) of subsection (3) of section 235.217, Florida
7 Statutes, are repealed.

8 Section 43. Sections 240.145, 240.147, 240.205,
9 240.227, 240.307, subsection (2) of section 240.209, and
10 subsection (4) of section 240.311, Florida Statutes, are
11 repealed.

12 Section 44. Except as otherwise provided in this act,
13 this act shall take effect upon becoming a law.

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