

1 A bill to be entitled
2 An act relating to education funding; amending
3 s. 212.055, F.S., relating to the school
4 capital outlay surtax; providing that a
5 required freeze on certain taxes does not apply
6 to taxes authorized in the General
7 Appropriations Act; amending s. 411.01, F.S.;
8 authorizing certain specified counties or
9 school districts to operate early learning
10 coalitions, notwithstanding other provisions of
11 law; amending s. 1001.451, F.S.; authorizing
12 developmental research schools and the Florida
13 School for the Deaf and the Blind to enter into
14 agreements to form a regional consortium
15 service organization; revising the amount of
16 the award of an incentive grant to a regional
17 consortium service organization; amending s.
18 1002.71, F.S.; providing for the initial
19 allocation of student funding for the Voluntary
20 Prekindergarten Education Program to be based
21 on estimated student enrollment; amending ss.
22 1009.50, 1009.51, and 1009.52, F.S.;
23 authorizing the deposit of funds appropriated
24 by the Legislature for student financial
25 assistance into the State Student Financial
26 Assistance Trust Fund; amending s. 1009.89,
27 F.S.; eliminating a requirement that funds
28 appropriated for the William L. Boyd, IV,
29 Florida Resident Access Grant Program be
30 deposited into such trust fund; amending s.
31 1010.72, F.S.; authorizing funds to be credited

1 to the Dale Hickam Excellent Teaching Program
2 Trust Fund; amending s. 1011.62, F.S., relating
3 to funds for the operation of schools; revising
4 provisions relating to the manner in which each
5 school district's allocation of sparsity
6 supplement funds shall be adjusted; amending s.
7 1011.94, F.S.; authorizing funds to be
8 deposited in the Trust Fund for University
9 Major Gifts; amending s. 1013.79, F.S.;
10 authorizing the appropriation of funds to be
11 transferred to the Alec P. Courtelis Capital
12 Facilities Matching Trust Fund; repealing ss.
13 1008.31(2) and 1012.231, F.S., relating to
14 performanced-based funding and the BEST Florida
15 Teaching salary career ladder program;
16 providing an effective date.
17

18 Be It Enacted by the Legislature of the State of Florida:
19

20 Section 1. Subsection (6) of section 212.055, Florida
21 Statutes, is amended to read:

22 212.055 Discretionary sales surtaxes; legislative
23 intent; authorization and use of proceeds.--It is the
24 legislative intent that any authorization for imposition of a
25 discretionary sales surtax shall be published in the Florida
26 Statutes as a subsection of this section, irrespective of the
27 duration of the levy. Each enactment shall specify the types
28 of counties authorized to levy; the rate or rates which may be
29 imposed; the maximum length of time the surtax may be imposed,
30 if any; the procedure which must be followed to secure voter
31 approval, if required; the purpose for which the proceeds may

1 be expended; and such other requirements as the Legislature
2 may provide. Taxable transactions and administrative
3 procedures shall be as provided in s. 212.054.

4 (6) SCHOOL CAPITAL OUTLAY SURTAX.--

5 (a) The school board in each county may levy, pursuant
6 to resolution conditioned to take effect only upon approval by
7 a majority vote of the electors of the county voting in a
8 referendum, a discretionary sales surtax at a rate that may
9 not exceed 0.5 percent.

10 (b) The resolution shall include a statement that
11 provides a brief and general description of the school capital
12 outlay projects to be funded by the surtax. The statement
13 shall conform to the requirements of s. 101.161 and shall be
14 placed on the ballot by the governing body of the county. The
15 following question shall be placed on the ballot:

16
17FOR THECENTS TAX
18AGAINST THECENTS TAX

19
20 (c) The resolution providing for the imposition of the
21 surtax shall set forth a plan for use of the surtax proceeds
22 for fixed capital expenditures or fixed capital costs
23 associated with the construction, reconstruction, or
24 improvement of school facilities and campuses which have a
25 useful life expectancy of 5 or more years, and any land
26 acquisition, land improvement, design, and engineering costs
27 related thereto. Additionally, the plan shall include the
28 costs of retrofitting and providing for technology
29 implementation, including hardware and software, for the
30 various sites within the school district. Surtax revenues may
31 be used for the purpose of servicing bond indebtedness to

1 finance projects authorized by this subsection, and any
2 interest accrued thereto may be held in trust to finance such
3 projects. Neither the proceeds of the surtax nor any interest
4 accrued thereto shall be used for operational expenses.

5 (d) Any school board imposing the surtax shall
6 implement a freeze on noncapital local school property taxes,
7 at the millage rate imposed in the year prior to the
8 implementation of the surtax, for a period of at least 3 years
9 from the date of imposition of the surtax. This provision
10 shall not apply to existing debt service or ~~required state~~
11 taxes authorized in the General Appropriations Act.

12 (e) Surtax revenues collected by the Department of
13 Revenue pursuant to this subsection shall be distributed to
14 the school board imposing the surtax in accordance with law.

15 Section 2. Paragraph (a) of subsection (5) of section
16 411.01, Florida Statutes, as amended by section 2 of chapter
17 2004-484, Laws of Florida, is amended to read:

18 411.01 School readiness programs; early learning
19 coalitions.--

20 (5) CREATION OF EARLY LEARNING COALITIONS.--

21 (a) Early learning coalitions.--

22 1. The Agency for Workforce Innovation shall establish
23 the minimum number of children to be served by each early
24 learning coalition through the coalition's school readiness
25 program. The Agency for Workforce Innovation may only approve
26 school readiness plans in accordance with this minimum number.
27 The minimum number must be uniform for every early learning
28 coalition and must:

29 a. Permit 30 or fewer coalitions to be established;

30 and

31

1 b. Require each coalition to serve at least 2,000
2 children based upon the average number of all children served
3 per month through the coalition's school readiness program
4 during the previous 12 months.

5
6 The Agency for Workforce Innovation shall adopt procedures for
7 merging early learning coalitions, including procedures for
8 the consolidation of merging coalitions, and for the early
9 termination of the terms of coalition members which are
10 necessary to accomplish the mergers. Each early learning
11 coalition must comply with the merger procedures and shall be
12 organized in accordance with this subparagraph by April 1,
13 2005. By June 30, 2005, each coalition must complete the
14 transfer of powers, duties, functions, rules, records,
15 personnel, property, and unexpended balances of
16 appropriations, allocations, and other funds to the successor
17 coalition, if applicable.

18 2. If an early learning coalition would serve fewer
19 children than the minimum number established under
20 subparagraph 1., the coalition must merge with another county
21 to form a multicounty coalition. However, the Agency for
22 Workforce Innovation may authorize an early learning coalition
23 to serve fewer children than the minimum number established
24 under subparagraph 1., if:

25 a. The coalition demonstrates to the Agency for
26 Workforce Innovation that merging with another county or
27 multicounty region contiguous to the coalition would cause an
28 extreme hardship on the coalition;

29 b. The Agency for Workforce Innovation has determined
30 during the most recent annual review of the coalition's school
31 readiness plan, or through monitoring and performance

1 evaluations conducted under paragraph (4)(1), that the
 2 coalition has substantially implemented its plan and
 3 substantially met the performance standards and outcome
 4 measures adopted by the agency; and

5 c. The coalition demonstrates to the Agency for
 6 Workforce Innovation the coalition's ability to effectively
 7 and efficiently implement the Voluntary Prekindergarten
 8 Education Program.

9
 10 If an early learning coalition fails or refuses to merge as
 11 required by this subparagraph, the Agency for Workforce
 12 Innovation may dissolve the coalition and temporarily contract
 13 with a qualified entity to continue school readiness and
 14 prekindergarten services in the coalition's county or
 15 multicounty region until the coalition is reestablished
 16 through resubmission of a school readiness plan and approval
 17 by the agency.

18 3. Notwithstanding the provisions of subparagraphs 1.
 19 and 2., the early learning coalitions in Sarasota, Osceola,
 20 and Santa Rosa Counties which were in operation on January 1,
 21 2005, are established and authorized to continue operation as
 22 independent coalitions, and shall not be counted within the
 23 limit of 30 coalitions established in subparagraph 1.

24 ~~4.3-~~ Each early learning coalition shall be composed
 25 of at least 18 members but not more than 35 members. The
 26 Agency for Workforce Innovation shall adopt standards
 27 establishing within this range the minimum and maximum number
 28 of members that may be appointed to an early learning
 29 coalition. These standards must include variations for a
 30 coalition serving a multicounty region. Each early learning
 31 coalition must comply with these standards.

1 ~~5.4.~~ The Governor shall appoint the chair and two
2 other members of each early learning coalition, who must each
3 meet the same qualifications as private-sector business
4 members appointed by the coalition under subparagraph ~~7. 6.~~

5 ~~6.5.~~ Each early learning coalition must include the
6 following members:

7 a. A Department of Children and Family Services
8 district administrator or his or her designee who is
9 authorized to make decisions on behalf of the department.

10 b. A district superintendent of schools or his or her
11 designee who is authorized to make decisions on behalf of the
12 district, who shall be a nonvoting member.

13 c. A regional workforce board executive director or
14 his or her designee.

15 d. A county health department director or his or her
16 designee.

17 e. A children's services council or juvenile welfare
18 board chair or executive director, if applicable, who shall be
19 a nonvoting member if the council or board is the fiscal agent
20 of the coalition or if the council or board contracts with and
21 receives funds from the coalition.

22 f. An agency head of a local licensing agency as
23 defined in s. 402.302, where applicable.

24 g. A president of a community college or his or her
25 designee.

26 h. One member appointed by a board of county
27 commissioners.

28 i. A central agency administrator, where applicable,
29 who shall be a nonvoting member.

30 j. A Head Start director, who shall be a nonvoting
31 member.

1 k. A representative of private child care providers,
2 including family day care homes, who shall be a nonvoting
3 member.

4 l. A representative of faith-based child care
5 providers, who shall be a nonvoting member.

6 m. A representative of programs for children with
7 disabilities under the federal Individuals with Disabilities
8 Education Act, who shall be a nonvoting member.

9 ~~7.6.~~ Including the members appointed by the Governor
10 under subparagraph ~~5. 4.~~, more than one-third of the members
11 of each early learning coalition must be private-sector
12 business members who do not have, and none of whose relatives
13 as defined in s. 112.3143 has, a substantial financial
14 interest in the design or delivery of the Voluntary
15 Prekindergarten Education Program created under part V of
16 chapter 1002 or the coalition's school readiness program. To
17 meet this requirement an early learning coalition must appoint
18 additional members from a list of nominees submitted to the
19 coalition by a chamber of commerce or economic development
20 council within the geographic region served by the coalition.
21 The Agency for Workforce Innovation shall establish criteria
22 for appointing private-sector business members. These criteria
23 must include standards for determining whether a member or
24 relative has a substantial financial interest in the design or
25 delivery of the Voluntary Prekindergarten Education Program or
26 the coalition's school readiness program.

27 ~~8.7.~~ A majority of the voting membership of an early
28 learning coalition constitutes a quorum required to conduct
29 the business of the coalition.

30 ~~9.8.~~ A voting member of an early learning coalition
31 may not appoint a designee to act in his or her place, except

1 as otherwise provided in this paragraph. A voting member may
2 send a representative to coalition meetings, but that
3 representative does not have voting privileges. When a
4 district administrator for the Department of Children and
5 Family Services appoints a designee to an early learning
6 coalition, the designee is the voting member of the coalition,
7 and any individual attending in the designee's place,
8 including the district administrator, does not have voting
9 privileges.

10 ~~10.9.~~ Each member of an early learning coalition is
11 subject to ss. 112.313, 112.3135, and 112.3143. For purposes
12 of s. 112.3143(3)(a), each voting member is a local public
13 officer who must abstain from voting when a voting conflict
14 exists.

15 ~~11.10.~~ For purposes of tort liability, each member or
16 employee of an early learning coalition shall be governed by
17 s. 768.28.

18 ~~12.11.~~ An early learning coalition serving a
19 multicounty region must include representation from each
20 county.

21 ~~13.12.~~ Each early learning coalition shall establish
22 terms for all appointed members of the coalition. The terms
23 must be staggered and must be a uniform length that does not
24 exceed 4 years per term. Appointed members may serve a maximum
25 of two consecutive terms. When a vacancy occurs in an
26 appointed position, the coalition must advertise the vacancy.

27 Section 3. Subsection (1) and paragraph (a) of
28 subsection (2) of section 1001.451, Florida Statutes, are
29 amended to read:

30 1001.451 Regional consortium service
31 organizations.--In order to provide a full range of programs

1 to larger numbers of students, minimize duplication of
 2 services, and encourage the development of new programs and
 3 services:

4 (1) School districts with 20,000 or fewer unweighted
 5 full-time equivalent students, developmental research
 6 (laboratory) schools established pursuant to s. 1002.32, and
 7 the Florida School for the Deaf and the Blind may enter into
 8 cooperative agreements to form a regional consortium service
 9 organization. Each regional consortium service organization
 10 shall provide, at a minimum, three of the following services:
 11 exceptional student education; teacher education centers;
 12 environmental education; federal grant procurement and
 13 coordination; data processing; health insurance; risk
 14 management insurance; staff development; purchasing; or
 15 planning and accountability.

16 (2)(a) Each regional consortium service organization
 17 that consists of four or more school districts is eligible to
 18 receive, through the Department of Education, an incentive
 19 grant of ~~\$50,000~~\$25,000 per school district and eligible
 20 member to be used for the delivery of services within the
 21 participating school districts.

22 Section 4. Subsection (3) of section 1002.71, Florida
 23 Statutes, as created by section 1 of chapter 2004-484, Laws of
 24 Florida, is amended to read:

25 1002.71 Funding; financial and attendance reporting.--

26 (3)(a) The base student allocation per full-time
 27 equivalent student in the Voluntary Prekindergarten Education
 28 Program shall be provided in the General Appropriations Act
 29 and shall be equal for each student, regardless of whether the
 30 student is enrolled in a school-year prekindergarten program
 31 delivered by a private prekindergarten provider, a summer

1 | prekindergarten program delivered by a public school or
2 | private prekindergarten provider, or a school-year
3 | prekindergarten program delivered by a public school.

4 | (b) Each county's allocation per full-time equivalent
5 | student in the Voluntary Prekindergarten Education Program
6 | shall be calculated annually by multiplying the base student
7 | allocation provided in the General Appropriations Act by the
8 | county's district cost differential provided in s. 1011.62(2).
9 | Each private prekindergarten provider and public school shall
10 | be paid in accordance with the county's allocation per
11 | full-time equivalent student.

12 | (c) The initial allocation shall be based on estimated
13 | student enrollment in each coalition service area. The Agency
14 | for Workforce Innovation shall reallocate funds among the
15 | coalitions based on actual full-time equivalent student
16 | enrollment in each coalition service area.

17 | Section 5. Subsection (5) of section 1009.50, Florida
18 | Statutes, is amended to read:

19 | 1009.50 Florida Public Student Assistance Grant
20 | Program; eligibility for grants.--

21 | (5) Funds appropriated by the Legislature for state
22 | student assistance grants ~~may shall~~ be deposited in the State
23 | Student Financial Assistance Trust Fund. Notwithstanding the
24 | provisions of s. 216.301 and pursuant to s. 216.351, any
25 | balance in the trust fund at the end of any fiscal year which
26 | ~~that~~ has been allocated to the Florida Public Student
27 | Assistance Grant Program shall remain therein and shall be
28 | available for carrying out the purposes of this section.

29 | Section 6. Subsection (5) of section 1009.51, Florida
30 | Statutes, is amended to read:

31 |

1 1009.51 Florida Private Student Assistance Grant
2 Program; eligibility for grants.--

3 (5) Funds appropriated by the Legislature for Florida
4 private student assistance grants may ~~shall~~ be deposited in
5 the State Student Financial Assistance Trust Fund.

6 Notwithstanding the provisions of s. 216.301 and pursuant to
7 s. 216.351, any balance in the trust fund at the end of any
8 fiscal year which ~~that~~ has been allocated to the Florida
9 Private Student Assistance Grant Program shall remain therein
10 and shall be available for carrying out the purposes of this
11 section and as otherwise provided by law.

12 Section 7. Subsection (6) of section 1009.52, Florida
13 Statutes, is amended to read:

14 1009.52 Florida Postsecondary Student Assistance Grant
15 Program; eligibility for grants.--

16 (6) Funds appropriated by the Legislature for Florida
17 postsecondary student assistance grants may ~~shall~~ be deposited
18 in the State Student Financial Assistance Trust Fund.

19 Notwithstanding the provisions of s. 216.301 and pursuant to
20 s. 216.351, any balance in the trust fund at the end of any
21 fiscal year which ~~that~~ has been allocated to the Florida
22 Postsecondary Student Assistance Grant Program shall remain
23 therein and shall be available for carrying out the purposes
24 of this section and as otherwise provided by law.

25 Section 8. Subsection (6) of section 1009.89, Florida
26 Statutes, is amended to read:

27 1009.89 The William L. Boyd, IV, Florida resident
28 access grants.--

29 ~~(6) Funds appropriated by the Legislature for the~~
30 ~~William L. Boyd, IV, Florida Resident Access Grant Program~~
31 ~~shall be deposited in the State Student Financial Assistance~~

1 ~~Trust Fund. Notwithstanding the provisions of s. 216.301 and~~
 2 ~~pursuant to s. 216.351, any balance in the trust fund at the~~
 3 ~~end of any fiscal year which has been allocated to the William~~
 4 ~~L. Boyd, IV, Florida Resident Access Grant Program shall~~
 5 ~~remain therein and shall be available for carrying out the~~
 6 ~~purposes of this section.~~ If the number of eligible students
 7 exceeds the total authorized in the General Appropriations
 8 Act, an institution may use its own resources to assure that
 9 each eligible student receives the full benefit of the grant
 10 amount authorized.

11 Section 9. Section 1010.72, Florida Statutes, is
 12 amended to read:

13 1010.72 Dale Hickam Excellent Teaching Program Trust
 14 Fund.--The Dale Hickam Excellent Teaching Program Trust Fund
 15 is created to be administered by the Department of Education.
 16 Funds may ~~must~~ be credited to the trust fund as provided in
 17 chapter 98-309, Laws of Florida, to be used for the purposes
 18 set forth therein.

19 Section 10. Paragraph (c) of subsection (6) of section
 20 1011.62, Florida Statutes, is amended to read:

21 1011.62 Funds for operation of schools.--If the annual
 22 allocation from the Florida Education Finance Program to each
 23 district for operation of schools is not determined in the
 24 annual appropriations act or the substantive bill implementing
 25 the annual appropriations act, it shall be determined as
 26 follows:

27 (6) DETERMINATION OF SPARSITY SUPPLEMENT.--

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

30 1. A maximum discretionary levy per FTE value for each
 31 district shall be calculated by dividing the value of each

1 district's maximum discretionary levy by its FTE student
2 count.~~†~~

3 2. A state average discretionary levy value per FTE
4 shall be calculated by dividing the total maximum
5 discretionary levy value for all districts by the state total
6 FTE student count.~~†~~

7 3. A total potential funds per FTE for each district
8 shall be calculated by dividing the total potential funds, not
9 including Florida School Recognition Program funds and the
10 minimum guarantee, for each district by its FTE student count.

11 4. A state average total potential funds per FTE shall
12 be calculated by dividing the total potential funds, not
13 including Florida School Recognition Program funds and the
14 minimum guarantee, for all districts by the state total FTE
15 student count.

16 ~~5.3-~~ For districts that have a levy value per FTE as
17 calculated in subparagraph 1. higher than the state average
18 calculated in subparagraph 2., a sparsity wealth adjustment
19 shall be calculated as the product of the difference between
20 the state average levy value per FTE calculated in
21 subparagraph 2. and the district's levy value per FTE
22 calculated in subparagraph 1. and the district's FTE student
23 count and ~~-1.~~ However, no district shall have a sparsity
24 wealth adjustment that, when applied to the total potential
25 funds calculated in subparagraph 3., would cause the
26 district's total potential funds per FTE to be less than the
27 state average calculated in subparagraph 4.~~†~~

28 ~~6.4-~~ Each district's sparsity supplement allocation
29 shall be calculated by adding the amount calculated as
30 specified in paragraphs (a) and (b) and the wealth adjustment
31 amount calculated in this paragraph.

1 Section 11. Subsection (1) of section 1011.94, Florida
2 Statutes, is amended to read:

3 1011.94 Trust Fund for University Major Gifts.--

4 (1) There is established a Trust Fund for University
5 Major Gifts. The purpose of the trust fund is to enable each
6 university and New College to provide donors with an incentive
7 in the form of matching grants for donations for the
8 establishment of permanent endowments and sales tax exemption
9 matching funds received pursuant to s. 212.08(5)(j), which
10 must be invested, with the proceeds of the investment used to
11 support libraries and instruction and research programs, as
12 defined by the State Board of Education. All funds
13 appropriated for the challenge grants, new donors, major
14 gifts, sales tax exemption matching funds pursuant to s.
15 212.08(5)(j), or eminent scholars program may ~~must~~ be
16 deposited into the trust fund and invested pursuant to s.
17 17.61 until the State Board of Education allocates the funds
18 to universities to match private donations. Notwithstanding s.
19 216.301 and pursuant to s. 216.351, any undisbursed balance
20 remaining in the trust fund and interest income accruing to
21 the portion of the trust fund which is not matched and
22 distributed to universities must remain in the trust fund and
23 be used to increase the total funds available for challenge
24 grants. Funds deposited in the trust fund for the sales tax
25 exemption matching program authorized in s. 212.08(5)(j), and
26 interest earnings thereon, shall be maintained in a separate
27 account within the Trust Fund for University Major Gifts, and
28 may be used only to match qualified sales tax exemptions that
29 a certified business designates for use by state universities
30 and community colleges to support research and development
31 projects requested by the certified business. The State Board

1 of Education may authorize any university to encumber the
2 state matching portion of a challenge grant from funds
3 available under s. 1011.45.

4 Section 12. Subsections (1) and (3) of section
5 1013.79, Florida Statutes, are amended to read:

6 1013.79 University Facility Enhancement Challenge
7 Grant Program.--

8 (1) The Legislature recognizes that the universities
9 do not have sufficient physical facilities to meet the current
10 demands of their instructional and research programs. It
11 further recognizes that, to strengthen and enhance
12 universities, it is necessary to provide facilities in
13 addition to those currently available from existing revenue
14 sources. It further recognizes that there are sources of
15 private support that, if matched with state support, can
16 assist in constructing much-needed facilities and strengthen
17 the commitment of citizens and organizations in promoting
18 excellence throughout the state universities. Therefore, it is
19 the intent of the Legislature to establish a trust fund to
20 provide the opportunity for each university to receive support
21 for ~~and match~~ challenge grants for instructional and
22 research-related capital facilities within the university.

23 (3) There is established the Alec P. Courtelis Capital
24 Facilities Matching Trust Fund for the purpose of providing
25 matching funds from private contributions for the development
26 of high priority instructional and research-related capital
27 facilities, including common areas connecting such facilities,
28 within a university. The Legislature may ~~shall~~ appropriate
29 funds to be transferred to the trust fund. The Public
30 Education Capital Outlay and Debt Service Trust Fund, Capital
31 Improvement Trust Fund, Division of Sponsored Research Trust

1 Fund, and Contracts and Grants Trust Fund shall not be used as
2 the source of the state match for private contributions. All
3 appropriated funds deposited into the trust fund shall be
4 invested pursuant to the provisions of s. 17.61. Interest
5 income accruing to that portion of the trust fund shall
6 increase the total funds available for the challenge grant
7 program. Interest income accruing from the private donations
8 shall be returned to the participating foundation upon
9 completion of the project. The State Board of Education shall
10 administer the trust fund and all related construction
11 activities.

12 Section 13. Subsection (2) of section 1008.31 and
13 section 1012.231, Florida Statutes, are repealed.

14 Section 14. This act shall take effect July 1, 2005.
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