

By Representative Lynn

1 A bill to be entitled
2 An act relating to education funding; creating
3 the "K-20 Funds Flexibility Act"; authorizing
4 the Commissioner of Education and Secretary of
5 Education to transfer funds from identical fund
6 sources within budget entities; providing for
7 school district flexibility in the transfer and
8 expenditure of specified funds appropriated
9 annually in the General Appropriations Act;
10 providing for reports relating to the transfer
11 of funds; amending s. 236.081, F.S.; deleting
12 the computation and use of an average daily
13 attendance factor in the determination of the
14 annual allocation to each school district for
15 operation; deleting obsolete provisions
16 relating to a pilot of the Advanced
17 International Certificate of Education Program;
18 revising the basis of the quality assurance
19 guarantee; amending s. 240.116, F.S.; deleting
20 obsolete provisions relating to a pilot of the
21 Advanced International Certificate of Education
22 Program; providing an effective date.

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

25
26 Section 1. This section may be cited as the "K-20
27 Funds Flexibility Act."

28 (1)(a) Notwithstanding s. 216.292(3)(a) and (b),
29 Florida Statutes, and pursuant to s. 216.351, Florida
30 Statutes, the Commissioner of Education and the Secretary of
31 Education may transfer funds from identical fund sources

1 between Salaries and Benefits, Other Personal Services,
2 Expenses, and Operating Capital Outlay within, but not among,
3 the budget entities listed below:

4 1. Office of Student Financial Assistance.

5 2. Division of Public Schools--Executive Direction and
6 Support Services.

7 3. State Oversight and Assistance--Public Schools.

8 4. Office of Workforce and Economic
9 Development--Executive Direction and Support Services.

10 5. Division of Community Colleges--Executive Direction
11 and Support Services.

12 6. Division of Colleges and Universities.

13 (b) Transfers pursuant to this subsection may not
14 exceed the number of authorized positions and the approved
15 salary rate.

16 (c) Transfers pursuant to this subsection must be
17 consistent with K-20 legislative policy and intent and must
18 not adversely affect the oversight, evaluation, or reporting
19 duties for the Department of Education.

20 (d) The Secretary of Education shall report to the
21 Florida Board of Education the amount of funds transferred
22 pursuant to this subsection and the purpose of the transfer.

23 (2)(a) Each district school board is authorized the
24 following flexibility to expend funds allocated annually to
25 the school district in the General Appropriations Act:

26 1. If a district school board finds and declares in a
27 resolution adopted at a regular meeting of the school board
28 that the funds received for any of the following programs are
29 urgently needed to maintain board-specified academic classroom
30 instruction, the school board may consider and approve an
31 amendment to the school district's operating budget

1 transferring the identified amount of funds to the appropriate
2 account for expenditure:
3 a. Section 236.083, Florida Statutes, Funds for
4 Student Transportation.
5 b. Section 236.081(3), Florida Statutes, Funds for
6 Inservice Educational Personnel Training.
7 c. Section 231.67, Florida Statutes, the Florida
8 Teachers Lead Program Stipend. Funds provided by the
9 Legislature for this program may be used only after the school
10 board certifies to the department that every eligible teacher
11 has received his or her stipend.
12 2. If the district school board finds that funds
13 allocated for the purpose set forth in s. 236.08104, Florida
14 Statutes, Supplemental Academic Instruction, are budgeted to
15 be expended for nonclassroom instruction, the school board may
16 consider and approve an amendment to the school district's
17 operating budget transferring such funds to an appropriate
18 academic classroom instruction account for expenditure.
19 (b) Each district school board shall report to the
20 Department of Education the amount of funds it transferred
21 from each of the programs identified in this subsection and
22 the specific academic classroom instruction for which these
23 funds were expended. The department shall provide instructions
24 and specify the format to be used in submitting this required
25 information. The department shall submit to the Governor, the
26 President of the Senate, and the Speaker of the House of
27 Representatives a report showing the actions taken by each
28 district school board and a statewide summary for all school
29 districts.
30 Section 2. Paragraph (a) of subsection (1) of section
31 236.081, Florida Statutes, is amended, and paragraph (k) of

1 said subsection and subsection (8) of said section, as amended
2 by section 4 of chapter 2001-254, Laws of Florida, are amended
3 to read:

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

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

14 (a) Determination of full-time equivalent
15 membership.--During each of several school weeks, including
16 scheduled intersessions of a year-round school program during
17 the fiscal year, a program membership survey of each school
18 shall be made by each district by aggregating the full-time
19 equivalent student membership of each program by school and by
20 district. The department shall establish the number and
21 interval of membership calculations, except that for basic and
22 special programs such calculations shall not exceed nine for
23 any fiscal year. The district's full-time equivalent
24 membership shall be computed and currently maintained in
25 accordance with regulations of the commissioner. Beginning
26 ~~with the 1999-2000 school year, each school district shall~~
27 ~~also document the daily attendance of each student in~~
28 ~~membership by school and by district. An average daily~~
29 ~~attendance factor shall be computed by dividing the total~~
30 ~~daily attendance of all students by the total number of~~
31 ~~students in membership and then by the number of days in the~~

1 ~~regular school year. Beginning with the 2002-2003 school year,~~
2 ~~the district's full-time equivalent membership shall be~~
3 ~~adjusted by multiplying by the average daily attendance~~
4 ~~factor.~~

5 (k) Calculation of additional full-time equivalent
6 membership based on international baccalaureate examination
7 scores of students.--A value of 0.24 full-time equivalent
8 student membership shall be calculated for each student
9 enrolled in an international baccalaureate course who receives
10 a score of 4 or higher on a subject examination. A value of
11 0.3 full-time equivalent student membership shall be
12 calculated for each student who receives an international
13 baccalaureate diploma. Such value shall be added to the total
14 full-time equivalent student membership in basic programs for
15 grades 9 through 12 in the subsequent fiscal year. ~~During the~~
16 ~~1997-1998, 1998-1999, and 1999-2000 school years of the pilot~~
17 ~~program authorized in s. 240.116,~~Students enrolled in the
18 Advanced International Certificate of Education Program shall
19 generate full-time equivalent student membership in a manner
20 that is equitable to the manner in which students enrolled in
21 the International Baccalaureate Program generate full-time
22 equivalent student membership. ~~During 1997-1998, a maximum of~~
23 ~~40 students in each participating school district is~~
24 ~~authorized to generate full-time equivalent student membership~~
25 ~~in the pilot program, and in 1998-1999 and 1999-2000 a maximum~~
26 ~~of 80 students per year in each participating school district~~
27 ~~is authorized to generate full-time equivalent student~~
28 ~~membership in the pilot program.~~The school district shall
29 distribute to each classroom teacher who provided
30 international baccalaureate instruction:
31

1 1. A bonus in the amount of \$50 for each student
2 taught by the International Baccalaureate teacher in each
3 international baccalaureate course who receives a score of 4
4 or higher on the international baccalaureate examination.

5 2. An additional bonus of \$500 to each International
6 Baccalaureate teacher in a school designated performance grade
7 category "D" or "F" who has at least one student scoring 4 or
8 higher on the international baccalaureate examination,
9 regardless of the number of classes taught or of the number of
10 students scoring a 4 or higher on the international
11 baccalaureate examination.

12
13 Bonuses awarded to a teacher according to this paragraph shall
14 not exceed \$2,000 in any given school year and shall be in
15 addition to any regular wage or other bonus the teacher
16 received or is scheduled to receive.

17 (8) QUALITY ASSURANCE GUARANTEE.--The Legislature may
18 annually in the General Appropriations Act determine a
19 percentage increase in funds per K-12 unweighted ~~weighted~~ FTE
20 as a minimum guarantee to each school district. The guarantee
21 shall be calculated from prior year base funding per
22 unweighted ~~weighted~~ FTE student which shall include the
23 adjusted FTE dollars as provided in subsection (9), quality
24 guarantee funds, and actual nonvoted discretionary local
25 effort from taxes. From the base funding per unweighted
26 ~~weighted~~ FTE, the increase shall be calculated for the current
27 year. The current year funds from which the guarantee shall be
28 determined shall include the adjusted FTE dollars as provided
29 in subsection (9) and potential nonvoted discretionary local
30 effort from taxes. A comparison of current year funds per
31 unweighted ~~weighted~~ FTE to prior year funds per unweighted

1 ~~weighted~~ FTE shall be computed. For those school districts
2 which have less than the legislatively assigned percentage
3 increase, funds shall be provided to guarantee the assigned
4 percentage increase in funds per unweighted ~~weighted~~ FTE
5 student. Should appropriated funds be less than the sum of
6 this calculated amount for all districts, the commissioner
7 shall prorate each district's allocation. This provision shall
8 be implemented to the extent specifically funded.

9 Section 3. Subsection (6) of section 240.116, Florida
10 Statutes, as amended by section 6 of chapter 2001-254, Laws of
11 Florida, is amended to read:

12 240.116 Articulated acceleration.--

13 (6) The International Baccalaureate Program shall be
14 the curriculum in which eligible secondary students are
15 enrolled in a program of studies offered through the
16 International Baccalaureate Program administered by the
17 International Baccalaureate Office. The State Board of
18 Education shall establish rules which specify the cutoff
19 scores and International Baccalaureate Examinations which will
20 be used to grant postsecondary credit at community colleges
21 and universities. Any such rules, which have the effect of
22 raising the required cutoff score or of changing the
23 International Baccalaureate Examinations which will be used to
24 grant postsecondary credit, shall only apply to students
25 taking International Baccalaureate Examinations after such
26 rules are adopted by the State Board of Education. Students
27 shall be awarded a maximum of 30 semester credit hours
28 pursuant to this subsection. The specific course for which a
29 student receives such credit shall be determined by the
30 community college or university that accepts the student for
31 admission. Students enrolled pursuant to this subsection

1 shall be exempt from the payment of any fees for
2 administration of the examinations. ~~During the 1997-1998,~~
3 ~~1998-1999, and 1999-2000 school years, the Department of~~
4 ~~Education shall assist up to three school districts in~~
5 ~~conducting a pilot of the Advanced International Certificate~~
6 ~~of Education Program administered by the University of~~
7 ~~Cambridge Local Examinations Syndicate. The department shall~~
8 ~~produce an evaluation report and recommendations regarding the~~
9 ~~comparability of the Advanced International Certificate of~~
10 ~~Education Program to the International Baccalaureate Program~~
11 ~~and submit the report to the President of the Senate and the~~
12 ~~Speaker of the House of Representatives on or before October~~
13 ~~1, 2000.~~

14 Section 4. This act shall take effect July 1, 2002.

15

16 *****

17 HOUSE SUMMARY

18

19 Grants the Commissioner of Education and Secretary of
20 Education flexibility with respect to specified education
21 funding provisions. Provides for school district
22 flexibility in the transfer and expenditure of specified
23 funds appropriated annually in the General Appropriations
24 Act. Provides for reports relating to the transfer of
25 funds. Deletes the computation and use of an average
26 daily attendance factor in the determination of the
27 annual allocation to each school district for operation.
28 Deletes obsolete provisions relating to a pilot of the
29 Advanced International Certificate of Education Program.
30 Revises the basis of the quality assurance guarantee.

25

26

27

28

29

30

31