

By the Committee on Education Appropriations and
Representative Sublette

1 A bill to be entitled
2 An act relating to education finance; providing
3 purposes of the act; providing for a revised
4 funding model for exceptional student education
5 programs and specifying use of a matrix of
6 services; providing for review of delivery of
7 services; providing for rules; providing
8 funding requirements; amending s. 236.078,
9 F.S.; conforming provisions; creating s.
10 236.08011, F.S.; providing for a Florida
11 Education Finance Program for kindergarten
12 through grade 12 and a Florida Education
13 Finance Program for adults; providing for
14 separate calculation and appropriation;
15 amending s. 236.081, F.S., relating to funds
16 for operation of schools; revising provisions
17 to provide for annual allocations to school
18 districts for the K-12 Florida Education
19 Finance Program and the adult Florida Education
20 Finance Program; requiring the Commissioner of
21 Education to specify a matrix of services and
22 intensity levels for exceptional student
23 education; revising program categories;
24 revising provisions relating to calculation of
25 each school district's student enrollment;
26 providing a requirement relating to the
27 computation of district required local effort;
28 conforming provisions; amending s. 236.083,
29 F.S.; authorizing the transfer of certain funds
30 for student transportation; correcting a cross
31 reference; amending s. 237.34, F.S.; revising

1 provisions relating to cost accounting and
2 reporting and program expenditure requirements;
3 amending ss. 230.2305, 236.25, 236.602,
4 239.301, and 240.1161, F.S.; correcting cross
5 references and conforming and clarifying
6 language; amending s. 240.209, F.S., relating
7 to Board of Regents' powers and duties;
8 providing performance measures for program
9 reviews; providing budget requirements and
10 requiring documentation; amending s. 240.605,
11 F.S., relating to Florida resident access
12 grants; revising funding provisions; directing
13 the State Board of Community Colleges and the
14 Board of Regents to analyze the expenditure of
15 PECO funds in order to reduce excessive costs;
16 requiring the development of cost standards for
17 facilities; requiring a report; amending s.
18 216.301, F.S., relating to the disposition of
19 certain unspent appropriations of the
20 Department of Education; providing an effective
21 date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. The purposes of this act are to:

26 (1) Provide for implementation of the revised funding
27 model for exceptional student education programs.

28 (2) Simplify the Florida Education Finance Program by
29 reducing the number of program cost factors to provide greater
30 flexibility at the local level in the use of funds.

31

1 (3) Provide for allocating funds for kindergarten
2 through grade 12 and adult education programs separately.

3 (4) Continue to make progress in reducing the range of
4 disparity in total potential funds available per full-time
5 equivalent student.

6 Section 2. (1) The revised funding model for
7 exceptional student education programs is designed to: be
8 better for students than the existing funding system by
9 encouraging school districts and schools to identify and
10 implement educationally effective instructional delivery
11 models; simplify funding by utilizing five weighted cost
12 factors; provide fiscal support for exceptional students in
13 general education classes; be outcome driven; and be revenue
14 neutral. This funding model is designed to support both
15 traditional and new service delivery models along the
16 continuum of services required for exceptional students. It is
17 the intent of the Legislature, through the General
18 Appropriations Act, to minimize the fiscal impact on school
19 districts of the implementation of this funding model.

20 (2)(a) The revised funding model uses five Florida
21 Education Finance Program cost factors for exceptional student
22 education programs. Cost factors are determined by using a
23 matrix of services to document the services that each
24 exceptional student will receive. The nature and intensity of
25 the services indicated on the matrix shall be consistent with
26 the services described in each exceptional student's
27 individual education plan.

28 (b) A matrix of services must be completed at least
29 once each year by public school personnel who have received
30 approved training. Additionally, each time an exceptional
31 student's individual education plan, family support plan, or

1 education plan is reviewed, the matrix of services must also
2 be reviewed. Nothing listed in the matrix shall be construed
3 as limiting the services a school district must provide in
4 order to ensure that exceptional students are provided a free,
5 appropriate public education.

6 (3) The Department of Education shall revise its
7 monitoring systems for exceptional student education programs
8 to include a review of delivery of services as indicated on
9 the matrix of services.

10 (4) The Department of Education shall promulgate rules
11 necessary to implement the revised funding model.

12 (5) The funding level in the 1997-1998 FEFP for
13 exceptional student education shall be guaranteed for 3 years
14 so that no district will have a financial uncertainty during
15 the initial implementation of the revised funding model. Also,
16 all full-time equivalent student membership over the maximum
17 prescribed in s. 236.081(1)(d), Florida Statutes, shall be
18 funded at a program cost factor of 1.0.

19 Section 3. Section 236.078, Florida Statutes, is
20 amended to read:

21 236.078 Florida Education Finance Program
22 Appropriation Allocation Conference.--Prior to the
23 distribution of any funds appropriated in the General
24 Appropriations Act for the K-12 and adult Florida Education
25 Finance Program formulas ~~formula~~ and for the formula-funded
26 categorical programs, the Commissioner of Education shall
27 conduct an allocation conference. Conference principals shall
28 include representatives of the Department of Education, the
29 Executive Office of the Governor, and the Appropriations
30 Committees of the Senate and the House of Representatives.
31 Conference principals shall discuss and agree to all

1 conventions, including rounding conventions, and methods of
2 computation to be used to calculate Florida Education Finance
3 Program and categorical entitlements of the districts for the
4 fiscal year for which the appropriations are made. These
5 conventions and calculation methods shall remain in effect
6 until further agreements are reached in subsequent allocation
7 conferences called by the commissioner for that purpose. The
8 commissioner shall also, prior to each recalculation of
9 Florida Education Finance Program and categorical allocations
10 of the districts, provide conference principals with all data
11 necessary to replicate those allocations precisely. This data
12 shall include a matrix by district by program of all full-time
13 equivalent changes made by the department as part of its
14 administration of state full-time equivalent caps.

15 Section 4. Section 236.08011, Florida Statutes, is
16 created to read:

17 236.08011 Florida Education Finance Program.--The
18 programs funded through the Florida Education Finance Program
19 shall include the following:

20 (1) The Florida Education Finance Program for
21 kindergarten through grade 12.

22 (2) The Florida Education Finance Program for adults.

23
24 The annual appropriation for each of the two programs shall be
25 calculated and appropriated separately. However, the district
26 school board may expend funds that are not otherwise
27 restricted for the K-12 program or the adult education program
28 in the manner determined by the school board that will best
29 meet the needs of the students.

30 Section 5. Section 236.081, Florida Statutes, 1996
31 Supplement, is amended to read:

1 236.081 Funds for operation of schools.--If the annual
2 allocation from the Florida Education Finance Program to each
3 district for operation of schools is not determined in the
4 annual appropriations act or the substantive bill implementing
5 the annual appropriations act, it shall be determined as
6 follows:

7 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
8 OPERATION.--The following procedure shall be followed in
9 determining the annual allocation to each district for
10 operation:

11 (a) Determination of full-time equivalent
12 membership.--During each of several school weeks, including
13 scheduled intersessions of a year-round school program during
14 the fiscal year, a program membership survey of each school
15 shall be made by each district by aggregating the full-time
16 equivalent student membership of each program by school and by
17 district. The department shall establish the number and
18 interval of membership calculations, except that for basic and
19 special programs such calculations shall not exceed nine for
20 any fiscal year. The district's full-time equivalent
21 membership shall be computed and currently maintained in
22 accordance with regulations of the state board.

23 (b) Determination of base student allocation.--The
24 base student allocation for the Florida Education Finance
25 Program for kindergarten through grade 12 and the base student
26 allocation for the Florida Education Finance Program for
27 adults shall be determined annually by the Legislature and
28 shall be that amount prescribed in the current year's General
29 Appropriations Act.

30 (c) Determination of programs.--Cost factors based on
31 desired relative cost differences between the following

1 programs shall be established in the annual General
2 Appropriations Act. The Commissioner of Education shall
3 specify a matrix of services and intensity levels to be used
4 by districts in the determination of funding support for each
5 exceptional student. The funding support level for each
6 exceptional student shall fund the exceptional student's total
7 education program.~~However, the application of cost factors in~~
8 ~~part-time programs for exceptional students is limited to a~~
9 ~~maximum of twelve twenty-fifths of a student membership in a~~
10 ~~given program during a week. Beginning with the 1990-1991~~
11 ~~fiscal year, the application of cost factors in part-time~~
12 ~~programs for exceptional students is limited to a maximum of~~
13 ~~432 hours of a student full-time equivalent membership in a~~
14 ~~given program during a school year as defined in s.~~
15 ~~228.041(16). The criteria for qualification for the special~~
16 ~~programs, including maximum case loads for part-time programs,~~
17 ~~shall be determined by rules of the state board. However, the~~
18 ~~district may apply to the department for an exemption to the~~
19 ~~maximums set above, and the department may grant such~~
20 ~~exemptions when district size or program dispersal would place~~
21 ~~an undue burden on the district. Cost factors for special~~
22 ~~programs for exceptional students shall be used to fund~~
23 ~~programs, approved by the department, as provided by law for~~
24 ~~exceptional students under the minimum age for enrollment in~~
25 ~~kindergarten. Beginning with the 1993-1994 fiscal year, the~~
26 ~~Department of Education shall conduct a program cost analysis,~~
27 ~~pursuant to State Board of Education rule, as part of the~~
28 ~~program review process. Adult basic and secondary programs~~
29 ~~must also be addressed in the program cost analysis. The~~
30 ~~program cost analysis must include, but is not limited to, the~~
31 ~~cost of direct and indirect operations, instruction,~~

1 ~~faculty-to-student ratio, consumable supplies, equipment, and~~
2 ~~optimum program length. Beginning with the 1995-1996 General~~
3 ~~Appropriations Act, the Legislature shall assign each~~
4 ~~secondary career education program and certificate career~~
5 ~~education program to a program funding level based on~~
6 ~~programmatic costs derived from the program cost analysis. A~~
7 ~~minimum of five funding levels shall be established in the~~
8 ~~General Appropriations Act for the purposes of this paragraph.~~

9 1. Basic programs.--

10 a. Kindergarten and grades 1, 2, and 3.

11 b. Grades 4, 5, 6, 7, and 8.

12 c. Grades 9, 10, 11, and 12.

13 2. ~~Special~~ Programs for exceptional students.--

14 a. Support Level I.

15 b. Support Level II.

16 c. Support Level III.

17 d. Support Level IV.

18 e. Support Level V.

19 ~~a. Educable mentally handicapped.~~

20 ~~b. Trainable mentally handicapped.~~

21 ~~c. Physically handicapped.~~

22 ~~d. Physical and occupational therapy part-time.~~

23 ~~e. Speech, language, and hearing part-time.~~

24 ~~f. Speech, language, and hearing.~~

25 ~~g. Visually handicapped part-time.~~

26 ~~h. Visually handicapped.~~

27 ~~i. Emotionally handicapped part-time.~~

28 ~~j. Emotionally handicapped.~~

29 ~~k. Specific learning disability part-time.~~

30 ~~l. Specific learning disability.~~

31 ~~m. Gifted part-time.~~

- 1 ~~n. Hospital and homebound part-time.~~
2 ~~o. Profoundly handicapped.~~
3 3.4. Secondary career education programs.--
4 ~~a. Level I.~~
5 ~~b. Level II.~~
6 ~~c. Level III.~~
7 ~~d. Level IV.~~
8 ~~e. Level V.~~
9 4.6. Students-at-risk programs.--
10 a. Dropout prevention and teenage parents.
11 b. English for Speakers of Other Languages.
12 ~~b. Special programs for teenage parents.~~
13 ~~c. Kindergarten through grade 3 ESOL.~~
14 ~~d. Grades 4 through 8 ESOL.~~
15 ~~e. Grades 9 through 12 ESOL.~~
16 5. Certificate career education ~~and supplemental~~
17 ~~career education~~ programs for adults.--
18 ~~a. Level I.~~
19 ~~b. Level II.~~
20 ~~c. Level III.~~
21 ~~d. Level IV.~~
22 ~~e. Level V.~~
23 6. Supplemental career education programs for
24 adults.--
25 ~~7.3. Adult General education programs for adults.--~~
26 ~~a. Adult basic education.~~
27 ~~b. Adult secondary education.~~
28 ~~c. Lifelong learning.~~
29 (d) Annual allocation calculation.--
30 1. The Department of Education is authorized and
31 directed to review all district programs and enrollment

1 projections and calculate a maximum total weighted full-time
2 equivalent student enrollment for each district for the K-12
3 FEFP and for the adult FEFP.

4 2. Maximum enrollments calculated by the department
5 shall be derived from enrollment estimates used by the
6 Legislature to calculate each ~~the~~ FEFP. If two or more
7 districts enter into an agreement under the provisions of s.
8 230.23(4)(d), after the final enrollment estimate is agreed
9 upon, the amount of FTE specified in the agreement, not to
10 exceed the estimate for the specific program as identified in
11 paragraph (c), may be transferred from the participating
12 districts to the district providing the program.

13 3. As part of its calculation of each district's
14 maximum total weighted full-time equivalent student
15 enrollment, the department shall establish separate enrollment
16 ceilings for each of four ~~three~~ program groups. Group 1 shall
17 be composed of grades K-3, grades 4-8, and grades 9-12. Group
18 2 shall be composed of students in exceptional student
19 education. Group 3 ~~2~~ shall be composed of students-at-risk
20 programs, all basic programs other than the programs in group
21 1, ~~all exceptional child programs,~~ and all vocational programs
22 in grades 7-12. Group 4 ~~3~~ shall be composed of all adult
23 education programs.

24 a. The weighted enrollment ceiling for group 2, ~~and~~
25 group 3, and group 4 programs shall be calculated by
26 multiplying the final enrollment conference estimate for each
27 program by the appropriate program weight. The weighted
28 enrollment ceiling for program groups 2, ~~and~~ 3, and 4 shall be
29 the sum of the weighted enrollment ceilings for each program
30 in the program group, plus the increase in weighted full-time
31 equivalent student membership from the prior year for clients

1 of the Department of Children and Family Services and the
2 Department of Juvenile Justice ~~Health and Rehabilitative~~
3 ~~Services~~.

4 b. If, for any calculation of the FEFP, the weighted
5 enrollment for either program group 3 ~~2~~ or group 4 ~~3~~, derived
6 by multiplying actual enrollments by appropriate program
7 weights, exceeds the enrollment ceiling for that group, the
8 following procedure shall be followed to reduce the weighted
9 enrollment for that group to equal the enrollment ceiling:

10 (I) The weighted enrollment ceiling for each program
11 in the program group shall be subtracted from the weighted
12 enrollment for that program derived from actual enrollments.

13 (II) If the difference calculated under
14 sub-sub-subparagraph (I) is greater than zero for any program,
15 a reduction proportion shall be computed for the program by
16 dividing the absolute value of the difference by the total
17 amount by which the weighted enrollment for the program group
18 exceeds the weighted enrollment ceiling for the program group.

19 (III) The reduction proportion calculated under
20 sub-sub-subparagraph (II) shall be multiplied by the total
21 amount of the program group's enrollment over the ceiling as
22 calculated under sub-sub-subparagraph (I).

23 (IV) The prorated reduction amount calculated under
24 sub-sub-subparagraph (III) shall be subtracted from the
25 program's weighted enrollment. For any calculation of the
26 FEFP, the enrollment ceiling for group 1 shall be calculated
27 by multiplying the actual enrollment for each program in the
28 program group by its appropriate program weight.

29 (V) The procedure for program group 2 shall be the
30 same as for program groups 3 and 4 except that full-time
31

1 equivalent students determined to be over the maximum are to
2 be funded at a program cost factor of 1.0.

3 c. For program groups 2, and 3, and 4, the weighted
4 enrollment ceiling shall be a number not less than the sum
5 obtained by:

6 (I) Multiplying the sum of reported FTE for all
7 programs in the program group that have a cost factor of 1.0
8 or more by 1.0, and

9 (II) By adding this number to the sum obtained by
10 multiplying the projected FTE for all programs with a cost
11 factor less than 1.0 by the actual cost factor.

12 ~~(e) Visually handicapped allocation.--With respect to~~
13 ~~special programs for the visually handicapped, upon request of~~
14 ~~a school board in any district or multidistrict area in which~~
15 ~~there are five or more students receiving an appropriate~~
16 ~~program, the Department of Education may assign three~~
17 ~~unweighted full-time equivalent students for the special~~
18 ~~program until such time as more than three full-time~~
19 ~~equivalent students are generated.~~

20 ~~(f) Exceptional mainstream allocation.--A student~~
21 ~~properly classified as an exceptional student pursuant to s.~~
22 ~~230.23(4)(m) and eligible for a special program for~~
23 ~~exceptional students identified in subparagraph (c)2.,~~
24 ~~excluding gifted part-time, may, as a condition of such~~
25 ~~student's individualized educational plan, be assigned to a~~
26 ~~basic or vocational mainstream program on a part-time basis.~~
27 ~~Physically impaired students may be assigned to a basic or~~
28 ~~vocational mainstream program on a part-time or full-time~~
29 ~~basis. The basic program cost factor or aggregated vocational~~
30 ~~program cost factor for such mainstreamed students shall be~~
31 ~~doubled for the purpose of generating weighted full-time~~

1 ~~equivalent membership for time served in the program, provided~~
2 ~~such students are furnished with required special services,~~
3 ~~aids, or equipment in accordance with their individualized~~
4 ~~educational plan. The Department of Education may promulgate~~
5 ~~rules needed to implement this paragraph.~~

6 ~~(g) Alternative handicapped allocation.--As an~~
7 ~~alternative to a special program for hospital and homebound~~
8 ~~part-time, a school district may establish appropriate~~
9 ~~instructional groupings of certain students within any~~
10 ~~hospital when those students are eligible for a special~~
11 ~~program for the hospitalized or homebound due to physical or~~
12 ~~mental health impairments which result in reduced efficiency~~
13 ~~in school work because of temporary or chronic lack of~~
14 ~~strength, vitality, or alertness. Each full-time equivalent~~
15 ~~student in such a program shall be assigned a cost factor~~
16 ~~equal to the cost factor established for physically~~
17 ~~handicapped pursuant to subparagraph (c)2.~~

18 ~~(e)(h)~~ (e) State funding for certain adult disabled
19 students.--If an adult student has been determined to be a
20 disabled student eligible for an approved educational program
21 for disabled adults provided pursuant to s. 239.301 and rules
22 of the State Board of Education and is enrolled in a class
23 with curriculum frameworks developed for the program, state
24 funding for that student shall be provided at a level double
25 that of the special adult general education program cost
26 factor for the purpose of generating weighted full-time
27 equivalent membership for time served in the program.

28 ~~(f)(i)~~ (f) Small, isolated high schools.--Districts which
29 levy the maximum nonvoted discretionary millage, exclusive of
30 millage for capital outlay purposes levied pursuant to s.
31 236.25(2), may calculate full-time equivalent students for

1 small, isolated high schools by multiplying the number of
2 unweighted full-time equivalent students times 2.75; provided
3 the percentage of students at such school passing both parts
4 of the high school competency test, as defined by law and
5 rule, has been equal to or higher than such percentage for the
6 state or district, whichever is greater. For the purpose of
7 this section, the term "small, isolated high school" means any
8 high school which is located no less than 28 miles by the
9 shortest route from another high school; which has been
10 serving students primarily in basic studies provided by
11 sub-subparagraphs (c)1.b. and c. and may include subparagraph
12 (c)6.; and which has a membership of no more than 100
13 students, but no fewer than 28 students, in grades 9 through
14 12.

15 (g)~~(j)~~ Calculation of full-time equivalent membership
16 with respect to instruction from community colleges or
17 universities.--Students enrolled in community college or
18 university dual enrollment instruction pursuant to s. 240.116
19 may be included in calculations of full-time equivalent
20 student memberships for basic programs for grades 9 through 12
21 by a district school board. Such students may also be
22 calculated as the proportional shares of full-time equivalent
23 enrollments they generate for the community college or
24 university conducting the dual enrollment instruction. Early
25 admission students shall be considered dual enrollments for
26 funding purposes. Students enrolled in dual enrollment
27 instruction provided by a vocational-technical center located
28 in the same district as the district in which the student
29 attends secondary school and operated by the school board of
30 that district shall be calculated by the school board as one
31 full-time equivalent enrollment within the basic secondary

1 program for state funding purposes; however, a district school
2 board may also report such students as the proportional shares
3 of full-time equivalent enrollments each student generates
4 within the vocational program. Students enrolled in dual
5 enrollment instruction provided by a vocational-technical
6 center located in a different school district than the
7 district in which the student attends secondary school and
8 operated by the school board of the district in which the
9 vocational-technical center is located may be included in
10 calculations of full-time equivalent memberships for basic
11 programs for grades 9 through 12 by a district school board
12 and may be calculated as the proportional share of full-time
13 equivalent enrollments they generate for the school board
14 conducting the dual enrollment instruction. Students enrolled
15 in vocational dual enrollment instruction conducted by a
16 community college on a high school campus may be calculated by
17 the school board as the proportional shares of full-time
18 equivalent enrollments they generate in the basic program for
19 grades 9 through 12 and the proportional shares of full-time
20 equivalent enrollments they generate in the vocational
21 programs. Students may be enrolled in dual enrollment
22 instruction provided by an eligible independent college or
23 university and may be included in calculations of full-time
24 equivalent student memberships for basic programs for grades 9
25 through 12 by a district school board. However, those
26 provisions of law which exempt dual enrolled and early
27 admission students from payment of instructional materials,
28 registration, matriculation, and laboratory fees shall not
29 apply to students who select the option of enrolling in an
30 eligible independent institution. An independent college or
31 university which is located and chartered in Florida, is not

1 for profit, is accredited by the Commission on Colleges of the
2 Southern Association of Colleges and Schools or the
3 Accrediting Commission of the Association of Independent
4 Colleges and Schools, and which confers degrees as defined in
5 s. 246.021 shall be eligible for inclusion in the dual
6 enrollment or early admission program. Students enrolled in
7 dual enrollment instruction shall be exempt from the payment
8 of registration, matriculation, and laboratory fees. No
9 student enrolled in college credit mathematics or English dual
10 enrollment instruction shall be funded as a dual enrollment
11 unless the student has successfully completed the relevant
12 section of the entry-level examination required pursuant to s.
13 240.117, nor shall any student enrolled in vocational dual
14 enrollment instruction be funded as a dual enrollment unless
15 the student has completed the vocational entry-level
16 examination.

17 (h)~~(k)~~ Instruction outside required number of school
18 days.--Students in grades 9 through 12 may be counted as
19 full-time equivalent students for instruction provided outside
20 the required number of school days if such instruction counts
21 as credit toward a high school diploma.

22 (i)~~(l)~~ Instruction in home economics.--Students in
23 grades K through 12 who are enrolled for more than six
24 semesters in practical arts home economics courses as defined
25 in s. 228.041(22)(a)4. may not be counted as full-time
26 equivalent students for this instruction.

27 (j)~~(m)~~ Instruction in exploratory career
28 education.--Students in grades 7 through 12 who are enrolled
29 for more than four semesters in exploratory career education
30 may not be counted as full-time equivalent students for this
31 instruction.

1 (k)~~(m)~~ Calculation of additional full-time equivalent
2 membership based on international baccalaureate examination
3 scores of students.--A value of 0.24 full-time equivalent
4 student membership shall be calculated for each student
5 enrolled in an international baccalaureate course who receives
6 a score of 4 or higher on a subject examination. A value of
7 0.3 full-time equivalent student membership shall be
8 calculated for each student who receives an international
9 baccalaureate diploma. Such value shall be added to the total
10 full-time equivalent student membership in basic programs for
11 grades 9 through 12 in the subsequent fiscal year.

12 (l)~~(o)~~ Instruction in career education.--Effective for
13 the 1985-1986 school year and thereafter, district pupil
14 progression plans shall provide for the substitution of
15 vocational courses for the nonelective courses required for
16 high school graduation pursuant to s. 232.246. A student in
17 grades 9 through 12 who enrolls in and satisfactorily
18 completes a job-preparatory program may substitute credit for
19 a portion of the required four credits in English, three
20 credits in mathematics, and three credits in science. The
21 credit substituted for English, mathematics, or science earned
22 through the vocational job-preparatory program shall be on a
23 curriculum equivalency basis as provided for in the State
24 Course Code Directory. Upon adoption of curriculum frameworks
25 for vocational courses pursuant to s. 233.011, the State Board
26 of Education shall authorize by rule vocational course
27 substitutions not to exceed two credits in each of the
28 nonelective academic subject areas of English, mathematics,
29 and science. School districts shall provide for vocational
30 course substitutions not to exceed two credits in each of the
31 nonelective academic subject areas of English, mathematics,

1 and science, upon adoption of vocational student performance
2 standards by the school board pursuant to s. 232.2454. A
3 vocational program which has been used as a substitute for a
4 nonelective academic credit in one subject area may not be
5 used as a substitute for any other subject area. The credit
6 in practical arts or exploratory career education required for
7 high school graduation pursuant to s. 232.246(1) shall be
8 funded as a career education course.

9 (m)~~(p)~~ Instruction in supplemental vocational courses;
10 and adult basic and secondary courses.--Vocational
11 supplemental courses and adult basic and secondary education
12 courses may be made available to any adult pursuant to s.
13 239.301.

14 1. A student in an adult basic and secondary education
15 course shall be reported as an adult basic and secondary
16 education full-time equivalent student if he or she is
17 pursuing a program of studies to achieve literacy, prepare for
18 the Test of General Educational Development (GED), or earn a
19 high school diploma.

20 2. A student in a supplemental vocational course shall
21 be reported as a supplemental vocational full-time equivalent
22 student if he or she:

23 a. Currently holds wage-earning employment and is
24 taking a course to enhance or upgrade skills related to that
25 employment; or

26 b. Has an employment history and enrolls in a course
27 related to that employment history with the intent to seek
28 employment in an occupation directly related to the course and
29 employment history; or

30 c. Has an employment history and wants to develop
31 competence in the English language to qualify for employment.

1 ~~(n)(q)~~ Calculation of additional full-time equivalent
2 membership based on college board advanced placement scores of
3 students.--A value of 0.24 full-time equivalent student
4 membership shall be calculated for each student in each
5 advanced placement course who receives a score of 3 or higher
6 on the College Board Advanced Placement Examination for the
7 prior year and added to the total full-time equivalent student
8 membership in basic programs for grades 9 through 12 in the
9 subsequent fiscal year.

10 ~~(o)(r)~~ Year-round-school programs.--The Commissioner
11 of Education is authorized to adjust student eligibility
12 definitions, funding criteria, and reporting requirements of
13 statutes and rules in order that year-round-school programs
14 may achieve equivalent application of funding requirements
15 with non-year-round-school programs.

16 ~~(p)(s)~~ Extended-school-year program.--It is the intent
17 of the Legislature that students be provided additional
18 instruction by extending the school year to 210 days or more.
19 Districts may apply to the Commissioner of Education for funds
20 to be used in planning and implementing an
21 extended-school-year program. The Department of Education
22 shall recommend to the Legislature the policies necessary for
23 full implementation of an extended school year.

24 ~~(q)(t)~~ Determination of the basic amount for current
25 operation.--The basic amount for current operation to be
26 included in the Florida Education Finance Program for
27 kindergarten through grade 12 and the Florida Education
28 Finance Program for adult education programs for each district
29 shall be the product of the following:

30 1. The full-time equivalent student membership in each
31 program, multiplied by

1 2. The cost factor for each program, adjusted for the
2 maximum as provided by paragraph (c), multiplied by

3 3. The base student allocation.

4 (2) DETERMINATION OF DISTRICT COST DIFFERENTIALS.--The
5 commissioner shall annually compute for each district the
6 current year's district cost differential. The district cost
7 differential shall be calculated by adding each district's
8 price level index as published in the Florida Price Level
9 Index, prepared by the Executive Office of the Governor, for
10 the most recent 3 years and dividing the resulting sum by 3.
11 The result for each district shall be multiplied by 0.008 and
12 to the resulting product shall be added 0.200; the sum thus
13 obtained shall be the cost differential for that district for
14 that year. The district cost differential shall be used for
15 both the K-12 FEFP and the adult FEFP.

16 (3) INSERVICE EDUCATIONAL PERSONNEL TRAINING
17 EXPENDITURE.--Of the amount computed in subsections (1) and
18 (2), a percentage of the base student allocation per full-time
19 equivalent student shall be expended for educational training
20 programs as determined by the district school board as
21 provided in s. 236.0811. This percentage shall remain
22 constant and shall be calculated by dividing \$6 by the
23 1990-1991 base student allocation. If a district has an
24 approved teacher education center, at least two-thirds of the
25 funds so determined shall be expended as provided in ss.
26 231.600-231.609, and such funds shall be used to provide the
27 professional orientation program, pursuant to s. 231.17.
28 Funds as provided herein may be expended only for the direct
29 support of inservice training activities as prescribed below:

30 (a) Salaries and benefits of:

31

- 1 1. Personnel directly administering the approved
2 inservice training program.
- 3 2. School board employees while such personnel are
4 conducting an approved inservice training program.
- 5 3. Substitutes for personnel released to participate
6 in an approved inservice training program or an inservice
7 council activity.
- 8 (b) Other direct operating expenses, excluding capital
9 outlay, required for administering the approved inservice
10 training program, including, but not limited to, the
11 following:
- 12 1. Inservice training materials for approved inservice
13 training activities.
- 14 2. Data processing for approved inservice training
15 activities.
- 16 3. Telephone for the approved inservice training
17 program.
- 18 4. Office supplies for the personnel administering the
19 approved inservice training program.
- 20 5. Duplicating and printing for approved inservice
21 training activities.
- 22 6. Fees and travel and per diem expenses for
23 consultants used in conducting approved inservice training
24 activities.
- 25 7. Travel and per diem expenses for school district
26 personnel attending approved inservice conferences, workshops,
27 or visitations to schools.
- 28 8. Rental of facilities not owned by the school board
29 for use in conducting an approved inservice training program.
- 30 (c) Compensation may be awarded under this subsection
31 to employees engaged in inservice training activities which

1 are outside of, or in addition to, regular hours of duty
2 assignments or a regular day of a contract period for which
3 regular compensation is provided. No moneys shall be
4 authorized under this subsection for additional salaries and
5 benefits constituting dual compensation to employees
6 participating in inservice activities if such activities are
7 within regular hours of duty assignments or within a regular
8 day of a contract period for which regular compensation is
9 provided.

10 (d) Funds may be expended to pay tuition or
11 registration fees for college courses provided the course is
12 identified in the district's approved master plan and the
13 employee does not receive college credit. However, an employee
14 may be awarded college credit for successful participation in
15 exempted inservice programs that are identified by the
16 Department of Education in State Board of Education rule and
17 for which the employee shall pay the regular tuition and
18 registration fees assessed by the credit-granting institution.
19 Courses for these exempted programs shall be arranged and
20 conducted in compliance with procedures that are developed
21 cooperatively by the Department of Education and the Board of
22 Regents and are also included in State Board of Education
23 rule. Provision for payment of tuition and registration fees
24 for such credit-earning courses shall be contained in State
25 Board of Education rule.

26 (4) COMPUTATION OF DISTRICT-REQUIRED LOCAL
27 EFFORT.--The Legislature shall prescribe the aggregate
28 required local effort for all school districts collectively as
29 an item in the General Appropriations Act for each fiscal
30 year. The amount that each district shall provide annually
31 toward the cost of the Florida Education Finance Program for

1 kindergarten through grade 12 programs shall be calculated as
2 follows, provided that the adult fees required in paragraph
3 (f) shall be the required local effort for the Florida
4 Education Finance Program for adults:

5 (a) Estimated taxable value calculations.--

6 1.a. Not later than 2 working days prior to July 19,
7 the Department of Revenue shall certify to the Commissioner of
8 Education its most recent estimate of the taxable value for
9 school purposes in each school district and the total for all
10 school districts in the state for the current calendar year
11 based on the latest available data obtained from the local
12 property appraisers. Not later than July 19, the commissioner
13 shall compute a millage rate, rounded to the next highest one
14 one-thousandth of a mill, which, when applied to 95 percent of
15 the estimated state total taxable value for school purposes,
16 would generate the prescribed aggregate required local effort
17 for that year for all districts. The commissioner shall
18 certify to each district school board the millage rate,
19 computed as prescribed in this subparagraph, as the minimum
20 millage rate necessary to provide the district-required local
21 effort for that year.

22 b. ~~For the 1996-1997 fiscal year only,~~The General
23 Appropriations Act shall ~~may~~ direct the computation of the
24 statewide adjusted aggregate amount for required local effort
25 for all school districts collectively from ad valorem taxes to
26 ensure that no school district's revenue from required local
27 effort millage will produce more than 90 percent of the
28 district's total K-12 Florida Education Finance Program
29 calculation, and the adjustment of the required local effort
30 millage rate of each district that produces more than 90
31 percent of its total Florida Education Finance Program

1 entitlement to a level that will produce only 90 percent of
2 its total Florida Education Finance Program entitlement. ~~This~~
3 ~~sub-subparagraph is repealed on July 1, 1997.~~

4 2. As revised data are received from property
5 appraisers, the Department of Revenue shall amend the
6 certification of the estimate of the taxable value for school
7 purposes. The Commissioner of Education, in administering the
8 provisions of subparagraph (9)(a)2.~~paragraph (13)(b)~~, shall
9 use the most recent taxable value for the appropriate year.

10 (b) Final calculation.--

11 1. The Department of Revenue shall, upon receipt of
12 the official final assessed value of property from each of the
13 property appraisers, certify to the commissioner the taxable
14 value total for school purposes in each school district,
15 subject to the provisions of paragraph (d). The commissioner
16 shall use the official final taxable value for school purposes
17 for each school district in the final calculation of the
18 annual K-12 Florida Education Finance Program allocations.

19 2. For the purposes of this paragraph, the official
20 final taxable value for school purposes shall be the taxable
21 value for school purposes on which the tax bills are computed
22 and mailed to the taxpayers, adjusted to reflect final
23 administrative actions of value adjustment boards and judicial
24 decisions pursuant to part I of chapter 194. By September 1 of
25 each year, the Department of Revenue shall certify to the
26 commissioner the official prior year final taxable value for
27 school purposes. For each county that has not submitted a
28 revised tax roll reflecting final value adjustment board
29 actions and final judicial decisions, the Department of
30 Revenue shall certify the most recent revision of the official
31 taxable value for school purposes. The certified value shall

1 be the final taxable value for school purposes and no further
2 adjustments shall be made, except those made pursuant to
3 subparagraph (9)(a)2 ~~paragraph (13)(b)~~.

4 (c) Equalization of required local effort.--

5 1. The Department of Revenue shall include with its
6 certifications provided pursuant to paragraph (a) its most
7 recent determination of the assessment level of the prior
8 year's assessment roll for each county and for the state as a
9 whole.

10 2. The commissioner shall adjust the required local
11 effort millage of each district for the current year, computed
12 pursuant to paragraph (a), as follows:

13 a. The equalization factor for the prior year's
14 assessment roll of each district shall be multiplied by 95
15 percent of the taxable value for school purposes shown on that
16 roll and by the prior year's required local-effort millage,
17 exclusive of any equalization adjustment made pursuant to this
18 paragraph. The dollar amount so computed shall be the
19 additional required local effort for equalization for the
20 current year.

21 b. Such equalization factor shall be computed as the
22 quotient of the prior year's assessment level of the state as
23 a whole divided by the prior year's assessment level of the
24 county, from which quotient shall be subtracted 1.

25 c. The dollar amount of additional required local
26 effort for equalization for each district shall be converted
27 to a millage rate, based on 95 percent of the current year's
28 taxable value for that district, and added to the required
29 local effort millage determined pursuant to paragraph (a).

30 3. Notwithstanding the limitations imposed pursuant to
31 s. 236.25(1), the total required local-effort millage,

1 including additional required local effort for equalization,
2 shall be an amount not to exceed 10 minus the maximum millage
3 allowed as nonvoted discretionary millage, exclusive of
4 millage authorized pursuant to s. 236.25(2). Nothing herein
5 shall be construed to allow a millage in excess of that
6 authorized in s. 9, Art. VII of the State Constitution.

7 4. For the purposes of this chapter, the term
8 "assessment level" means the value-weighted mean assessment
9 ratio for the county or state as a whole, as determined
10 pursuant to s. 195.096, or as subsequently adjusted. In the
11 event a court has adjudicated that the department failed to
12 establish an accurate estimate of an assessment level of a
13 county and recomputation resulting in an accurate estimate
14 based upon the evidence before the court was not possible,
15 that county shall be presumed to have an assessment level
16 equal to that of the state as a whole.

17 5. If, in the prior year, taxes were levied against an
18 interim assessment roll pursuant to s. 193.1145, the
19 assessment level and prior year's nonexempt assessed valuation
20 used for the purposes of this paragraph shall be those of the
21 interim assessment roll.

22 (d) Exclusion.--In those instances in which:

23 1. There is litigation either attacking the authority
24 of the property appraiser to include certain property on the
25 tax assessment roll as taxable property or contesting the
26 assessed value of certain property on the tax assessment roll;
27 and

28 2. The assessed value of the property in contest
29 involves more than 10 percent of the total nonexempt
30 assessment roll;

31

1 the assessed value of the property in contest shall be
2 excluded from the taxable value for school purposes for
3 purposes of computing the district-required local effort.
4 (e) Recomputation.--Following final adjudication of
5 any litigation on the basis of which an adjustment in taxable
6 value was made pursuant to paragraph (d), the department shall
7 recompute the required local effort for each district for each
8 year affected by such adjustments, utilizing taxable values
9 approved by the court, and shall adjust subsequent allocations
10 to such districts accordingly.

11 (f) Required adult fees.--

12 1. Fees for all nonexempt students as defined in s.
13 239.117 shall be added to and made a part of the required
14 local effort of each district.

15 2. Each district shall report the total fee-exempt,
16 fee-nonexempt, fee-waived, fee-deferred, and nonresident
17 full-time equivalent student enrollment for each adult
18 program. Districts shall also report the total amount of fees
19 collected from students as required by s. 239.117. The value
20 of in-kind services accepted in lieu of fees shall not be
21 added to and made a part of the total fee collection amount
22 reported by the district.

23 3. Each district's total required local effort fee
24 amount shall be calculated in the following manner:

25 a. A total resident fee amount shall be calculated for
26 each district by summing the fee-nonexempt full-time
27 equivalent enrollment for each adult program and by
28 subtracting from that sum the district's nonresident full-time
29 equivalent enrollment and by multiplying the difference by the
30 fee amount specified in the General Appropriations Act.

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1 b. A total nonresident fee amount shall be calculated
2 for each district by multiplying each district's nonresident
3 full-time equivalent enrollment by a number that is twice the
4 fee amount specified in the General Appropriations Act.

5 c. A total unadjusted required local effort fee amount
6 shall be calculated for each district by adding the resident
7 fee amount calculated in sub-subparagraph a. to the
8 nonresident fee amount calculated in sub-subparagraph b.

9 d. A fee collection credit amount shall be calculated
10 for each district by adding the total amount of fees collected
11 by the district to the district's maximum fee waiver amount as
12 defined in s. 239.117.

13 e. Each district's total unadjusted required local fee
14 amount calculated in sub-subparagraph c. shall be subtracted
15 from its total fee collection credit amount calculated in
16 sub-subparagraph d. If the difference is a positive number,
17 the district's required fee adjustment amount shall be set to
18 zero. If the difference is a negative number, a required fee
19 adjustment amount shall be calculated by dividing the absolute
20 value of such difference by the fee amount specified in the
21 General Appropriations Act and multiplying the result, rounded
22 to two decimal places, by the average of all program weights
23 for adult programs for the year as specified in the General
24 Appropriations Act, rounded to three decimal places; by the
25 base student allocation defined in the General Appropriations
26 Act; and by two.

27 f. A total required local effort fee amount shall be
28 calculated for each district by adding the unadjusted fee
29 amount calculated in sub-subparagraph c. to the fee adjustment
30 amount calculated in sub-subparagraph e.

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1 g. The fee adjustment amount calculated pursuant to
2 sub-subparagraph e. shall be calculated for a given fiscal
3 year by the Department of Education only in the final
4 calculation of the Florida Education Finance Program and funds
5 adjustments shall be handled as a prior year adjustment in the
6 subsequent year. The data required for the calculation shall
7 be submitted for the fiscal year by the school districts only
8 in the last full-time equivalent student membership survey. A
9 school district's amendments to the data submitted for
10 calculation of the fee adjustment amount shall have the same
11 limitation on submission as amendments to full-time equivalent
12 student membership data.

13 (5) CATEGORICAL PROGRAMS.--The Legislature hereby
14 provides for the establishment of selected categorical
15 programs to assist in the development and maintenance of
16 activities giving indirect support to the programs previously
17 funded. These categorical appropriations may be funded as
18 general and transitional categorical programs. It is the
19 intent of the Legislature that no transitional categorical
20 program be funded for more than 4 fiscal years from the date
21 of original authorization. Such programs are as follows:

22 (a) General.--

23 1. Comprehensive school construction and debt service
24 as provided by law.

25 2. Community schools as provided by law.

26 3. School lunch programs as provided by law.

27 4. Instructional material funds as provided by law.

28 5. Student transportation as provided by law.

29 6. Student development services as provided by law.

30 7. Diagnostic and learning resource centers as
31 provided by law.

1 8. Comprehensive health education as provided by law.

2 (b) Transitional.--

3 1. Bilingual program as provided by law.

4 (6) DETERMINATION OF SPARSITY SUPPLEMENT.--

5 (a) Annually, in an amount to be determined by the
6 Legislature through the General Appropriations Act, there
7 shall be added to the basic amount for current operation of
8 the K-12 FEFP qualified districts a sparsity supplement which
9 shall be computed as follows:

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16 except that districts with a sparsity index of 1,000 or less
17 shall be computed as having a sparsity index of 1,000, and
18 districts having a sparsity index of 7,308 and above shall be
19 computed as having a sparsity factor of zero. A qualified
20 district's full-time equivalent student membership shall equal
21 or be less than that prescribed annually by the Legislature in
22 the appropriations act. The amount prescribed annually by the
23 Legislature shall be no less than 17,000, but no more than
24 24,000.

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(b) The district sparsity index shall be computed by
dividing the total number of full-time equivalent students in
all programs in the district by the number of senior high
school centers in the district, not in excess of three, which
centers are approved as permanent centers by a survey made by
the Department of Education.

1 (c) Each district's allocation of sparsity supplement
2 funds shall be adjusted in the following manner:

3 1. A maximum discretionary levy per FTE value for each
4 district shall be calculated by dividing the value of each
5 district's maximum discretionary levy by its FTE student
6 count;

7 2. A state average discretionary levy value per FTE
8 shall be calculated by dividing the total maximum
9 discretionary levy value for all districts by the state total
10 FTE student count;

11 3. For districts that have a levy value per FTE as
12 calculated in subparagraph 1. higher than the state average
13 calculated in subparagraph 2., a sparsity wealth adjustment
14 shall be calculated as the product of the difference between
15 the state average levy value per FTE calculated in
16 subparagraph 2. and the district's levy value per FTE
17 calculated in subparagraph 1. and the district's FTE student
18 count and -1;

19 4. Each district's sparsity supplement allocation
20 shall be calculated by adding the amount calculated as
21 specified in paragraphs (a) and (b) and the wealth adjustment
22 amount calculated in this paragraph.

23 (7) ~~DECLINE IN FULL-TIME EQUIVALENT STUDENTS.~~--In
24 those districts where there is a decline between prior year
25 and current year unweighted FTE students, 50 percent of the
26 decline in the unweighted FTE students shall be multiplied by
27 the prior year calculated FEFP per unweighted FTE student and
28 shall be added to the allocation for that district. For this
29 purpose, the calculated FEFP shall be computed by multiplying
30 the weighted FTE students by the base student allocation and
31 then by the district cost differential. If a district

1 transfers a program to another institution not under the
2 authority of the district's school board, the decline is to be
3 multiplied by a factor of 0.15.

4 ~~(8) ADULT BASIC SKILLS ADJUSTMENT.--There is created~~
5 ~~an adult basic skills education program adjustment. If any~~
6 ~~district's preceding year's adult basic skills education~~
7 ~~program expenditure per full-time equivalent student, as~~
8 ~~reported in s. 237.34, is 105 percent or more of the revenue~~
9 ~~per full-time equivalent student generated through the Florida~~
10 ~~Education Finance Program for adult basic skills education,~~
11 ~~the district entitlement shall be an amount calculated by~~
12 ~~multiplying the district's adult basic skills education~~
13 ~~full-time equivalent student count by the difference between~~
14 ~~the district's adult basic skills education program~~
15 ~~expenditure per student and 105 percent of the district's~~
16 ~~adult basic skills education program revenues per full-time~~
17 ~~equivalent student. The actual amount of the adjustments~~
18 ~~shall be as set in the General Appropriations Act.~~

19 ~~(9) PROFOUNDLY HANDICAPPED SUPPLEMENT.--Annually, an~~
20 ~~amount established in the appropriations act shall be added to~~
21 ~~the basic amount for current operation of qualified districts~~
22 ~~as a profoundly handicapped program supplement which shall be~~
23 ~~computed as follows: If any district's preceding year's~~
24 ~~profoundly handicapped expenditure per full-time equivalent~~
25 ~~student membership as reported in the Annual District Cost~~
26 ~~Report is above a percent figure annually established by the~~
27 ~~Legislature in the General Appropriations Act of the revenue~~
28 ~~per full-time equivalent student membership generated through~~
29 ~~the Florida Education Finance Program for profoundly~~
30 ~~handicapped, the district shall receive an amount calculated~~
31 ~~by multiplying the district's profoundly handicapped full-time~~

1 ~~equivalent student membership count by the difference between~~
2 ~~the district's profoundly handicapped program expenditure per~~
3 ~~student and the percent set annually by the Legislature of the~~
4 ~~district's profoundly handicapped program revenues per~~
5 ~~full-time equivalent student membership. If the total amount~~
6 ~~to fully fund the entitlement exceeds the amount appropriated,~~
7 ~~each eligible district's allocation shall be prorated.~~

8 ~~(10) CAPS ADJUSTMENT SUPPLEMENT.--If there are funds~~
9 ~~remaining in the appropriation, excluding any working capital~~
10 ~~funds after calculating subsection (12), a caps adjustment~~
11 ~~supplement of up to 10 percent of the funds remaining in the~~
12 ~~appropriation shall be calculated as follows:~~

13 ~~(a) As a first priority, the exceptional student~~
14 ~~programs weighted full-time equivalent student membership~~
15 ~~above cap group 2 shall be funded up to the level of the~~
16 ~~appropriation. If the level of appropriation does not allow~~
17 ~~funding of all weighted full-time equivalent student~~
18 ~~memberships above the cap provided in this paragraph, the~~
19 ~~funds available shall be prorated.~~

20 ~~(b) As a second priority, all other group 2 special~~
21 ~~programs weighted full-time equivalent student membership~~
22 ~~above cap group 2 shall be funded at the weighted average of~~
23 ~~the cost factors for basic grades 4-8 and 9-12 multiplied by~~
24 ~~the equivalent unweighted full-time equivalent student~~
25 ~~membership up to the level of the remaining Florida Education~~
26 ~~Finance Program appropriation. If the level of the remaining~~
27 ~~appropriation does not allow funding of all weighted full-time~~
28 ~~equivalent student memberships above the cap provided in this~~
29 ~~paragraph, the funds available shall be prorated.~~

30 ~~(8)(11) QUALITY ASSURANCE GUARANTEE.--The Legislature~~
31 ~~may annually in the General Appropriations Act determine a~~

1 percentage increase in funds per K-12 weighted FTE as a
2 minimum guarantee to each school district. The guarantee shall
3 be calculated from prior year base funding per weighted FTE
4 student which shall include the adjusted FTE dollars as
5 provided in subsection (9)~~(12)~~, ~~profoundly handicapped~~
6 ~~adjustment~~, quality guarantee funds, and actual nonvoted
7 discretionary local effort from taxes. From the base funding
8 per weighted FTE, the increase shall be calculated for the
9 current year. The current year funds from which the guarantee
10 shall be determined shall include the adjusted FTE dollars as
11 provided in subsection (9)~~(12)~~, ~~profoundly handicapped~~
12 ~~adjustment~~, and potential nonvoted discretionary local effort
13 from taxes. A comparison of current year funds per weighted
14 FTE to prior year funds per weighted FTE shall be computed.
15 For those school districts which have less than the
16 legislatively assigned percentage increase, funds shall be
17 provided to guarantee the assigned percentage increase in
18 funds per weighted FTE student. Should appropriated funds be
19 less than the sum of this calculated amount for all districts,
20 the commissioner shall prorate each district's allocation.
21 This provision shall be implemented to the extent specifically
22 funded.

23 (9)~~(12)~~ TOTAL ALLOCATION OF STATE FUNDS TO EACH
24 DISTRICT FOR CURRENT OPERATION.--The total annual state
25 allocation to each district for current operation for the K-12
26 FEFP and the adult FEFP shall be distributed periodically in
27 the manner prescribed in the General Appropriations Act. ~~by~~
28 ~~regulations of the state board and shall be calculated as~~
29 ~~follows:~~

30 (a) 1. The basic amount for current operation for the
31 K-12 FEFP as determined in subsection (1), multiplied by the

1 district cost differential factor as determined in subsection
2 (2), plus the amount for the sparsity supplement as determined
3 in subsection (6), the decline in full-time equivalent
4 students as determined in subsection (7), ~~the adult basic~~
5 ~~skills adjustment as determined in subsection (8), the~~
6 ~~profoundly handicapped supplement as determined in subsection~~
7 ~~(9),~~ and the quality assurance guarantee as determined in
8 subsection (8) ~~(11)~~, less the required local effort as
9 determined in subsection (4). If the funds appropriated for
10 the purpose of funding the total amount for current operation
11 as provided in this paragraph are not sufficient to pay the
12 state requirement in full, the department shall prorate the
13 available state funds to each district in the following
14 manner:

15 a.1. Determine the percentage of proration by dividing
16 the sum of the total amount for current operation, as provided
17 in this paragraph for all districts collectively, and the
18 total district-required local effort into the sum of the state
19 funds available for current operation and the total
20 district-required local effort.

21 b.2. Multiply the percentage so determined by the sum
22 of the total amount for current operation as provided in this
23 paragraph and the required local effort for each individual
24 district.

25 c.3. From the product of such multiplication, subtract
26 the required local effort of each district; and the remainder
27 shall be the amount of state funds allocated to the district
28 for current operation.

29 2.(b) The amount thus obtained shall be the net annual
30 allocation to each school district. However, if it is
31 determined that any school district received an

1 underallocation or overallocation for any prior year because
2 of an arithmetical error, assessment roll change, full-time
3 equivalent student membership error, or any allocation error
4 revealed in an audit report, the allocation to that district
5 shall be appropriately adjusted. If the Department of
6 Education audit adjustment recommendation is based upon
7 controverted findings of fact, the Commissioner of Education
8 is authorized to establish the amount of the adjustment based
9 on the best interests of the state.

10 3.(c) The amount thus obtained shall represent the net
11 annual state allocation to each district; however,
12 notwithstanding any of the provisions herein, each district
13 shall be guaranteed a minimum level of funding in the amount
14 and manner prescribed in the General Appropriations Act.

15 (b) The basic amount for current operation for the
16 adult FEFP as determined in subsection (1), multiplied by the
17 district cost differential factor as determined in subsection
18 (2), less the required local effort fees. If the funds
19 appropriated for the purpose of funding the adult FEFP are not
20 sufficient to pay the state requirement in full, the
21 department shall prorate the available funds in the same
22 manner as provided in paragraph (a) for the K-12 FEFP. The
23 following are not included in the calculation of the adult
24 FEFP: ad valorem taxes, sparsity, and minimum guarantee.

25 Section 6. Paragraph (d) of subsection (1) of section
26 236.083, Florida Statutes, 1996 Supplement, is amended, and
27 subsection (7) is added to said section, to read:

28 236.083 Funds for student transportation.--The annual
29 allocation to each district for transportation to public
30 school programs of students in membership in kindergarten
31 through grade 12, in migrant and exceptional student programs

1 below kindergarten, and in any other state-funded
2 prekindergarten program shall be determined as follows:

3 (1) Subject to the rules of the state board, each
4 district shall determine the membership of students who are
5 transported:

6 (d) By reason of being vocational, dual enrollment, or
7 students with disabilities transported from one school center
8 to another to participate in an instructional program or
9 service; or students with disabilities, transported from one
10 designation to another in the state, provided one designation
11 is a school center and provided the student's individual
12 educational plan (IEP) identifies the need for the
13 instructional program or service and transportation to be
14 provided by the school district. A "school center" is defined
15 as a public school center, public community college, public
16 university, or other facility rented, leased, or owned and
17 operated by the school district or another public agency. A
18 "dual enrollment student" is defined as a public school
19 student in membership in both a public secondary school
20 program and a public community college or a public university
21 program under a written agreement to partially fulfill ss.
22 229.814 and 240.115 and earning full-time equivalent
23 membership under s. 236.081(1)(g)~~(j)~~;

24 (7) Any funds received by a school district under this
25 section that are not required to transport students may, at
26 the discretion of the school board, be transferred to the
27 district's K-12 Florida Education Finance Program.

28 Section 7. Section 237.34, Florida Statutes, is
29 amended to read:

30 237.34 Cost accounting and reporting.--
31

1 (1) COST ACCOUNTING.--Each district shall account for
2 expenditures of all state, local, and federal funds on a
3 school-by-school and a district-aggregate basis in accordance
4 with the manual developed by the department or as provided by
5 law. ~~The method used by each district when recording and~~
6 ~~reporting cost data by program shall be reviewed and approved~~
7 ~~by the department in accordance with regulations prescribed by~~
8 ~~the state board. All districts, in cooperation with the~~
9 ~~department, shall plan mutually compatible programs for the~~
10 ~~refinement of cost data and the improvement of the accounting~~
11 ~~and reporting system.~~

12 (2) COST REPORTING.--

13 (a) Each district shall report on a district-aggregate
14 basis expenditures for inservice training pursuant to s.
15 236.081(3), and for categorical programs as provided in s.
16 236.081(5).

17 (b) Each district shall report on a school-by-school
18 and on an aggregate district basis expenditures for each
19 program funded ~~set forth~~ in s. 236.081(1)(c), except that
20 programs for exceptional students shall be reported on an
21 aggregate basis ~~separate costs shall be kept for adult basic~~
22 ~~and secondary education as defined in s. 239.105. Expenditures~~
23 ~~for apprenticeship programs shall be reported separately.~~

24 (c) The commissioner shall present to the Legislature,
25 ~~90 days~~ prior to the opening of the regular session each year,
26 a district-by-district report of the expenditures reported
27 pursuant to paragraphs (a) and (b). The report shall include
28 total expenditures, a detailed analysis showing expenditures
29 for each program, and such other data as may be useful for
30 management of the educational system. The commissioner shall
31 also compute cost factors ~~for each district reflecting actual~~

1 ~~expenditures~~ relative to the base student allocation for each
2 funded program of the programs as provided in s.
3 236.081(1)(c).
4 (3) PROGRAM EXPENDITURE REQUIREMENTS.--
5 (a) ~~For each program and broad program category~~
6 ~~established in s. 236.081(1)(c),~~ Each district shall expend at
7 least the percent of the funds generated by each of the
8 programs listed herein on the aggregate total school costs for
9 such programs:
10 1. Kindergarten and grades 1, 2, and 3, 90 percent.
11 2. Grades 4, 5, 6, 7, and 8, 80 percent.
12 3. Grades 9, 10, 11, and 12, 80 percent.
13 4. ~~Special~~ Programs for exceptional students, on an
14 aggregate program basis, 80 percent.
15 5. Career education ~~Special vocational technical~~
16 programs, on an aggregate program basis, 80 percent.
17 6. ~~Special~~ Adult general education programs, on an
18 aggregate program basis, 80 percent.
19 7. Students-at-risk programs, on an aggregate program
20 basis, 80 percent.
21 8. ~~Beginning in fiscal year 1989-1990,~~ Any new program
22 established and funded under s. 236.081(1)(c), that is not
23 included under subparagraphs 1. through 7., on an aggregate
24 basis as appropriate, 80 percent.
25 (b) Funds for inservice training established in s.
26 236.081(3) and for categorical programs established in s.
27 236.081(5) shall be expended for the costs of the identified
28 programs in accordance with the rules of the state board.
29 (c) In the event a district fails to meet any of the
30 expenditure requirements as set forth herein, the commissioner
31 shall notify the superintendent of the district involved and

1 shall require that the school board make provision for
2 correcting the deficiency in the subsequent year's operating
3 budget. ~~The commissioner shall not approve the district~~
4 ~~budget until he or she has determined that the provisions have~~
5 ~~been made to correct the deficiency.~~

6 Section 8. Paragraph (a) of subsection (2) of section
7 230.2305, Florida Statutes, is amended to read:

8 230.2305 Prekindergarten early intervention program.--

9 (2) ELIGIBILITY.--There is hereby created the
10 prekindergarten early intervention program for children who
11 are 3 and 4 years of age. A prekindergarten early
12 intervention program shall be administered by a district
13 school board and shall receive state funds pursuant to
14 subsection (9). Prekindergarten early intervention programs
15 shall be implemented and conducted by school districts
16 pursuant to a plan developed and approved as provided in this
17 section. School district participation in the prekindergarten
18 early intervention program shall be at the discretion of each
19 school district.

20 (a) At least 75 percent of the children projected to
21 be served by the district program shall be economically
22 disadvantaged 4-year-old children of working parents,
23 including migrant children or children whose parents
24 participate in the WAGES Program. Other children projected to
25 be served by the district program may include any of the
26 following up to a maximum of 25 percent of the total number of
27 children served:

28 1. Three-year-old and four-year-old children who are
29 referred to the school system who may not be economically
30 disadvantaged but who are abused, prenatally exposed to
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1 alcohol or harmful drugs, or from foster homes, or who are
2 marginal in terms of Exceptional Student Education placement.
3 2. Three-year-old children and four-year-old children
4 who may not be economically disadvantaged but who are eligible
5 students with disabilities and served in an ~~a specific~~
6 ~~part-time or combination of part-time~~ exceptional student
7 education program ~~programs~~ with required special services,
8 aids, or equipment and who are reported for partial funding
9 ~~part-time~~ in the K-12 Florida Education Finance Program ~~as~~
10 ~~exceptional students~~. These students may be funded from
11 prekindergarten early intervention program funds the portion
12 of the time not funded by the K-12 Florida Education Finance
13 Program for the actual instructional time or one full-time
14 equivalent student membership, whichever is the lesser. These
15 ~~part-time~~ students with disabilities shall be counted toward
16 the 25-percent student limit based on full-time equivalent
17 student membership funded part-time by prekindergarten early
18 intervention program funds. Also, 3-year-old or 4-year-old
19 eligible students with disabilities who are reported for
20 funding in the K-12 Florida Education Finance Program in an ~~a~~
21 ~~full-time or an authorized combination of full-time and~~
22 ~~part-time~~ exceptional student education program ~~programs~~ as
23 provided in s. 236.081(1)(c) may be mainstreamed in the
24 prekindergarten early intervention program if such programming
25 is reflected in the student's individual educational plan; if
26 required special services, aids, or equipment are provided;
27 and if there is no operational cost to prekindergarten early
28 intervention program funds. ~~These full-time~~ Exceptional
29 education students who are reported for maximum K-12 Florida
30 Education Finance Program funding and who are not reported for
31 early intervention funding shall not count against the

1 75-percent or 25-percent student limit as stated in this
2 paragraph.

3 3. Economically disadvantaged 3-year-old children.

4 4. Economically disadvantaged children, children with
5 disabilities, and children at risk of future school failure,
6 from birth to age four, who are served at home through home
7 visitor programs and intensive parent education programs such
8 as the Florida First Start Program.

9 5. Children who meet federal and state requirements
10 for eligibility for the migrant preschool program but who do
11 not meet the criteria of "economically disadvantaged" as
12 defined in paragraph (b), who shall not pay a fee.

13 6. After the groups listed in subparagraphs 1., 2.,
14 3., and 4. have been served, 3-year-old and 4-year-old
15 children who are not economically disadvantaged and for whom a
16 fee is paid for the children's participation.

17 Section 9. Subsection (1) of section 236.25, Florida
18 Statutes, is amended to read:

19 236.25 District school tax.--

20 (1) If the district school tax is not provided in the
21 General Appropriations Act or the substantive bill
22 implementing the General Appropriations Act, each school board
23 desiring to participate in the state allocation of funds for
24 current operation as prescribed by s. 236.081(9)~~(12)~~shall
25 levy on the taxable value for school purposes of the district,
26 exclusive of millage voted under the provisions of s. 9(b) or
27 s. 12, Art. VII of the State Constitution, a millage rate not
28 to exceed the amount certified by the commissioner as the
29 minimum millage rate necessary to provide the
30 district-required local effort for the current year, pursuant
31 to s. 236.081(4)(a)1. In addition to the required local effort

1 millage levy, each school board may levy a nonvoted current
2 operating discretionary millage. The Legislature shall
3 prescribe annually in the appropriations act the maximum
4 amount of millage a district may levy. The millage rate
5 prescribed shall exceed zero mills but shall not exceed the
6 lesser of 1.6 mills or 25 percent of the millage which is
7 required pursuant to s. 236.081(4), exclusive of millage
8 levied pursuant to subsection (2).

9 Section 10. Subsection (1) of section 236.602, Florida
10 Statutes, is amended to read:

11 236.602 Bonds payable from motor vehicle license tax
12 funds; instruction units computed.--

13 (1) For the purpose of administering the provisions of
14 s. 9(d), Art. XII of the State Constitution as amended in
15 1972, the number of current instruction units in districts
16 shall be computed annually by the department by multiplying
17 the number of full-time equivalent students in programs under
18 s. 236.081(1)(c) in each district by the cost factors
19 established in the General Appropriations Act ~~s. 236.081(1)(c)~~
20 and dividing by 23, except that all basic program cost factors
21 shall be one, and the special program cost factors for
22 hospital and homebound I and for community service shall be
23 zero. Full-time equivalent membership for students residing in
24 Department of Health and Rehabilitative Services residential
25 care facilities shall not be included in this computation.
26 Any portion of the fund not expended during any fiscal year
27 may be carried forward in ensuing budgets and shall be
28 temporarily invested as prescribed by law or regulations of
29 the state board.

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1 Section 11. Paragraph (d) of subsection (6) of section
2 239.301, Florida Statutes, 1996 Supplement, is amended to
3 read:

4 239.301 Adult general education.--

5 (6)

6 (d) This subsection is not intended to discourage a
7 school district or community college from providing
8 educational services for disabled adults through classes in
9 which nondisabled adults participate; however, in order to
10 receive state funding pursuant to s. 236.081(1)(e)(~~h~~) or s.
11 240.359, a school district or community college must have an
12 approved program for adult, disabled students, and each
13 student reported for funding pursuant to this subsection must
14 have been determined to be a disabled adult.

15 Section 12. Subsection (5) of section 240.1161,
16 Florida Statutes, is amended to read:

17 240.1161 District interinstitutional articulation
18 agreements.--

19 (5) School districts and community colleges may enter
20 into additional interinstitutional articulation agreements
21 with state universities for the purposes of this section.
22 School districts may also enter into interinstitutional
23 articulation agreements with eligible independent colleges and
24 universities pursuant to s. 236.081(1)(g)(~~j~~). State
25 universities and community colleges may enter into
26 interinstitutional articulation agreements with nonpublic
27 secondary schools, pursuant to s. 240.116.

28 Section 13. Paragraph (b) of subsection (5) of section
29 240.209, Florida Statutes, 1996 Supplement, is amended to
30 read:

31 240.209 Board of Regents; powers and duties.--

- 1 (5) The Board of Regents is responsible for:
- 2 (b) Coordinating with the Postsecondary Education
- 3 Planning Commission the programs, including doctoral programs,
- 4 to be reviewed every 5 years or whenever the board determines
- 5 that the effectiveness or efficiency of a program is
- 6 jeopardized. The program reviews shall conform to the
- 7 following guidelines:
- 8 1. The board shall define the measures of performance
- 9 quality and productivity to be applied in reviews. At a
- 10 minimum, the board shall include the following performance
- 11 measures:
- 12 a. Need.
- 13 b. Student demand.
- 14 c. Available resources to support continuation.
- 15 d. Graduation rates of first time in college students
- 16 (FTIC) and AA transfer students.
- 17 e. Retention rates of first time in college students
- 18 (FTIC) and AA transfer students.
- 19 f. Percent of students who successfully pass
- 20 licensure/certification tests on the first attempt, where
- 21 appropriate.
- 22 g. Cost of instruction per full-time equivalent
- 23 student.
- 24 h. Cost of degree per full-time equivalent student,
- 25 including direct and indirect costs.
- 26 i. Average number of referred journal articles per
- 27 ranked faculty member.
- 28 j. Ratio of state-funded research to externally funded
- 29 contracts and grants.
- 30 k. Percent of students employed full time upon
- 31 graduation.

1 1. Percent of undergraduate students who are admitted
2 to graduate school upon completion of baccalaureate degree.
3 m. Percent of undergraduate classes with less than 25
4 in the class section.
5 n. Ratio of ranked faculty to students.
6 o. Percent of students with credit hours that exceed
7 baccalaureate degree requirements by more than 15 percent,
8 excluding credit hours earned at institutions other than
9 Florida public universities.
10 p. Average number of university commercial versus
11 noncommercial press books per ranked faculty member.
12 q. Number of National Merit Scholars.
13 r. Number of National Achievement Scholars.
14 s. Number of National Hispanic Scholars.
15 2. The board shall develop uniform definitions of each
16 performance measure using data from the previous academic year
17 or the most recent data if data is not available for the
18 previous academic year. The measures shall apply to the 5
19 years or span of the program review.
20 3. The results of the program reviews shall be tied to
21 Board of Regents and individual university budget allocations
22 and requests, including those associated with new program
23 approval, program termination, and reallocations of resources
24 within a university. At a minimum, the board shall be
25 responsible for requiring each university to document those
26 programmatic and budgetary actions taken in response to the
27 program review recommendations. Such documentation shall occur
28 within 2 years of the results of a program review being
29 adopted by the board.~~The board shall define the indicators of~~
30 ~~quality and the criteria for program review for every program.~~
31 ~~Such indicators shall include need, student demand, and~~

1 ~~resources available to support continuation. The results of~~
2 ~~the program reviews shall be tied to the university budget~~
3 ~~requests.~~

4 Section 14. Paragraph (c) of subsection (5) of section
5 240.605, Florida Statutes, 1996 Supplement, is amended to
6 read:

7 240.605 Florida resident access grants.--

8 (5)

9 (c) Notwithstanding any provision of law to the
10 contrary ~~For the 1996-1997 fiscal year only,~~ funding for the
11 Florida resident access grant shall be the amount set forth
12 annually in the General Appropriations Act. ~~This paragraph is~~
13 ~~repealed on July 1, 1997.~~

14 Section 15. The Legislature hereby finds that the
15 costs of building higher education facilities is excessive and
16 unreasonable. The construction costs for some college
17 facilities have been documented in excess of \$190 per square
18 foot. It is the intent of the Legislature that the community
19 colleges and state universities use due diligence and sound
20 business practices in constructing their authorized
21 facilities. The Legislature hereby directs the State Board of
22 Community Colleges and the Board of Regents to analyze the
23 expenditure of funds from the Public Education Capital Outlay
24 and Debt Service Trust Fund by the community colleges and
25 state universities with the intention of reducing excessive
26 costs, in total and on a per square foot basis. In addition,
27 the boards shall develop cost standards that are reasonable
28 and promote efficiency in construction, but at a maximum shall
29 be \$95 per square foot for classroom and like facilities. The
30 findings of the analysis and the standards shall be reported
31 to the Executive Office of the Governor, the Speaker of the

1 House of Representatives, and the President of the Senate
2 prior to the submittal of their 1998-1999 legislative budget
3 requests and shall be used to calculate those requests.

4 Section 16. Subsection (4) is added to section
5 216.301, Florida Statutes, to read:

6 216.301 Appropriations; undisbursed balances.--

7 (4) Notwithstanding the provisions of subsection (1),
8 any balance of any appropriation from the General Revenue Fund
9 for salaries, other personal services, expenses, or operating
10 capital outlay for budget entities under the direct
11 supervision of the Commissioner of Education that is not
12 required to meet obligations certified forward into the next
13 fiscal period pursuant to the provisions of this section shall
14 be treated as follows:

15 (a) Fifty percent of said funds shall revert to the
16 Principal State Schools Trust Fund.

17 (b) Fifty percent of said funds shall be made
18 available for expenditure by the Department of Education to
19 address priority issues identified by the commissioner.

20 Section 17. This act shall take effect July 1, 1997.
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HOUSE SUMMARY

Provides for implementation of the revised funding model for exceptional student education programs based on use of a matrix of services and the intensity of services. Provides for a Florida Education Finance Program for kindergarten through grade 12 and a Florida Education Finance Program for adults to be calculated and appropriated separately through the Florida Education Finance Program. Revises provisions relating to certain calculations. Revises provisions relating to cost accounting and reporting and program expenditure requirements. Specifies performance measures for program reviews by the Board of Regents. Provides budget requirements and requires documentation of programmatic and budgetary action. Revises funding provisions of a postsecondary education grant program. Directs the State Board of Community Colleges and the Board of Regents to analyze certain expenditures and develop certain cost standards. Provides for the disposition of certain unspent appropriations.