

## Committee Substitute for House Bill No. 2063

An act relating to the Florida On-Line High School; creating s. 228.082, F.S.; establishing the Florida On-Line High School; establishing a board of trustees; providing for membership, powers, duties, and organization of the board of trustees; requiring the board of trustees to annually prepare and submit a legislative budget request; establishing provisions for the employment of personnel of the board of trustees and the Florida On-Line High School; authorizing the establishment of a personnel loan or exchange program; requiring the board of trustees to establish priorities for student admissions; requiring the distribution of information relating to student enrollment procedures; requiring the submission of forecasted and actual student enrollments; providing requirements for the content and custody of student and employee records; providing requirements for maintenance of financial records and accounts; providing funding requirements; designating the Orange County District School Board as the temporary fiscal agent of the Florida On-Line High School; prohibiting the credit of the state from being pledged on behalf of the Florida On-Line High School; requiring the board of trustees to submit a report; providing an effective date.

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

Section 1. Section 228.082, Florida Statutes, is created to read:

228.082 The Florida On-Line High School.—

(1) The Florida On-Line High School is established for the development and delivery of on-line and distance learning education.

(2) The Florida On-Line High School shall be governed by a board of trustees comprised of seven members appointed by the Governor to 4-year staggered terms, one of whom shall be the current chair of the Florida High School Advisory Board and one of whom shall be a representative of the fiscal agent, and one of whom shall be the Chief Information Officer or his designee from the State Technology Office pursuant to HB 2075, 2000 Regular Session, or similar legislation. The board shall be a public agency entitled to sovereign immunity pursuant to s. 768.28, and board members shall be public officers who shall bear fiduciary responsibility for the Florida On-Line High School. The board of trustees shall have the following powers and duties:

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

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

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

(d) The board of trustees shall enter into agreements with distance learning providers and may acquire, enjoy, use, and dispose of patents, copyrights, and trademarks and any licenses and other rights or interests thereunder or therein. Ownership of all such patents, copyrights, trademarks, licenses, and rights or interests thereunder or therein shall vest in the state, with the board having full right of use and full right to retain the revenues derived therefrom. Any funds realized from patents, copyrights, trademarks, or licenses shall be used to support the school's research and development activities in order to improve courseware and services to its students.

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

(f) The board of trustees shall administer and maintain personnel programs for all employees of the board of trustees and the Florida On-Line High School. The board of trustees may adopt rules, policies, and procedures related to the appointment, employment, and removal of personnel.

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

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

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

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

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

(g) The board of trustees shall establish priorities for admission of students.

(h) The board of trustees shall establish and distribute to all school districts and high schools in the state procedures for enrollment of students into courses offered by the Florida On-Line High School. Such procedures shall be designed to minimize paperwork and maximize participation by students.

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

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

(k) The financial records and accounts of the Florida On-Line High School shall be maintained under the direction of the board of trustees and under regulations prescribed by the State Board of Education for the uniform system of financial records and accounts for the schools of the state.

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

(3) The Commissioner of Education shall include the Florida On-Line High School as a grant-in-aid appropriation in the department's legislative budget request to the State Board of Education, the Governor, and the Legislature.

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

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

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

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

(5) By January 1, 2001, the board of trustees shall submit to the Governor, the Legislature, and the Education Reorganization Transition Commission a complete and detailed report setting forth:

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

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

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

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

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

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

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

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

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

Approved by the Governor June 5, 2000.

Filed in Office Secretary of State June 5, 2000.