

CHAPTER 97-382

Senate Bill No. 8-A

An act relating to public education facilities; transferring, renumbering, and amending s. 985.402, F.S.; clarifying funding of certain public school facilities; reducing the size of the board of directors of the institute; providing for the expiration of the terms of office of the existing board; providing for the appointment of a new board; requiring the board to recommend a plan for future use of the facility; providing for the expiration of s. 985.402, F.S.; providing an effective date.

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

Section 1. Section 985.402, Florida Statutes, as amended by section 62 of chapter 97-238, Laws of Florida, is transferred, renumbered as section 230.23162, Florida Statutes, and amended to read:

985.402 Alternative Education Institute.—

(1) Effective upon this act becoming a law, there is established within the Department of Education the Alternative Education Institute which may immediately contract with a private provider for alternative education programs in a public school facility ~~residential school facilities~~. The educational facility programs shall be funded with PECO funds and shall serve juvenile offenders who have been prosecuted as adults or who have been committed to a high-risk residential program or a maximum-risk residential program of the Department of Juvenile Justice. The institute shall be a not-for-profit corporation acting as an instrumentality of the state and may receive, hold, invest, and administer property and any moneys or donated lands or facilities received from private, state, and federal sources, as well as technical and professional income generated or derived from practice activities of the institute, for the benefit of the institute and the fulfillment of its mission. The affairs of the corporation shall be managed by a board of directors who shall serve without compensation.

(2) The institute shall be a seven-member ~~13-member~~ board, with two ~~7~~ members appointed by the Governor, two ~~3~~ members appointed by the President of the Senate, two ~~3~~ members appointed by the Speaker of the House of Representatives, and one member appointed by the Commissioner of Education. Effective 10 days after this act becomes a law, all terms of existing board members expire and new board members must be appointed. The Department of Management Services shall, on behalf of the board, direct change orders in any existing construction contracts, provide oversight for approval of any future invoices, provide site inspection services, and provide any other administrative services considered necessary by the board. The board shall develop plans for use of the facility and act in all matters as the body corporate for the Alternative Education Institute. By February 1, 1998, the board shall recommend a plan for future use of the facility which must, among other options, address the transfer of the facility

to a local school district in the region for operation, the transfer of the facility to a university or community college for operation, the transfer of the facility to a state agency for operation, or contracting with a private provider to operate the facility under the revised mission. The board's plan must be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education. The Commissioner of Education shall consider the board's recommendation and make final recommendations to the Legislature for appropriate use of the facilities. The Department of Education shall provide administrative support to the board. The Department of Legal Affairs shall provide legal counsel in all matters on behalf of the board. Unless specifically authorized by the Department of Management Services after consultation with the Department of Education, capital outlay funds may not be expended for the construction of staff housing facilities. All members must be appointed no later than June 1, 1994. The board shall select a chair from among its members.

~~(3) Each member shall have only one vote, shall be appointed to a term of 3 years, and may be reappointed to the board.~~

(3)(4) In order to carry out the mission established in subsection (1), the institute is responsible for:

(a) Developing the education facilities fixed capital outlay and operational plans.

(b) Assuring compliance on all siting and contracting issues relating to the construction and operation of education programs.

(c) Preparing an annual postaudit of the not-for-profit corporation's financial accounts and the financial accounts of any of its for-profit or not-for-profit subsidiaries, to be conducted by an independent certified public accountant. The annual audit report must include management letters and shall be submitted to the Auditor General for review. The board and the Auditor General may require and receive from the not-for-profit corporation and any subsidiaries, or from their independent auditor, any detail or supplemental data relative to the operation of the not-for-profit corporation or its subsidiary.

(d) Providing by the not-for-profit corporation and its for-profit or not-for-profit subsidiaries of equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.

(e) Establishing programs which fulfill the education mission of the institute.

(f) Establishing programs that fulfill the alternative education mission of the institute.

(g) Controlling the budget and the dollars appropriated or donated to the institute from private, state, and federal sources.

(h) Appointing members to carry out the educational activities of the institute and determine compensation, benefits, and terms of service.

(i) Controlling the use and assignment of space and equipment within the residential school facilities.

(j) Creating the administrative structure necessary to carry out the mission of the institute.

(k) Reporting to the Legislature.

(l) Providing a copy of the institute's annual report to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives by December 15 of each year.

~~(4)(5) If the contract for the construction of the facility agreement between the not-for-profit corporation and the institute is terminated for any reason, or the institute is dissolved, ownership of the facility is transferred to the Department of Management Services until an appropriate shall assume governance plan for the and operation of the residential school facility has been adopted facilities.~~

~~(5)(6) In carrying out the provisions of this section, the not-for-profit corporation and its for-profit or not-for-profit subsidiaries are not "agencies" within the meaning of s. 20.03(11).~~

~~(6) This section expires June 30, 1998, at which time the Alternative Education Institute is deauthorized and the governing board is dissolved. Upon dissolution, the Auditor General shall perform a post-audit of all financial activities of the facility.~~

Section 2. This act shall take effect upon becoming a law.

Became a law without the Governor's approval November 22, 1997.

Filed in Office Secretary of State November 21, 1997.