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2 An act relating to public school funding;
3 creating the Task Force on Public School
4 Funding; providing for the appointment and
5 organization of the task force; specifying
6 powers and duties; specifying duties of the
7 Department of Education; requiring certain
8 reports and public hearings; repealing s.
9 236.081, F.S., relating to the Florida
10 Education Finance; amending s. 236.025, F.S.;
11 revising funding for exceptional student
12 education programs; amending s. 236.081, F.S.;
13 revising funding for exceptional student
14 education programs; revising provisions
15 relating to instruction outside the required
16 number of school days; revising the exclusion
17 provisions of the computation of district
18 required local effort; requiring plaintiffs to
19 provide the district school board and the
20 Department of Education certain documentation
21 in litigation affecting the assessed value of
22 real property above a specified amount;
23 amending s. 237.34, F.S.; revising reporting
24 requirements of exceptional student education
25 programs; amending s. 229.05371, F.S.;
26 converting a pilot program for scholarships for
27 students with disabilities to statewide
28 application; creating s. 236.08103, F.S., the
29 "Equity in School-Level Funding Act"; requiring
30 school districts to allocate to each school
31 within the district a specified minimum

1 percentage of the funds generated by the school
2 based on the Florida Education Finance Program;
3 providing for graduated increases in such
4 percentage; providing exemptions; providing for
5 carryforward of unused funds allocated to the
6 schools; providing for review of certain task
7 force recommendations for potential inclusion
8 of certain funds in the allocation methodology;
9 providing that funds for supplemental academic
10 instruction are excluded from the school-level
11 allocation; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. (1) The Task Force on Public School
16 Funding is created to examine and make recommendations to the
17 Governor and the Legislature on the funding of the state
18 system of public schools. The task force is assigned to the
19 Office of Legislative Services, created by section 11.147,
20 Florida Statutes, for administrative and fiscal accountability
21 purposes.

22 (2) The task force shall consist of 15 members
23 selected from among business and community leaders and the
24 Lieutenant Governor and Commissioner of Education, who shall
25 serve as voting ex officio members. By June 30, 2000, the
26 Governor, the President of the Senate, and the Speaker of the
27 House of Representatives shall each appoint 5 members to serve
28 for the duration of the task force. If a vacancy occurs, the
29 official who had appointment jurisdiction for the vacated
30 position shall appoint a member to fill the vacancy. Each
31 appointing authority may remove his or her appointee for

1 cause, and shall remove an appointee who, without cause, fails
2 to attend three consecutive meetings. Members of the task
3 force shall serve without compensation but are entitled to
4 reimbursement for per diem and travel expenses incurred in the
5 performance of their duties as provided in section 112.061,
6 Florida Statutes.

7 (3) The task force shall hold its organizational
8 meeting by September 1, 2000; and, thereafter, shall meet at
9 the call of the chair, but shall meet at least monthly before
10 submitting its final recommendations. The task force shall be
11 chaired by a member designated by the Governor. The task
12 force shall elect a vice chair to serve in the absence of the
13 chair. The task force shall adopt procedures or bylaws
14 necessary for its efficient operation and may appoint
15 subcommittees from its membership.

16 (4) The task force shall examine the funding of the
17 state system of public schools as provided by the Florida
18 Education Finance Program created by section 236.081, Florida
19 Statutes, and implemented by the general appropriations acts.
20 The task force shall consider at least the following:

21 (a) The funding of public schools based on their
22 performance in educating students as evidenced by the
23 achieving of equitable outcomes that meet the state academic
24 achievement standards for all students.

25 (b) The relationship between state funding and local
26 funding for public schools.

27 (c) The maintenance of funding equity in the
28 allocation of dollars among school districts and schools.

29 (d) The acquisition and support of technology to
30 assist in the instructional process.

31

1 (e) The funding support for parental choice in the
2 selection of educational services for children.

3 (f) The results and recommendations of public school
4 funding studies conducted by nationally recognized experts,
5 groups, and other states.

6 (5) The task force:

7 (a) Shall appoint an executive director, who shall be
8 the chief administrative officer of the task force. With
9 approval of the chair, the director may employ research and
10 support staff to serve the needs of the task force. All
11 members of the task force staff are exempt from the Career
12 Service System and shall be employed in accordance with the
13 legislative personnel plan administered by the Office of
14 Legislative Services.

15 (b) The task force is authorized to enter into
16 contracts or agreements with individuals, organizations, or
17 firms to provide expertise required by the task force to
18 perform its duties.

19 (c) The task force is authorized to apply for and
20 accept funds, grants, donations, expenses, in-kind services,
21 or other valued goods or services from any public or private
22 source, including in-kind services of employees of the state
23 Department of Education, the school districts, and the state
24 universities.

25 (d) By September 1, 2001, shall submit draft
26 recommendations and, by February 1, 2002, shall submit final
27 recommendations to the Governor, the President of the Senate,
28 and the Speaker of the House of Representatives. Before
29 adopting final recommendations, the task force shall conduct
30 at least one public hearing in each of the five service
31

1 regions of the Department of Education. The recommendations of
2 the task force must include proposed legislation.

3 (6) This section expires June 30, 2003.

4 Section 2. Section 236.081, Florida Statutes, is
5 repealed effective June 30, 2004, subject to prior review by
6 the Task Force on Public School Funding.

7 Section 3. Section 236.025, Florida Statutes, is
8 amended to read:

9 236.025 Revised funding model for exceptional student
10 education programs.--

11 (1) The revised funding model for exceptional student
12 education programs is designed to: be better for students
13 than the existing funding system by encouraging school
14 districts and schools to identify and implement educationally
15 effective instructional delivery models; simplify funding by
16 utilizing two ~~five~~ weighted cost factors and a guaranteed
17 allocation; provide fiscal support for exceptional students in
18 general education classes; be outcome driven; ~~and~~ be revenue
19 neutral; and reduce the paperwork burden associated with state
20 funding. This funding model is designed to support both
21 traditional and new service delivery models along the
22 continuum of services required for exceptional students. It is
23 the intent of the Legislature, through the General
24 Appropriations Act, to minimize the fiscal impact on school
25 districts of the implementation of this funding model.

26 (2)(a) The revised funding model uses existing basic,
27 at-risk, and vocational ~~five~~ Florida Education Finance Program
28 cost factors, two exceptional education cost factors, and a
29 guaranteed allocation for exceptional student education
30 programs. Exceptional education cost factors are determined by
31 using a matrix of services to document the services that each

1 exceptional student will receive. The nature and intensity of
2 the services indicated on the matrix shall be consistent with
3 the services described in each exceptional student's
4 individual education plan.

5 (b) In order to generate funds using one of the two
6 weighted cost factors, a matrix of services must be completed
7 at the time of the student's initial placement into an
8 exceptional student education program and at least once every
9 3 years ~~least once each year~~ by ~~public school~~ personnel who
10 have received approved training. ~~Additionally, each time an~~
11 ~~exceptional student's individual education plan, family~~
12 ~~support plan, or education plan is reviewed, the matrix of~~
13 ~~services must also be reviewed.~~ Nothing listed in the matrix
14 shall be construed as limiting the services a school district
15 must provide in order to ensure that exceptional students are
16 provided a free, appropriate public education.

17 (c) Students identified as exceptional, in accordance
18 with chapter 6A-6, Florida Administrative Code, who do not
19 have a matrix of services as specified in paragraph (b) shall
20 generate funds on the basis of full-time-equivalent student
21 membership in the Florida Education Finance Program at the
22 same funding level per student as provided for basic students.
23 Additional funds for these exceptional students will be
24 provided through the guaranteed allocation designated in
25 subsection (3).

26 (3) For students identified as exceptional who do not
27 have a matrix of services, there is created a guaranteed
28 allocation to provide these students with a free appropriate
29 public education, in accordance with s. 230.23(4)(m) and rules
30 of the state board, which shall be allocated annually to each
31 school district in the amount provided in the General

1 Appropriations Act. These funds shall be in addition to the
2 funds appropriated on the basis of full-time-equivalent
3 student membership in the Florida Education Finance Program,
4 and the amount allocated for each school district shall not be
5 recalculated during the year. These funds shall be used to
6 provide special education and related services for exceptional
7 students.

8 ~~(4)(3)~~ The Department of Education shall revise its
9 monitoring systems for exceptional student education programs
10 to include a review of delivery of services as indicated on
11 the matrix of services.

12 ~~(5)(4)~~ The Department of Education shall adopt
13 ~~promulgate~~ rules necessary to implement the revised funding
14 model.

15 ~~(5) The funding level in the 1997-1998 FEFP for~~
16 ~~exceptional student education shall be guaranteed for 3 years~~
17 ~~so that no district will have a financial uncertainty during~~
18 ~~the initial implementation of the revised funding model.~~

19 Section 4. Paragraphs (c), (d), and (h) of subsection
20 (1) and paragraph (d) of subsection (4) of section 236.081,
21 Florida 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 (c) Determination of programs.--Cost factors based on
2 desired relative cost differences between the following
3 programs shall be established in the annual General
4 Appropriations Act. The Commissioner of Education shall
5 specify a matrix of services and intensity levels to be used
6 by districts in the determination of the two weighted cost
7 factors for exceptional students with the highest levels of
8 need. For these students, the funding support level shall fund
9 the exceptional students' education program, with the
10 exception of extended school year services for students with
11 disabilities.funding support for each exceptional student.
12 ~~The funding support level for each exceptional student shall~~
13 ~~fund the exceptional student's total education program.~~
- 14 1. Basic programs.--
 - 15 a. Kindergarten and grades 1, 2, and 3.
 - 16 b. Grades 4, 5, 6, 7, and 8.
 - 17 c. Grades 9, 10, 11, and 12.
 - 18 2. Programs for exceptional students.--
 - 19 ~~a. Support Level I.~~
 - 20 ~~b. Support Level II.~~
 - 21 ~~c. Support Level III.~~
 - 22 a.d. Support Level IV.
 - 23 b.e. Support Level V.
 - 24 3. Secondary career education programs.--
 - 25 ~~4. Students-at-risk programs.--~~
 - 26 ~~a. Dropout prevention and teenage parents.~~
 - 27 4.b. English for Speakers of Other Languages.--
 - 28 (d) Annual allocation calculation.--
 - 29 1. The Department of Education is authorized and
30 directed to review all district programs and enrollment
31 projections and calculate a maximum total weighted full-time

1 equivalent student enrollment for each district for the K-12
2 FEFP.

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

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

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

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

7 (I) The weighted enrollment ceiling for each program
8 in the program group shall be subtracted from the weighted
9 enrollment for that program derived from actual enrollments.

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

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

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

26 c. For program group 2, the weighted enrollment
27 ceiling shall be a number not less than the sum obtained by:

28 (I) Multiplying the sum of reported FTE for all
29 programs in the program group that have a cost factor of 1.0
30 or more by 1.0, and
31

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

4 4. Following completion of the weighted enrollment
5 ceiling calculation as provided in subparagraph 3., a
6 supplemental capping calculation shall be employed for those
7 districts that are over their weighted enrollment ceiling. For
8 each such district, the total reported unweighted FTE
9 enrollment for group 2 programs shall be compared with the
10 total appropriated unweighted FTE enrollment for group 2
11 programs. If the total reported unweighted FTE for group 2 is
12 greater than the appropriated unweighted FTE, then the excess
13 unweighted FTE up to the unweighted FTE transferred from group
14 2 to group 1 for each district by the Public School FTE
15 Estimating Conference shall be funded at a weight of 1.0 and
16 added to the funded weighted FTE computed in subparagraph 3.
17 This adjustment shall be calculated beginning with the third
18 calculation of the 1998-1999 FEFP.

19 (h) Coenrollment ~~instruction outside required number~~
20 ~~of school days.--Students in grades 9 through 12 may be~~
21 ~~counted as full-time equivalent students for instruction~~
22 ~~provided outside the required school days or year if such~~
23 ~~instruction counts as credit toward high school graduation.~~
24 However, If a high school student wishes to earn high school
25 credits from a community college and enrolls in one or more
26 adult secondary education courses at the community college,
27 the community college shall be reimbursed for the costs
28 incurred because of the high school student's coenrollment as
29 provided in the General Appropriations Act.

30 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL
31 EFFORT.--The Legislature shall prescribe the aggregate

1 required local effort for all school districts collectively as
2 an item in the General Appropriations Act for each fiscal
3 year. The amount that each district shall provide annually
4 toward the cost of the Florida Education Finance Program for
5 kindergarten through grade 12 programs shall be calculated as
6 follows:

7 (d) Exclusion.--

8 1. In those instances in which:

9 a.1. There is litigation either attacking the
10 authority of the property appraiser to include certain
11 property on the tax assessment roll as taxable property or
12 contesting the assessed value of certain property on the tax
13 assessment roll, and

14 b.2. The assessed value of the property in contest
15 involves more than 6 percent of the total nonexempt assessment
16 roll, the plaintiff shall provide to the district school board
17 of the county in which the property is located and to the
18 Department of Education a certified copy of the petition and
19 receipt for the good faith payment at the time they are filed
20 with the court.

21
22 ~~the assessed value of the property in contest shall be~~
23 ~~excluded from the taxable value for school purposes for~~
24 ~~purposes of computing the district required local effort.~~

25 2. For purposes of computing the required local effort
26 for each district affected by such petition, the Department of
27 Education shall exclude from the district's total nonexempt
28 assessment roll the assessed value of the property in contest
29 and shall add the amount of the good faith payment to the
30 district's required local effort.

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1 Section 5. Paragraph (b) of subsection (2) and
2 paragraph (a) of subsection (3) of section 237.34, Florida
3 Statutes, are amended to read:

4 237.34 Cost accounting and reporting.--

5 (2) COST REPORTING.--

6 (b) Each district shall report on a school-by-school
7 and on an aggregate district basis expenditures for each
8 program funded in s. 236.081(1)(c), ~~except that programs for~~
9 ~~exceptional students shall be reported on an aggregate basis.~~

10 (3) PROGRAM EXPENDITURE REQUIREMENTS.--

11 (a) Each district shall expend at least the percent of
12 the funds generated by each of the programs listed herein on
13 the aggregate total school costs for such programs:

14 1. Kindergarten and grades 1, 2, and 3, 90 percent.

15 2. Grades 4, 5, 6, 7, and 8, 80 percent.

16 3. Grades 9, 10, 11, and 12, 80 percent.

17 4. Programs for exceptional students, on an aggregate
18 program basis, 90 ~~80~~ percent.

19 5. Grades 7 through 12 vocational education programs,
20 on an aggregate program basis, 80 percent.

21 6. Students-at-risk programs, on an aggregate program
22 basis, 80 percent.

23 7. Juvenile justice programs, on an aggregate program
24 basis, 80 percent.

25 8. Any new program established and funded under s.
26 236.081(1)(c), that is not included under subparagraphs 1.
27 through 6., on an aggregate basis as appropriate, 80 percent.

28 Section 6. Section 229.05371, Florida Statutes, is
29 amended to read:

30 229.05371 ~~Pilot program~~; Scholarships to public or
31 private school of choice for students with disabilities.--

1 (1) SCHOLARSHIP ~~PILOT~~ PROGRAM.--There is established a
2 ~~pilot~~ program, which is separate and distinct from the
3 Opportunity Scholarship Program, ~~in the Sarasota school~~
4 ~~district~~, to provide scholarships to a public or private
5 school of choice for students with disabilities whose academic
6 progress in at least two areas has not met expected levels for
7 the previous year, as determined by the student's individual
8 education plan. Student participation in the ~~pilot~~ program is
9 limited to 5 percent of the students with disabilities in the
10 school district during the first year, 10 percent of students
11 with disabilities during the second year, ~~and~~ 20 percent of
12 students with disabilities during the third year, ~~and~~ no caps
13 in subsequent years. The following applies to the ~~pilot~~
14 program:

15 (a) To be eligible to participate in the ~~pilot~~
16 program, a private school must meet all requirements of s.
17 229.0537(4), except for the accreditation requirements of s.
18 229.0537(4)(f). For purposes of the ~~pilot~~ program,
19 notification under s. 229.0537(4)(b) must be separate from the
20 notification under the Opportunity Scholarship Program.

21 (b) The school district ~~that participates in the pilot~~
22 ~~program~~ must comply with the requirements in s.
23 229.0537(3)(a)2., (c), and (d).

24 (c) The amount of the scholarship in the ~~pilot~~ program
25 shall be equal to the amount the student would have received
26 under the Florida Education Finance Program in the public
27 school to which he or she is assigned.

28 (d) To be eligible for a scholarship under the ~~pilot~~
29 program, a student or parent must:

30
31

1 1. Comply with the eligibility criteria in s.
2 229.0537(2)(b) and all provisions of s. 229.0537 which apply
3 to students with disabilities;

4 2. For the school year immediately prior to the year
5 in which the scholarship will be in effect, have documented
6 the student's failure to meet specific performance levels
7 identified in the individual education plan; or, absent
8 specific performance levels identified in the individual
9 education plan, the student must have performed below grade
10 level on state or local assessments and the parent must
11 believe that the student is not progressing adequately toward
12 the goals in the individual education plan; and

13 3. Have requested the scholarship prior to the time at
14 which the number of valid requests exceeds the district's cap
15 for the year in which the scholarship will be awarded.

16 (2) The provisions of s. 229.0537(6) and (8) shall
17 apply to the ~~pilot~~ program authorized in this section. This
18 ~~pilot~~ program is not intended to affect the eligibility of the
19 state or school district to receive federal funds for students
20 with disabilities.

21 Section 7. Section 236.08103, Florida Statutes, is
22 created to read:

23 236.08103 Equity in School-Level Funding Act.--

24 (1) This section may be cited as the "Equity in
25 School-Level Funding Act."

26 (2)(a) Beginning in the 2000-2001 fiscal year,
27 district school boards shall allocate to each school within
28 the district at least 50 percent of the funds generated by
29 that school based upon the Florida Education Finance Program
30 as provided in s. 236.081 and the General Appropriations Act,
31 including gross state and local funds, discretionary lottery

1 funds, and funds from the school district's current operating
2 discretionary millage levy.

3 (b) Beginning in the 2001-2002 fiscal year, district
4 school boards shall allocate to each school within the
5 district at least 65 percent of the funds generated by that
6 school based upon the Florida Education Finance Program as
7 provided in s. 236.081 and the General Appropriations Act,
8 including gross state and local funds, discretionary lottery
9 funds, and funds from the school district's current operating
10 discretionary millage levy.

11 (c) Beginning in the 2002-2003 fiscal year, district
12 school boards shall allocate to each school within the
13 district at least 80 percent of the funds generated by that
14 school based upon the Florida Education Finance Program as
15 provided in s. 236.081 and the General Appropriations Act,
16 including gross state and local funds, discretionary lottery
17 funds, and funds from the school district's current operating
18 discretionary millage levy.

19 (d) Beginning in the 2003-2004 fiscal year, district
20 school boards shall allocate to each school within the
21 district at least 90 percent of the funds generated by that
22 school based upon the Florida Education Finance Program as
23 provided in s. 236.081 and the General Appropriations Act,
24 including gross state and local funds, discretionary lottery
25 funds, and funds from the school district's current operating
26 discretionary millage levy.

27
28 Total funding for each school shall be recalculated during the
29 year to reflect the revised calculations under the Florida
30 Education Finance Program by the state and the actual weighted
31 full-time equivalent students reported by the school during

1 the full-time equivalent student survey periods designated by
2 the Commissioner of Education. If the district school board is
3 providing programs or services to students funded by federal
4 funds, any eligible students enrolled in the schools in the
5 district shall be provided federal funds. Only those districts
6 that initially applied for charter school district status,
7 pursuant to s. 228.058, and have been approved by the State
8 Board of Education are exempt from the provisions of this
9 section.

10 (3) Funds allocated to a school pursuant to this
11 section that are unused at the end of the fiscal year shall
12 not revert to the district, but shall remain with the school.
13 These carryforward funds may be used for any purpose provided
14 by law at the discretion of the principal of the school.

15 (4) Recommendations made by the Governor's Equity in
16 Educational Opportunity Task Force shall be reviewed to
17 identify potential categorical funds to be included in the
18 district allocation methodology required in subsection (2).

19 (5) Funds appropriated in the General Appropriations
20 Act for supplemental academic instruction to be used for the
21 purposes described in s. 236.08104 are excluded from the
22 school-level allocation under this section.

23 Section 8. This act shall take effect upon becoming a
24 law.