

STATE BOARD OF EDUCATION

Action Item

December 11, 2007

**SUBJECT: Approval of Delegation of Authority to Newly Appointed
Commissioner of Education Eric Smith**

PROPOSED BOARD ACTION

Delegate the State Board of Education's responsibilities, powers, and duties in matters and procedures related to the Administrative Procedure Act, Chapter 120, Florida Statutes to the Commissioner of Education, reserving the exclusive authority to approve agency rules for final adoption under s. 120.54(3).

AUTHORITY FOR STATE BOARD ACTION

Section 1001.02 (1), Florida Statutes

BACKGROUND INFORMATION

Section 1001.02(1) of the Florida Statutes authorizes the State Board of Education to delegate its general powers to the Commissioner of Education as it finds appropriate. Among the general powers that the State Board has found appropriate to delegate are those found in the Florida Administrative Procedure Act (Chapter 120, Florida Statutes). This delegation promotes efficiency by allowing the Commissioner to act on behalf of the State Board within the time limits imposed by statute.

Among the powers described in Chapter 120, the State Board has found it appropriate to limit its delegation of authority in the area of rulemaking. The State Board has previously delegated to the Commissioner the power to approve the publication of proposed State Board rules in the Florida Administrative Weekly, while retaining the ultimate authority to approve the rules for final adoption.

This motion confirms the delegation of the State Board's authority under the Florida Administrative Procedure Act, as described above, to Commissioner Eric Smith.

Supporting Documentation Included: N/A

Facilitators/Presenters: Deborah Kearney, General Counsel