

House Bill No. 2263

An act relating to education governance; creating the Florida Education Governance Reorganization Act of 2000; providing a short title; providing for legislative policy; providing for Florida education governance reorganization; establishing the Florida Board of Education; providing for appointment, powers, and duties; providing for Florida education governance officers; providing for a Commissioner of Education; providing for a Chancellor of K-12 Education; providing for a Chancellor of State Universities; providing for a Chancellor of Community Colleges and Career Preparation; providing for a Executive Director of Nonpublic and Nontraditional Education; providing for an Education Governance Reorganization Transition task force; providing powers and duties; providing for the future review and repeal of s. 20.15, F.S., relating to the Department of Education, s. 229.012, F.S., relating to the composition of the State Board of Education, s. 229.053, F.S., relating to the general powers of the state board, s. 229.512, F.S., relating to the Commissioner of Education, s. 229.551, F.S., relating to educational management, s. 229.592, F.S., relating to the implementation of the state system of school improvement and education accountability, s. 229.601, F.S., relating to the career education program, s. 229.6058, F.S., relating to the school readiness pilot program, s. 229.8341, F.S., relating to services for infants and preschool children, s. 230.64, F.S., relating to area technical centers, s. 235.014, F.S., relating to functions of the Department of Education, s. 235.05(3), F.S., relating to the power of the Board of Regents to exercise the right of eminent domain, s. 235.057, F.S., relating to the purchase, conveyance, or encumbrance of certain property interests and joint-occupancy structures, s. 235.15, F.S., relating to the educational plant survey and PECO project funding, s. 235.195, F.S., relating to cooperative development and the use of facilities by two or more school boards, s. 235.199, F.S., relating to the cooperative funding of vocational educational facilities, s. 235.41, F.S., relating to legislative capital outlay budget requests, s. 235.42, F.S., relating to described educational funds, ch. 239, F.S., relating to vocational, adult, and community education, ch. 240, F.S., relating to postsecondary education, s. 241.002, F.S., relating to duties of the Department of Education, s. 241.003, F.S., relating to the Florida Distance Learning Network Advisory Council, s. 241.004, F.S., relating to the Educational Technology Grant Program, s. 244.01, F.S., relating to regional education, ss. 244.02 and 244.03, F.S., relating to the Southern Regional Compact, ch. 246, F.S., and relating to nonpublic postsecondary institutions; providing for development of a staffing plan from the Board of Regents; transferring \$100,000 from the General Revenue Fund from the Board of Regents, \$50,000 from the General Revenue Fund from the Division of Community Colleges, and \$100,000 from the Department of Education, to the Executive Office of the Governor; providing an effective date.

WHEREAS, in the 1998 General Election, Floridians considered a ballot summary statement that proposed changing the composition of the State Board of Education from the Governor and Cabinet to a board appointed by the Governor and a board-appointed Commissioner of Education, and

WHEREAS, at the 1998 General Election, Floridians amended s. 2, Art. IX of the State Constitution, effective January 7, 2003, in the following way:

“SECTION 2. State board of education.—The state board of education shall be a body corporate and have such supervision of the system of free public education as is provided by law. The state board of education shall consist of seven members appointed by the governor to staggered 4-year terms, subject to confirmation by the senate. The state board of education shall appoint the commissioner of education.”, and

WHEREAS, pursuant to legal precedent of the Florida Supreme Court, including *Whitaker v. Parsons*, 86 So. 247 (Fla. 1920) and *Amos v. Matthews*, 126 So. 308 (Fla. 1930), it is clearly within the prerogative of the Legislature to define the purview of the new State Board of Education and the State Constitution does not withhold from the Legislature the power to prescribe additional powers and duties on constitutional, statutory, and administrative officers so long as such powers and duties are not inconsistent with their duties imposed by the constitution, and

WHEREAS, the minutes and records of the 1998 State of Florida Constitution Revision Commission re the proposal to amend s. 2, Art. IX state as follows: “[This proposal] sets up a State Board of Education and moves the function of the State Board of Education from the Cabinet to an appointed board of seven appointed by the Governor. That board then selects the Commissioner of Education. This is not a Cabinet reform bill. . . . This is an educational proposal. . . . [This is] a proposal that allows us to put on the ballot the option to have true systemic change in education. . . .”, NOW, THEREFORE,

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

Section 1. Short title.—This act may be cited as the “Florida Education Governance Reorganization Act of 2000.”

Section 2. Declaration of policy and guiding principles.—

(1) It is the policy of the Legislature:

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

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

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

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

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

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

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

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

(c) A system that maximizes education access and academic success for all Floridians.

(d) A system that safeguards equity.

(e) A system that refuses to compromise academic excellence.

Section 3. Florida Education Governance Reorganization.—

(1) Effective January 7, 2003, the Florida Board of Education, created pursuant to section 4 of this act, shall be responsible for overseeing kindergarten through graduate school education, in accordance with the policies and guiding principles in section 2 of this act.

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

(3) Effective January 7, 2003, there is established:

(a) A Chancellor of K-12 Education appointed by the Commissioner of Education.

(b) A Chancellor of State Universities, appointed by the Commissioner of Education.

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

(d) An Executive Director of Nonpublic and Nontraditional Education, appointed by the Commissioner of Education.

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

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

(5) Effective January 7, 2003, the Governor shall appoint for each university in the State University System, a nine-member board of trustees which shall be a body corporate with all the powers of a body corporate. All members of the board of trustees of Florida Atlantic University must reside within the service area of the university; three must be residents of Broward County, three must be residents of Palm Beach County, and three may be residents of any county within the service area.

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

- (a) The Board of Regents.
- (b) The State Board of Community Colleges.
- (c) The State Board of Independent Colleges and Universities.
- (d) The State Board of Nonpublic Career Education.
- (e) The Division of Workforce Development of the Department of Education.
- (f) The Postsecondary Education Planning Commission.
- (g) The Articulation Coordination Committee.
- (h) The Division of Human Resource Development of the Department of Education.
- (i) The Division of Support Services of the Department of Education.
- (j) The Division of Administration of the Department of Education.
- (k) The Division of Financial Services of the Department of Education.
- (l) The Division of Technology of the Department of Education.
- (m) The Office of Student Financial Assistance of the Department of Education.
- (n) The Division of Universities of the Department of Education.
- (o) The Division of Community Colleges of the Department of Education.

(7) Effective January 7, 2003, sections 20.15, 229.012, 229.053, 229.512, 229.551, 229.592, 229.601, 229.6058, 229.8341, 230.64, 235.014, subsection (3) of section 235.05, sections 235.057, 235.15, 235.195, 235.199, 235.41, 235.42, chapters 239 and 240, sections 241.002, 241.003, 241.004, 244.01, 244.02, 244.03, and chapter 246, Florida Statutes, are repealed and shall be reviewed by the Legislature prior to that date.

Section 4. Florida Board of Education.—

(1)(a) Effective January 7, 2003, the Florida Board of Education is established as a body corporate. The board shall be a part-time citizen board consisting of seven members appointed by the Governor to staggered 4-year terms, subject to confirmation by the Senate. Members may be reappointed by the Governor for additional terms.

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

(2) The primary duties of the board shall be to establish education goals and objectives consistent with the policies and guiding principles of section 2 of this act and, together with the Commissioner of Education, to oversee the implementation of the education policies established by the Legislature. The board, and the commissioner, shall establish, operate, and maintain optimal efficiency of an Office of the Board of Education.

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

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

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

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

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

(e) Adopt cohesive rules, within statutory authority, for education systemwide issues and ensure that rules adopted for the various education delivery systems are compatible.

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

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

(4) The board, with the Commissioner of Education, shall:

(a) Work with the Chancellor of K-12 Education to establish, and maintain optimal efficiency of, an Office of K-12 Education.

(b) Work with the Chancellor of State Universities to establish, and maintain optimal efficiency of, an Office of State Universities.

(c) Work with the Chancellor of Community Colleges and Career Preparation to establish, and maintain optimal efficiency of, an Office of Community Colleges and Career Preparation.

(d) Work with the Executive Director of Nonpublic and Nontraditional Education to establish, and maintain optimal efficiency of, an Office of Nonpublic and Nontraditional Education Services.

Section 5. Florida Education Governance Officers.—

(1) COMMISSIONER OF EDUCATION.—The Commissioner of Education shall be appointed by the Board of Education from candidates of national caliber and respected and proven organizational leadership with established experience in administering broad-based policy. The commissioner shall be a person who is eminently capable of focusing the entire kindergarten through graduate school education system to accomplish the policies and guiding principles of section 2 of this act. The commissioner shall have the ability to successfully provide education policy and planning direction, program development, performance management, and funding allocation recommendations across the spectrum of kindergarten through graduate school education, and the ability to achieve and safeguard the will of the people of Florida as expressed in s. 1, Art. IX of the Florida Constitution, that “adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require.”

(2) CHANCELLOR OF K-12 EDUCATION.—The Chancellor of K-12 Education shall be appointed by the Commissioner of Education based on his or her ability to comply with the policies and guiding principles of section 2 of this act, to enhance the quality of K-12 education in Florida, to maximize the equity of K-12 education in Florida by moving the focus to the school site and the individual student, and to achieve and safeguard the will of the people of Florida as expressed in s. 1, Art. IX of the Florida Constitution, that “adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education. . . .”

(3) CHANCELLOR OF STATE UNIVERSITIES.—The Chancellor of State Universities shall be appointed by the Commissioner of Education based on his or her ability to comply with the policies and guiding principles of section 2 of this act, to enhance the national reputation and quality of education and educational research in Florida’s state universities, and to work directly with each of the state university presidents and boards of trustees in focusing on the education and educational research needs of the individual university and its students.

(4) CHANCELLOR OF COMMUNITY COLLEGES AND CAREER PREPARATION.—The Chancellor of Community Colleges and Career Preparation shall be appointed by the Commissioner of Education based on his or her ability to comply with the policies and guiding principles of section 2 of this act, to enhance the quality of education in Florida’s community colleges, and to work directly with each of the community college presidents and boards of trustees in focusing on the education needs of the communities and students they serve.

(5) EXECUTIVE DIRECTOR OF NONPUBLIC AND NONTRADITIONAL EDUCATION.—The Executive Director of Nonpublic and Nontraditional Education shall be appointed by the Commissioner of Education based on his or her ability to comply with the policies and guiding principles of section 2 of this act, to enhance the quality and expand the offerings and innovations of nonpublic and nontraditional education in Florida, to establish partnerships with nonpublic education providers at all levels to achieve these goals, and to work directly with the Board of Trustees of the Florida On-Line High School and with Florida's private school associations, home education associations, nonpublic career education institutions, and independent colleges and universities to maximize educational choice and enhance the options, educational alternatives, and student-focused delivery for their students.

Section 6. Education Governance Reorganization Transition Task Force.—

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

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

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

(2)(a) The members of the transition task force shall serve without compensation, but shall be reimbursed for per diem and travel expenses as provided in s. 112.061, Florida Statutes.

(b) The task force shall be housed in the Governor's Office of Planning and Budgeting, and the Governor's Office of Planning and Budgeting shall contract with or employ an executive director for the task force and shall provide the commission with staff and a budget sufficient to accomplish quality work in a timely manner.

(3) The transition task force may procure information and assistance from any officer or agency of the state or any subdivision thereof. All such officials and agencies shall give the task force all relevant information and

assistance on any matter within their knowledge or control. The transition task force may utilize consultants, studies, and other methods of gathering information to assist in developing its recommendations.

(4) By March 1, 2001, the transition task force shall recommend to the Legislature:

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

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

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

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

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

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

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

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

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

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

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

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

(b) Rules and procedures as necessary to be followed by university boards of trustees, community college boards of trustees, and other boards of trustees, as determined appropriate, for recruitment and selection of presidents,

procedures for annual evaluations of presidents, and procedures for interaction between presidents, the boards of trustees, and the new Florida Board of Education.

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

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

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

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

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

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

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

(7) By May 1, 2003, the transition task force shall have completed its duties and shall make its final report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of each chamber. The final report shall include, but is not limited to:

(a) A summary of the work and recommendations of the task force.

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

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

Section 7. The Board of Regents shall be in substantive compliance with the last paragraph preceding specific appropriation 178 of House Bill 2145 by submitting to the Executive Office of the Governor, President of the Senate and the Speaker of the House of Representatives, a plan for staffing and alignment of duties and functions consistent with recommendations reported by the Task Force as provided for in this act. The plan shall be completed within 30 days after the first report due from the task force but no later than April 1, 2001.

Section 8. Effective July 1, 2000, the sum of \$100,000 from the General Revenue Fund is transferred from the Board of Regents General Office, the sum of \$50,000 from the General Revenue Fund is transferred from the Division of Community Colleges, and the sum of \$100,000 from the General Revenue Fund is transferred from the Department of Education, to the Executive Office of the Governor, Office of Planning and Budgeting, to implement this act.

Section 9. Except as otherwise provided herein, this act shall take effect upon becoming a law.

Approved by the Governor June 19, 2000.

Filed in Office Secretary of State June 19, 2000.