

HB 7091

2011

1                   A bill to be entitled  
2           An act relating to education law repeals; repealing s.  
3           1004.04(11) and (12), F.S., relating to the Preteacher and  
4           Teacher Education Pilot Programs and the Teacher Education  
5           Pilot Programs for High-Achieving Students; repealing s.  
6           1009.54, F.S., relating to the Critical Teacher Shortage  
7           Program; repealing s. 1009.57, F.S., relating to the  
8           Florida Teacher Scholarship and Forgivable Loan Program;  
9           repealing s. 1009.58, F.S., relating to the critical  
10          teacher shortage tuition reimbursement program; repealing  
11          s. 1009.59, F.S., relating to the Critical Teacher  
12          Shortage Student Loan Forgiveness Program; repealing s.  
13          1012.225, F.S., relating to the Merit Award Program for  
14          Instructional Personnel and School-Based Administrators;  
15          repealing s. 1012.2251, F.S., relating to the  
16          administration of end-of-course examinations for the Merit  
17          Award Program; repealing s. 447.403(2)(c), F.S., relating  
18          to the resolution of an impasse involving a dispute of a  
19          Merit Award Program plan, to conform; amending ss.  
20          1002.33, 1003.52, 1009.40, 1009.94, 1011.62, and 1012.07,  
21          F.S.; conforming provisions to changes made by the act;  
22          repealing s. 1012.33(3)(a), (b), and (c), F.S., relating  
23          to professional service contracts for instructional staff;  
24          providing effective dates.

25  
26   Be It Enacted by the Legislature of the State of Florida:  
27

28           Section 1. Subsections (11) and (12) of section 1004.04,  
 29 Florida Statutes, are repealed.

30           Section 2. Sections 1009.54, 1009.57, 1009.58, and  
 31 1009.59, Florida Statutes, are repealed.

32           Section 3. Sections 1012.225 and 1012.2251, Florida  
 33 Statutes, are repealed.

34           Section 4. Paragraph (c) of subsection (2) of section  
 35 447.403, Florida Statutes, is repealed.

36           Section 5. Paragraph (a) of subsection (20) of section  
 37 1002.33, Florida Statutes, is amended to read:

38           1002.33 Charter schools.—

39           (20) SERVICES.—

40           (a)1. A sponsor shall provide certain administrative and  
 41 educational services to charter schools. These services shall  
 42 include contract management services; full-time equivalent and  
 43 data reporting services; exceptional student education  
 44 administration services; services related to eligibility and  
 45 reporting duties required to ensure that school lunch services  
 46 under the federal lunch program, consistent with the needs of  
 47 the charter school, are provided by the school district at the  
 48 request of the charter school, that any funds due to the charter  
 49 school under the federal lunch program be paid to the charter  
 50 school as soon as the charter school begins serving food under  
 51 the federal lunch program, and that the charter school is paid  
 52 at the same time and in the same manner under the federal lunch  
 53 program as other public schools serviced by the sponsor or the  
 54 school district; test administration services, including payment  
 55 of the costs of state-required or district-required student

HB 7091

2011

56 assessments; processing of teacher certificate data services;  
57 and information services, including equal access to student  
58 information systems that are used by public schools in the  
59 district in which the charter school is located. Student  
60 performance data for each student in a charter school,  
61 including, but not limited to, FCAT scores, standardized test  
62 scores, previous public school student report cards, and student  
63 performance measures, shall be provided by the sponsor to a  
64 charter school in the same manner provided to other public  
65 schools in the district.

66 2. A total administrative fee for the provision of such  
67 services shall be calculated based upon up to 5 percent of the  
68 available funds defined in paragraph (17)(b) for all students.  
69 However, a sponsor may only withhold up to a 5-percent  
70 administrative fee for enrollment for up to and including 250  
71 students. For charter schools with a population of 251 or more  
72 students, the difference between the total administrative fee  
73 calculation and the amount of the administrative fee withheld  
74 may only be used for capital outlay purposes specified in s.  
75 1013.62(2).

76 3. In addition, a sponsor may withhold only up to a 5-  
77 percent administrative fee for enrollment for up to and  
78 including 500 students within a system of charter schools which  
79 meets all of the following:

- 80 a. Includes both conversion charter schools and
- 81 nonconversion charter schools;
- 82 b. Has all schools located in the same county;
- 83 c. Has a total enrollment exceeding the total enrollment

HB 7091

2011

84 of at least one school district in the state;

85 d. Has the same governing board; and

86 e. Does not contract with a for-profit service provider  
87 for management of school operations.

88 4. The difference between the total administrative fee  
89 calculation and the amount of the administrative fee withheld  
90 pursuant to subparagraph 3. may be used for instructional and  
91 administrative purposes as well as for capital outlay purposes  
92 specified in s. 1013.62(2).

93 5. ~~Each charter school shall receive 100 percent of the~~  
94 ~~funds awarded to that school pursuant to s. 1012.225.~~ Sponsors  
95 shall not charge charter schools any additional fees or  
96 surcharges for administrative and educational services in  
97 addition to the maximum 5-percent administrative fee withheld  
98 pursuant to this paragraph.

99 Section 6. Subsection (10) of section 1003.52, Florida  
100 Statutes, is amended to read:

101 1003.52 Educational services in Department of Juvenile  
102 Justice programs.—

103 (10) The district school board shall recruit and train  
104 teachers who are interested, qualified, or experienced in  
105 educating students in juvenile justice programs. Students in  
106 juvenile justice programs shall be provided a wide range of  
107 educational programs and opportunities including textbooks,  
108 technology, instructional support, and other resources available  
109 to students in public schools. Teachers assigned to educational  
110 programs in juvenile justice settings in which the district  
111 school board operates the educational program shall be selected

112 by the district school board in consultation with the director  
 113 of the juvenile justice facility. Educational programs in  
 114 juvenile justice facilities shall have access to the substitute  
 115 teacher pool utilized by the district school board. ~~Full-time~~  
 116 ~~teachers working in juvenile justice schools, whether employed~~  
 117 ~~by a district school board or a provider, shall be eligible for~~  
 118 ~~the critical teacher shortage tuition reimbursement program as~~  
 119 ~~defined by s. 1009.58 and other teacher recruitment and~~  
 120 ~~retention programs.~~

121 Section 7. Paragraph (a) of subsection (1) of section  
 122 1009.40, Florida Statutes, is amended to read:

123 1009.40 General requirements for student eligibility for  
 124 state financial aid awards and tuition assistance grants.-

125 (1) (a) The general requirements for eligibility of  
 126 students for state financial aid awards and tuition assistance  
 127 grants consist of the following:

128 1. Achievement of the academic requirements of and  
 129 acceptance at a state university or community college; a nursing  
 130 diploma school approved by the Florida Board of Nursing; a  
 131 Florida college, university, or community college which is  
 132 accredited by an accrediting agency recognized by the State  
 133 Board of Education; any Florida institution the credits of which  
 134 are acceptable for transfer to state universities; any career  
 135 center; or any private career institution accredited by an  
 136 accrediting agency recognized by the State Board of Education.

137 2. Residency in this state for no less than 1 year  
 138 preceding the award of aid or a tuition assistance grant for a  
 139 program established pursuant to s. 1009.50, s. 1009.505, s.

HB 7091

2011

140 1009.51, s. 1009.52, s. 1009.53, ~~s. 1009.54~~, s. 1009.56, ~~s.~~  
141 ~~1009.57~~, s. 1009.60, s. 1009.62, s. 1009.68, s. 1009.72, s.  
142 1009.73, s. 1009.77, s. 1009.89, or s. 1009.891. Residency in  
143 this state must be for purposes other than to obtain an  
144 education. Resident status for purposes of receiving state  
145 financial aid awards shall be determined in the same manner as  
146 resident status for tuition purposes pursuant to s. 1009.21.

147 3. Submission of certification attesting to the accuracy,  
148 completeness, and correctness of information provided to  
149 demonstrate a student's eligibility to receive state financial  
150 aid awards or tuition assistance grants. Falsification of such  
151 information shall result in the denial of any pending  
152 application and revocation of any award or grant currently held  
153 to the extent that no further payments shall be made.  
154 Additionally, students who knowingly make false statements in  
155 order to receive state financial aid awards or tuition  
156 assistance grants commit a misdemeanor of the second degree  
157 subject to the provisions of s. 837.06 and shall be required to  
158 return all state financial aid awards or tuition assistance  
159 grants wrongfully obtained.

160 Section 8. Paragraph (c) of subsection (2) of section  
161 1009.94, Florida Statutes, is amended to read:

162 1009.94 Student financial assistance database.—

163 (2) For purposes of this section, financial assistance  
164 includes:

165 (c) Any financial assistance provided under s. 1009.50, s.  
166 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, ~~s. 1009.54~~, s.  
167 1009.55, s. 1009.56, ~~s. 1009.57~~, s. 1009.60, s. 1009.62, s.

HB 7091

2011

168 1009.68, s. 1009.70, s. 1009.701, s. 1009.72, s. 1009.73, s.  
 169 1009.74, s. 1009.77, s. 1009.89, or s. 1009.891.

170 Section 9. Paragraph (d) of subsection (7) of section  
 171 1011.62, Florida Statutes, is amended to read:

172 1011.62 Funds for operation of schools.—If the annual  
 173 allocation from the Florida Education Finance Program to each  
 174 district for operation of schools is not determined in the  
 175 annual appropriations act or the substantive bill implementing  
 176 the annual appropriations act, it shall be determined as  
 177 follows:

178 (7) DETERMINATION OF SPARSITY SUPPLEMENT.—

179 (d) Each district's allocation of sparsity supplement  
 180 funds shall be adjusted in the following manner:

181 1. A maximum discretionary levy per FTE value for each  
 182 district shall be calculated by dividing the value of each  
 183 district's maximum discretionary levy by its FTE student count.

184 2. A state average discretionary levy value per FTE shall  
 185 be calculated by dividing the total maximum discretionary levy  
 186 value for all districts by the state total FTE student count.

187 3. A total potential funds per FTE for each district shall  
 188 be calculated by dividing the total potential funds, not  
 189 including Florida School Recognition Program funds, ~~Merit Award~~  
 190 ~~Program funds,~~ and the minimum guarantee funds, for each  
 191 district by its FTE student count.

192 4. A state average total potential funds per FTE shall be  
 193 calculated by dividing the total potential funds, not including  
 194 Florida School Recognition Program funds, ~~Merit Award Program~~  
 195 ~~funds,~~ and the minimum guarantee funds, for all districts by the

196 state total FTE student count.

197 5. For districts that have a levy value per FTE as  
 198 calculated in subparagraph 1. higher than the state average  
 199 calculated in subparagraph 2., a sparsity wealth adjustment  
 200 shall be calculated as the product of the difference between the  
 201 state average levy value per FTE calculated in subparagraph 2.  
 202 and the district's levy value per FTE calculated in subparagraph  
 203 1. and the district's FTE student count and -1. However, no  
 204 district shall have a sparsity wealth adjustment that, when  
 205 applied to the total potential funds calculated in subparagraph  
 206 3., would cause the district's total potential funds per FTE to  
 207 be less than the state average calculated in subparagraph 4.

208 6. Each district's sparsity supplement allocation shall be  
 209 calculated by adding the amount calculated as specified in  
 210 paragraphs (a) and (b) and the wealth adjustment amount  
 211 calculated in this paragraph.

212 Section 10. Section 1012.07, Florida Statutes, is amended  
 213 to read:

214 1012.07 Identification of critical teacher shortage  
 215 areas.—

216 ~~(1) As used in ss. 1009.57, 1009.58, and 1009.59,~~ The term  
 217 "critical teacher shortage area" applies to mathematics,  
 218 science, career education, and high priority location areas. The  
 219 State Board of Education may identify career education programs  
 220 having critical teacher shortages. The State Board of Education  
 221 shall adopt rules pursuant to ss. 120.536(1) and 120.54  
 222 necessary to annually identify other critical teacher shortage  
 223 areas and high priority location areas. The state board shall



HB 7091

2011

224 also consider teacher characteristics such as ethnic background,  
225 race, and sex in determining critical teacher shortage areas.  
226 School grade levels may also be designated critical teacher  
227 shortage areas. Individual district school boards may identify  
228 other critical teacher shortage areas. Such shortages must be  
229 certified to and approved by the State Board of Education. High  
230 priority location areas shall be in high-density, low-economic  
231 urban schools and low-density, low-economic rural schools and  
232 shall include schools which meet criteria which include, but are  
233 not limited to, the percentage of free lunches, the percentage  
234 of students under Chapter I of the Education Consolidation and  
235 Improvement Act of 1981, and the faculty attrition rate.

236 ~~(2) This section shall be implemented only to the extent~~  
237 ~~as specifically funded and authorized by law.~~

238 Section 11. Effective July 1, 2011, paragraphs (a), (b),  
239 and (c) of subsection (3) of section 1012.33, Florida Statutes,  
240 are repealed.

241 Section 12. Except as otherwise expressly provided in this  
242 act, this act shall take effect upon becoming a law.