

By the Committee on Education Appropriations and
Representatives Wise, Chestnut, Turnbull, Posey, Sorensen,
Lacasa, Melvin, Constantine, Lynn and Henriquez

1 A bill to be entitled
2 An act relating to the Florida Education
3 Finance Program; creating s. 236.026, F.S.;
4 establishing the exceptional student education
5 guaranteed allocation; amending s. 236.081,
6 F.S.; revising provisions relating to
7 instruction outside the required number of
8 school days; revising the exclusion provisions
9 of the computation of district required local
10 effort; requiring plaintiffs to provide the
11 district school board and the Department of
12 Education certain documentation in litigation
13 affecting the assessed value of real property
14 above a specified amount; amending s.
15 236.08106, F.S.; removing the cap on the fee
16 subsidy for eligible participants of the
17 Excellent Teaching Program; repealing s.
18 236.025, F.S., relating to the revised funding
19 model for exceptional student education
20 programs; providing an effective date.

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22 Be It Enacted by the Legislature of the State of Florida:
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24 Section 1. Section 236.026, Florida Statutes, is
25 created to read:

26 236.026 Exceptional student education guaranteed
27 allocation.--

28 (1) The Legislature recognizes that exceptional
29 students require supplemental educational programs and
30 services that are in addition to those provided for
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1 nonexceptional students. It is the intent of the Legislature
2 that:
3 (a) The educational programs and services provided for
4 exceptional students be appropriate for their educational
5 needs.
6 (b) State funds be appropriated for the purpose of
7 providing supplemental programs and services for exceptional
8 students.
9 (c) A guaranteed amount of funds be provided for
10 exceptional student education for each school district at the
11 beginning of each school year.
12 (d) The current state-mandated paperwork burden on
13 teachers for state funding for exceptional student education
14 be eliminated.
15 (e) The state funding system for exceptional student
16 education be understandable and avoid unnecessary complexity
17 and be equitable, predictable, flexible, identification
18 neutral, and placement neutral, and that data requirements,
19 recordkeeping, and reporting be kept at a reasonable level.
20 (2)(a) The exceptional student education guaranteed
21 allocation is established for the purposes of and as provided
22 in this section.
23 (b) Beginning with the 2000-2001 fiscal year, funds
24 appropriated in the Florida Education Finance Program for
25 exceptional students shall be provided in two separate
26 allocations, as follows:
27 1. Funds for basic education for exceptional students
28 shall be included in the appropriation for the FEFP
29 calculation for basic education at the same funding level per
30 student as provided for all nonexceptional students; and
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1 2. Additional funds for the exceptional student
2 education guaranteed allocation shall be appropriated as a
3 lump sum to be used by school districts to provide programs
4 and services for exceptional students that are in addition to
5 those provided from the funds in subparagraph 1.

6 (3) School districts that are providing educational
7 services in the 1999-2000 fiscal year for exceptional students
8 who are residents of other school districts shall not
9 discontinue providing such services without the prior approval
10 of the Department of Education.

11 (4) Expenditure requirements for the exceptional
12 student education guaranteed allocation shall be the same as
13 those prescribed in s. 237.34(3) for programs for exceptional
14 students. The amount of the appropriation for the exceptional
15 student education guaranteed allocation shall be as provided
16 in the General Appropriations Act annually, and the amount
17 allocated for each school district shall not be adjusted after
18 the initial allocation.

19 Section 2. Paragraph (h) of subsection (1) and
20 paragraph (d) of subsection (4) of section 236.081, Florida
21 Statutes, are amended to read:

22 236.081 Funds for operation of schools.--If the annual
23 allocation from the Florida Education Finance Program to each
24 district for operation of schools is not determined in the
25 annual appropriations act or the substantive bill implementing
26 the annual appropriations act, it shall be determined as
27 follows:

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

1 (h) ~~Coenrollment instruction outside required number~~
2 ~~of school days.--Students in grades 9 through 12 may be~~
3 ~~counted as full-time equivalent students for instruction~~
4 ~~provided outside the required school days or year if such~~
5 ~~instruction counts as credit toward high school graduation.~~
6 However, If a high school student wishes to earn high school
7 credits from a community college and enrolls in one or more
8 adult secondary education courses at the community college,
9 the community college shall be reimbursed for the costs
10 incurred because of the high school student's coenrollment as
11 provided in the General Appropriations Act.

12 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL
13 EFFORT.--The Legislature shall prescribe the aggregate
14 required local effort for all school districts collectively as
15 an item in the General Appropriations Act for each fiscal
16 year. The amount that each district shall provide annually
17 toward the cost of the Florida Education Finance Program for
18 kindergarten through grade 12 programs shall be calculated as
19 follows:

20 (d) Exclusion.--

21 1. In those instances in which:

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

27 b.2. The assessed value of the property in contest
28 involves more than 6 percent of the total nonexempt assessment
29 roll, the plaintiff shall provide to the district school board
30 of the county in which the property is located and to the
31 Department of Education a certified copy of the petition and

1 receipt for the good faith payment at the time they are filed
2 with the court.

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4 ~~the assessed value of the property in contest shall be~~
5 ~~excluded from the taxable value for school purposes for~~
6 ~~purposes of computing the district required local effort.~~

7 2. For purposes of computing the required local effort
8 for each district affected by such petition, the Department of
9 Education shall exclude from the district's total nonexempt
10 assessment roll the assessed value of the property in contest
11 and shall add the amount of the good faith payment to the
12 district's required local effort.

13 Section 3. Paragraph (a) of subsection (2) of section
14 236.08106, Florida Statutes, is amended to read:

15 236.08106 Excellent Teaching Program.--

16 (2) The Excellent Teaching Program is created to
17 provide categorical funding for monetary incentives and
18 bonuses for teaching excellence. The Department of Education
19 shall distribute to each school district or to the NBPTS an
20 amount as prescribed annually by the Legislature for the
21 Excellent Teaching Program. Unless otherwise provided in the
22 General Appropriations Act, each distribution shall be the sum
23 of the amounts earned for the following incentives and
24 bonuses:

25 (a) A fee subsidy to be paid by the Department of
26 Education to the NBPTS on behalf of each individual who is an
27 employee of a district school board or a public school within
28 the school district, who is certified by the district to have
29 demonstrated satisfactory teaching performance pursuant to s.
30 231.29 and who satisfies the prerequisites for participating
31 in the NBPTS certification program, and who agrees, in

1 writing, to pay 10 percent of the NBPTS participation fee and
2 to participate in the NBPTS certification program during the
3 school year for which the fee subsidy is provided. The fee
4 subsidy for each eligible participant shall be an amount equal
5 to 90 percent of the fee charged for participating in the
6 NBPTS certification program, ~~but not more than \$1,800 per~~
7 ~~eligible participant~~. The fee subsidy is a one-time award and
8 may not be duplicated for any individual.

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10 A teacher for whom the state pays the certification fee and
11 who does not complete the certification program or does not
12 teach in a public school of this state for a least 1 year
13 after completing the certification program must repay the
14 amount of the certification fee to the state. However, a
15 teacher who completes the certification program but fails to
16 be awarded NBPTS certification is not required to repay the
17 amount of the certification fee if the teacher meets the
18 1-year teaching requirement. Repayment is not required of a
19 teacher who does not complete the certification program or
20 fails to fulfill the teaching requirement because of the
21 teacher's death or disability or because of other extenuating
22 circumstances as determined by the State Board of Education.

23 Section 4. Section 236.025, Florida Statutes, is
24 repealed.

25 Section 5. This act shall take effect July 1, 2000.

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HOUSE SUMMARY

Establishes the exceptional student education guaranteed allocation, and repeals the revised funding model for exceptional student education programs, to conform. Revises provisions relating to instruction outside the required number of school days. Revises the exclusion provisions of the computation of district required local effort to require plaintiffs to provide the district school board and the Department of Education certain documentation in litigation affecting the assessed value of real property above a specified amount. Removes the cap on the fee subsidy for eligible participants of the Excellent Teaching Program.