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LEGISLATIVE ACTION

Senate

House

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03/09/2012 06:28 PM

Senator Simmons moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (24) and (25) of section 1001.42,
Florida Statutes, are amended, and a new subsection (25) is
added to that section, to read:

1001.42 Powers and duties of district school board.—The
district school board, acting as a board, shall exercise all
powers and perform all duties listed below:

(24) EMPLOYMENT CONTRACTS.—If a school district enters into
a contract or employment agreement, or renewal or renegotiation
of an existing contract or employment agreement, with an



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14 officer, agent, employee, or contractor which contains a
15 provision for severance pay, the contract or employment
16 agreement must include the provisions of s. 215.425. A district
17 school board may not enter into an employment contract that
18 requires the district to pay from state funds an employee an
19 amount in excess of 1 year of the employee's annual salary for
20 termination, buyout, or any other type of contract settlement.
21 This subsection does not prohibit the payment of earned leave
22 and benefits in accordance with the district's leave and
23 benefits policies which were accrued by the employee before the
24 contract terminates.

25 (25) INTERLOCAL AGREEMENTS.—Each district school board
26 shall enter into an interlocal agreement as provided in s.
27 163.01 for the purpose of establishing the School District
28 Consortium and maximizing the purchasing power for goods and
29 services. A consortium may be statewide or regional, as
30 appropriate to achieve the lowest cost.

31 (26) (25) ADOPT RULES.—Adopt rules pursuant to ss.
32 120.536(1) and 120.54 to implement this section.

33 Section 2. Subsection (2) of section 1001.50, Florida
34 Statutes, is amended to read:

35 1001.50 Superintendents employed under Art. IX of the State
36 Constitution.—

37 (2) Each ~~The~~ district school board ~~of each of such~~
38 ~~districts~~ shall enter into an employment contract ~~contracts of~~
39 ~~employment~~ with the district school superintendent and shall
40 adopt rules relating to his or her appointment; however, if the
41 employment contract contains a provision for severance pay, it
42 must include the provisions required by s. 215.425. ~~the district~~



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43 ~~school board may not enter into an employment contract that~~
44 ~~requires the district to pay from state funds a superintendent~~
45 ~~an amount in excess of 1 year of the superintendent's annual~~
46 ~~salary for termination, buyout, or any other type of contract~~
47 ~~settlement. This subsection does not prohibit the payment of~~
48 ~~earned leave and benefits in accordance with the district's~~
49 ~~leave and benefits policies which were accrued by the~~
50 ~~superintendent before the contract terminates.~~

51 Section 3. Paragraph (a) of subsection (20) of section
52 1002.33, Florida Statutes, is amended to read:

53 1002.33 Charter schools.—

54 (20) SERVICES.—

55 (a)1. A sponsor shall provide certain administrative and
56 educational services to charter schools. These services shall
57 include contract management services; full-time equivalent and
58 data reporting services; exceptional student education
59 administration services; services related to eligibility and
60 reporting duties required to ensure that school lunch services
61 under the federal lunch program, consistent with the needs of
62 the charter school, are provided by the school district at the
63 request of the charter school, that any funds due to the charter
64 school under the federal lunch program be paid to the charter
65 school as soon as the charter school begins serving food under
66 the federal lunch program, and that the charter school is paid
67 at the same time and in the same manner under the federal lunch
68 program as other public schools serviced by the sponsor or the
69 school district; test administration services, including payment
70 of the costs of state-required or district-required student
71 assessments; processing of teacher certificate data services;



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72 and information services, including equal access to student
73 information systems that are used by public schools in the
74 district in which the charter school is located. Student
75 performance data for each student in a charter school,
76 including, but not limited to, FCAT scores, standardized test
77 scores, previous public school student report cards, and student
78 performance measures, shall be provided by the sponsor to a
79 charter school in the same manner provided to other public
80 schools in the district.

81 2. A total administrative fee for the provision of such
82 services shall be calculated based upon up to 5 percent of the
83 available funds defined in paragraph (17)(b) for all students,
84 except that when 75 percent or more of the students enrolled in
85 the charter school are exceptional students as defined in s.
86 1003.01(3), the 5 percent of those available funds shall be
87 calculated based on unweighted full-time equivalent students.

88 However, a sponsor may only withhold up to a 5-percent
89 administrative fee for enrollment for up to and including 250
90 students. For charter schools with a population of 251 or more
91 students, the difference between the total administrative fee
92 calculation and the amount of the administrative fee withheld
93 may only be used for capital outlay purposes specified in s.
94 1013.62(2).

95 3. For high-performing charter schools, as defined in ch.
96 2011-232, a sponsor may withhold a total administrative fee of
97 up to 2 percent for enrollment up to and including 250 students
98 per school.

99 4. In addition, a sponsor may withhold only up to a 5-
100 percent administrative fee for enrollment for up to and



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101 including 500 students within a system of charter schools which
102 meets all of the following:

- 103 a. Includes both conversion charter schools and
- 104 nonconversion charter schools;
- 105 b. Has all schools located in the same county;
- 106 c. Has a total enrollment exceeding the total enrollment of
- 107 at least one school district in the state;
- 108 d. Has the same governing board; and
- 109 e. Does not contract with a for-profit service provider for
- 110 management of school operations.

111 5. The difference between the total administrative fee
112 calculation and the amount of the administrative fee withheld
113 pursuant to subparagraph 4. may be used for instructional and
114 administrative purposes as well as for capital outlay purposes
115 specified in s. 1013.62(2).

116 6. For a high-performing charter school system that also
117 meets the requirements in subparagraph 4., a sponsor may
118 withhold a 2-percent administrative fee for enrollments up to
119 and including 500 students per system.

120 7. Sponsors shall not charge charter schools any additional
121 fees or surcharges for administrative and educational services
122 in addition to the maximum 5-percent administrative fee withheld
123 pursuant to this paragraph.

124 8. The sponsor of a virtual charter school may withhold a
125 fee of up to 5 percent. The funds shall be used to cover the
126 cost of services provided under subparagraph 1. and for the
127 school district's local instructional improvement system
128 pursuant to s. 1006.281 or other technological tools that are
129 required to access electronic and digital instructional



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130 materials.

131 Section 4. Paragraph (a) of subsection (4) of section
132 1003.03, Florida Statutes, is amended to read:

133 1003.03 Maximum class size.—

134 (4) ACCOUNTABILITY.—

135 (a) If the department determines that the number of
136 students assigned to any individual class exceeds the class size
137 maximum, as required in subsection (1), based upon the October
138 student membership survey, the department shall:

139 1. Identify, for each grade group, the number of classes in
140 which the number of students exceeds the maximum and the total
141 number of students which exceeds the maximum for all classes.

142 2. Determine the number of FTE students which exceeds the
143 maximum for each grade group.

144 3. Multiply the total number of FTE students which exceeds
145 the maximum for each grade group by the district's FTE dollar
146 amount of the class size categorical allocation for that year
147 and calculate the total for all three grade groups.

148 4. Multiply the total number of FTE students which exceeds
149 the maximum for all classes by an amount equal to 50 percent of
150 the base student allocation adjusted by the district cost
151 differential for the 2010-2011 fiscal year through the 2013-2014
152 fiscal year and by an amount equal to the base student
153 allocation adjusted by the district cost differential beginning
154 in the 2014-2015 ~~2011-2012~~ fiscal year and thereafter.

155 5. Reduce the district's class size categorical allocation
156 by an amount equal to the sum of the calculations in
157 subparagraphs 3. and 4.

158 Section 5. Subsection (12) of section 1003.52, Florida



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159 Statutes, is amended to read:

160 1003.52 Educational services in Department of Juvenile
161 Justice programs.—

162 (12)(a) Funding for eligible students enrolled in juvenile
163 justice education programs shall be provided through the Florida
164 Education Finance Program as provided in s. 1011.62 and the
165 General Appropriations Act. Funding shall include, at a minimum:

166 1. Weighted program funding or the basic amount for current
167 operation multiplied by the district cost differential as
168 provided in s. 1011.62(1)(r) and (2);

169 2. The supplemental allocation for juvenile justice
170 education as provided in s. 1011.62(10);

171 3. A proportionate share of the district's exceptional
172 student education guaranteed allocation, the supplemental
173 academic instruction allocation, and the instructional materials
174 allocation;

175 4. An amount equivalent to the proportionate share of the
176 state average potential discretionary local effort for
177 operations, which shall be determined as follows:

178 a. If the district levies the maximum discretionary local
179 effort and the district's discretionary local effort per FTE is
180 less than the state average potential discretionary local effort
181 per FTE, the proportionate share shall include both the
182 discretionary local effort and the compression supplement per
183 FTE. If the district's discretionary local effort per FTE is
184 greater than the state average per FTE, the proportionate share
185 shall be equal to the state average; or

186 b. If the district does not levy the maximum discretionary
187 local effort and the district's actual discretionary local



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188 effort per FTE is less than the state average potential
189 discretionary local effort per FTE, the proportionate share
190 shall be equal to the district's actual discretionary local
191 effort per FTE. If the district's actual discretionary local
192 effort per FTE is greater than the state average per FTE, the
193 proportionate share shall be equal to the state average
194 potential local effort per FTE; and

195 5. A proportionate share of the district's proration to
196 funds available, if necessary. The district school board shall
197 fund the educational program in a Department of Juvenile Justice
198 facility at the same or higher level of funding for equivalent
199 students in the district school system based on the funds
200 generated by state funding through the Florida Education Finance
201 Program for such students. It is the intent of the Legislature
202 that the school district maximize its available local, state,
203 and federal funding to a juvenile justice program.

204 (a) Juvenile justice educational programs shall be funded
205 in the appropriate FEFP program based on the educational
206 services needed by the student for Department of Juvenile
207 Justice programs in accordance with s. 1011.62.

208 (b) Juvenile justice educational programs to receive the
209 appropriate FEFP funding for Department of Juvenile Justice
210 programs shall include those operated through a contract with
211 the Department of Juvenile Justice and which are under purview
212 of the Department of Juvenile Justice quality assurance
213 standards for education.

214 (c) Consistent with the rules of the State Board of
215 Education, district school boards are required to request an
216 alternative FTE survey for Department of Juvenile Justice



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217 programs experiencing fluctuations in student enrollment.

218 (d) FTE count periods shall be prescribed in rules of the
219 State Board of Education and shall be the same for programs of
220 the Department of Juvenile Justice as for other public school
221 programs. The summer school period for students in Department of
222 Juvenile Justice programs shall begin on the day immediately
223 following the end of the regular school year and end on the day
224 immediately preceding the subsequent regular school year.
225 Students shall be funded for no more than 25 hours per week of
226 direct instruction.

227 (e) Each juvenile justice education program must receive
228 all federal funds for which the program is eligible.

229 Section 6. Subsection (2) of section 1006.40, Florida
230 Statutes, is amended to read:

231 1006.40 Use of instructional materials allocation;
232 instructional materials, library books, and reference books;
233 repair of books.—

234 (2) Each district school board must purchase current
235 instructional materials to provide each student with a major
236 tool of instruction in core courses of the subject areas of
237 mathematics, language arts, science, social studies, reading,
238 and literature for kindergarten through grade 12. Such purchase
239 must be made within the first 2 years after the effective date
240 of the adoption cycle; however, upon request of a school
241 district, the Commissioner of Education may provide a waiver of
242 the 2-year requirement if the school district demonstrates that
243 the content of the instructional materials is provided by
244 alternative means.

245 Section 7. Paragraph (c) of subsection (1) and subsection



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246 (4) of section 1011.61, Florida Statutes, are amended to read:

247 1011.61 Definitions.—Notwithstanding the provisions of s.
248 1000.21, the following terms are defined as follows for the
249 purposes of the Florida Education Finance Program:

250 (1) A “full-time equivalent student” in each program of the
251 district is defined in terms of full-time students and part-time
252 students as follows:

253 (c)1. A “full-time equivalent student” is:

254 a. A full-time student in any one of the programs listed in
255 s. 1011.62(1)(c); or

256 b. A combination of full-time or part-time students in any
257 one of the programs listed in s. 1011.62(1)(c) which is the
258 equivalent of one full-time student based on the following
259 calculations:

260 (I) A full-time student in a combination of programs listed
261 in s. 1011.62(1)(c) shall be a fraction of a full-time
262 equivalent membership in each ~~special~~ program equal to the
263 number of net hours per school year for which he or she is a
264 member, divided by the appropriate number of hours set forth in
265 subparagraph (a)1. or subparagraph (a)2. The sum of the
266 fractions for each program may not exceed the maximum value set
267 forth in subsection (4). ~~The difference between that fraction or~~
268 ~~sum of fractions and the maximum value as set forth in~~
269 ~~subsection (4) for each full-time student is presumed to be the~~
270 ~~balance of the student’s time not spent in such special~~
271 ~~education programs and shall be recorded as time in the~~
272 ~~appropriate basic program.~~

273 (II) A prekindergarten handicapped student shall meet the
274 requirements specified for kindergarten students.



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275 (III) A full-time equivalent student for students in
276 kindergarten through grade 5 in a virtual instruction program
277 under s. 1002.45 or a virtual charter school under s. 1002.33
278 shall consist of a student who has successfully completed a
279 basic program listed in s. 1011.62(1)(c)1.a. or b., and who is
280 promoted to a higher grade level.

281 (IV) A full-time equivalent student for students in grades
282 6 through 12 in a virtual instruction program under s.
283 1002.45(1)(b)1., 2., or 3. or a virtual charter school under s.
284 1002.33 shall consist of six full credit completions in programs
285 listed in s. 1011.62(1)(c)1.b. or c. and 3. Credit completions
286 may be a combination of full-credit courses or half-credit
287 courses. Beginning in the 2014-2015 fiscal year, when s.
288 1008.22(3)(g) is implemented, the reported full-time equivalent
289 students and associated funding of students enrolled in courses
290 requiring passage of an end-of-course assessment shall be
291 adjusted after the student completes the end-of-course
292 assessment.

293 (V) A Florida Virtual School full-time equivalent student
294 shall consist of six full credit completions or the prescribed
295 level of content that counts toward promotion to the next grade
296 in the programs listed in s. 1011.62(1)(c)1.a. and b. for
297 kindergarten through grade 8 and the programs listed in s.
298 1011.62(1)(c)1.c. for grades 9 through 12. Credit completions
299 may be a combination of full-credit courses or half-credit
300 courses. Beginning in the 2014-2015 fiscal year, when s.
301 1008.22(3)(g) is implemented, the reported full-time equivalent
302 students and associated funding of students enrolled in courses
303 requiring passage of an end-of-course assessment shall be



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304 adjusted after the student completes the end-of-course
305 assessment.

306 (VI) Each successfully completed full-credit course earned
307 through an online course delivered by a district other than the
308 one in which the student resides shall be calculated as 1/6 FTE.

309 (VII) Each successfully completed credit earned under the
310 alternative high school course credit requirements authorized in
311 s. 1002.375, which is not reported as a portion of the 900 net
312 hours of instruction pursuant to subparagraph (1)(a)1., shall be
313 calculated as 1/6 FTE.

314 2. A student in membership in a program scheduled for more
315 or less than 180 school days or the equivalent on an hourly
316 basis as specified by rules of the State Board of Education is a
317 fraction of a full-time equivalent membership equal to the
318 number of instructional hours in membership divided by the
319 appropriate number of hours set forth in subparagraph (a)1.;
320 however, for the purposes of this subparagraph, membership in
321 programs scheduled for more than 180 days is limited to students
322 enrolled in juvenile justice education programs and the Florida
323 Virtual School.

324
325 The department shall determine and implement an equitable method
326 of equivalent funding for experimental schools and for schools
327 operating under emergency conditions, which schools have been
328 approved by the department to operate for less than the minimum
329 school day.

330 (4) The maximum value for funding a student in kindergarten
331 through grade 12 or in a prekindergarten program for exceptional
332 children as provided in s. 1003.21(1)(e), ~~except for a student~~



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333 ~~as set forth in sub-sub-subparagraph (1)(c)1.b.(I),~~ is one full-
334 time equivalent student membership for a school year or
335 equivalent.

336 Section 8. Paragraph (f) of subsection (1), paragraph (b)
337 of subsection (6), subsection (9), and paragraph (b) of
338 subsection (13) of section 1011.62, Florida Statutes, are
339 amended to read:

340 1011.62 Funds for operation of schools.—If the annual
341 allocation from the Florida Education Finance Program to each
342 district for operation of schools is not determined in the
343 annual appropriations act or the substantive bill implementing
344 the annual appropriations act, it shall be determined as
345 follows:

346 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
347 OPERATION.—The following procedure shall be followed in
348 determining the annual allocation to each district for
349 operation:

350 (f) *Supplemental academic instruction; categorical fund.*—

351 1. There is created a categorical fund to provide
352 supplemental academic instruction to students in kindergarten
353 through grade 12. This paragraph may be cited as the
354 “Supplemental Academic Instruction Categorical Fund.”

355 2. Categorical funds for supplemental academic instruction
356 shall be allocated annually to each school district in the
357 amount provided in the General Appropriations Act. These funds
358 shall be in addition to the funds appropriated on the basis of
359 FTE student membership in the Florida Education Finance Program
360 and shall be included in the total potential funds of each
361 district. These funds shall be used to provide supplemental



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362 academic instruction to students enrolled in the K-12 program.
363 For the 2012-2013 and 2013-2014 fiscal years, each school
364 district that has elementary schools designated as having a
365 grade of "D" or "F" or elementary schools that are on the
366 Persistently Low Achieving list shall use these funds, together
367 with the funds provided in the school district's research-based
368 reading instruction allocation and other available funds, to
369 provide an additional hour of instruction beyond the normal
370 school day for each day of the entire school year for the
371 purpose of providing intensive reading instruction for the
372 students in such elementary schools. After this requirement has
373 been met, supplemental instruction strategies may include, but
374 are not limited to: modified curriculum, reading instruction,
375 after-school instruction, tutoring, mentoring, class size
376 reduction, extended school year, intensive skills development in
377 summer school, and other methods for improving student
378 achievement. Supplemental instruction may be provided to a
379 student in any manner and at any time during or beyond the
380 regular 180-day term identified by the school as being the most
381 effective and efficient way to best help that student progress
382 from grade to grade and to graduate.

383 3. Effective with the 1999-2000 fiscal year, funding on the
384 basis of FTE membership beyond the 180-day regular term shall be
385 provided in the FEFP only for students enrolled in juvenile
386 justice education programs or in education programs for
387 juveniles placed in secure facilities or programs under s.
388 985.19. Funding for instruction beyond the regular 180-day
389 school year for all other K-12 students shall be provided
390 through the supplemental academic instruction categorical fund



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391 and other state, federal, and local fund sources with ample
392 flexibility for schools to provide supplemental instruction to
393 assist students in progressing from grade to grade and
394 graduating.

395 4. The Florida State University School, as a lab school, is
396 authorized to expend from its FEFP or Lottery Enhancement Trust
397 Fund allocation the cost to the student of remediation in
398 reading, writing, or mathematics for any graduate who requires
399 remediation at a postsecondary educational institution.

400 5. Beginning in the 1999-2000 school year, dropout
401 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),
402 (b), and (c), and 1003.54 shall be included in group 1 programs
403 under subparagraph (d)3.

404 (6) CATEGORICAL FUNDS.—

405 (b) If a district school board finds and declares in a
406 resolution adopted at a regular meeting of the school board that
407 the funds received for any of the following categorical
408 appropriations are urgently needed to maintain school board
409 specified academic classroom instruction, the school board may
410 consider and approve an amendment to the school district
411 operating budget transferring the identified amount of the
412 categorical funds to the appropriate account for expenditure:

413 1. Funds for student transportation.

414 2. Funds for safe schools.

415 3. Funds for supplemental academic instruction if the
416 required additional hour of instruction beyond the normal school
417 day for each day of the entire school year has been provided for
418 elementary schools designated as having a grade of "D" or "F" or
419 elementary schools that are on the Persistently Low Achieving



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420 list pursuant to paragraph (1) (f).

421 4. Funds for research-based reading instruction if the
422 required additional hour of instruction beyond the normal school
423 day for each day of the entire school year has been provided for
424 the lowest-performing students pursuant to paragraph (9) (a).

425 5. Funds for instructional materials if all instructional
426 material purchases necessary to provide updated materials
427 aligned to Next Generation Sunshine State Standards and
428 benchmarks and that meet statutory requirements of content and
429 learning have been completed for that fiscal year, but no sooner
430 than March 1. Funds available after March 1 may be used to
431 purchase hardware for student instruction.

432 (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

433 (a) The research-based reading instruction allocation is
434 created to provide comprehensive reading instruction to students
435 in kindergarten through grade 12. For the 2012-2013 and 2013-
436 2014 fiscal years, priority shall be given to providing an
437 additional hour per day of intensive reading instruction beyond
438 the normal school day for each day of the entire school year to
439 each school district's lowest-performing students. The intensive
440 reading instruction delivered in this additional hour shall
441 include: research-based reading instruction that has been proven
442 to accelerate progress of students exhibiting a reading
443 deficiency; differentiated instruction based on student
444 assessment data to meet students' specific reading needs;
445 explicit and systematic reading development in phonemic
446 awareness, phonics, fluency, vocabulary, and comprehension, with
447 more extensive opportunities for guided practice, error
448 correction, and feedback; and the integration of social studies,



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449 science, and mathematics-text reading, text discussion, and
450 writing in response to reading. For the 2012-2013 and 2013-2014
451 fiscal years, a school district may not hire more reading
452 coaches than were hired during the 2011-2012 fiscal year unless
453 all students in kindergarten through grade 5 who demonstrate a
454 reading deficiency, as determined by district and state
455 assessments, including students scoring Level 1 or Level 2 on
456 FCAT Reading, are provided an additional hour per day of
457 intensive reading instruction beyond the normal school day for
458 each day of the entire school year.

459 (b) Funds for comprehensive, research-based reading
460 instruction shall be allocated annually to each school district
461 in the amount provided in the General Appropriations Act. Each
462 eligible school district shall receive the same minimum amount
463 as specified in the General Appropriations Act, and any
464 remaining funds shall be distributed to eligible school
465 districts based on each school district's proportionate share of
466 K-12 base funding.

467 (c) Funds allocated under this subsection must be used to
468 provide a system of comprehensive reading instruction to
469 students enrolled in the K-12 programs, which may include the
470 following:

471 1. The provision of effective or highly effective reading
472 teachers to provide an additional hour per day of intensive
473 reading instruction to the lowest-performing elementary school
474 students.

475 2. Kindergarten through grade 5 reading intervention
476 teachers to provide intensive intervention during the school day
477 and in the required extra hour for students identified as having



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478 a reading deficiency.

479 ~~3.1.~~ The provision of highly qualified reading coaches to
480 specifically support teachers in making instructional decisions
481 based on student data, and improve teacher delivery of effective
482 reading instruction, intervention, and reading in the content
483 areas based on student need.

484 ~~4.2.~~ Professional development for school district teachers
485 in scientifically based reading instruction, including
486 strategies to teach reading in content areas and with an
487 emphasis on technical and informational text.

488 ~~5.3.~~ The provision of summer reading camps for all students
489 in kindergarten through grade 2 who demonstrate a reading
490 deficiency as determined by district and state assessments, and
491 students in grades 3 through 5 who score at Level 1 on FCAT
492 Reading.

493 ~~6.4.~~ The provision of supplemental instructional materials
494 that are grounded in scientifically based reading research.

495 ~~7.5.~~ The provision of intensive interventions for ~~middle~~
496 ~~and high school~~ students in kindergarten through grade 12 who
497 have been identified as having a reading deficiency or who are
498 reading below grade level as determined by the FCAT.

499 (d) Annually, by a date determined by the Department of
500 Education but before May 1, school districts shall submit a K-12
501 comprehensive reading plan for the specific use of the research-
502 based reading instruction allocation in the format prescribed by
503 the department for review and approval by the Just Read,
504 Florida! Office created pursuant to s. 1001.215. The plan
505 annually submitted by school districts shall be deemed approved
506 unless the department rejects the plan on or before June 1. If a



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507 school district and the Just Read, Florida! Office cannot reach
508 agreement on the contents of the plan, the school district may
509 appeal to the State Board of Education for resolution. School
510 districts shall be allowed reasonable flexibility in designing
511 their plans and shall be encouraged to offer reading
512 intervention ~~remediation~~ through innovative methods, including
513 career academies. The plan format shall be developed with input
514 from school district personnel, including teachers and
515 principals, and shall allow courses in core, career, and
516 alternative programs that deliver intensive reading remediation
517 through integrated curricula, provided that the teacher is
518 deemed highly qualified to teach reading or working toward that
519 status. No later than July 1 annually, the department shall
520 release the school district's allocation of appropriated funds
521 to those districts having approved plans. A school district that
522 spends 100 percent of this allocation on its approved plan shall
523 be deemed to have been in compliance with the plan. The
524 department may withhold funds upon a determination that reading
525 instruction allocation funds are not being used to implement the
526 approved plan. The department shall monitor and track the
527 implementation of each district plan, including conducting site
528 visits and collecting specific data on expenditures and reading
529 improvement results. By February 1 of each year, the department
530 shall report its findings to the Legislature.

531 (13) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR
532 CURRENT OPERATION.—The total annual state allocation to each
533 district for current operation for the FEFP shall be distributed
534 periodically in the manner prescribed in the General
535 Appropriations Act.



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536 (b) The amount thus obtained shall be the net annual
537 allocation to each school district. However, if it is determined
538 that any school district received an underallocation or
539 overallocation for any prior year because of an arithmetical
540 error, assessment roll change required by final judicial
541 decision, full-time equivalent student membership error, or any
542 allocation error revealed in an audit report, the allocation to
543 that district shall be appropriately adjusted. Beginning with
544 audits for the 2001-2002 fiscal year, if the adjustment is the
545 result of an audit finding in which group 2 FTE are reclassified
546 to the basic program and the district weighted FTE are over the
547 weighted enrollment ceiling for group 2 programs, the adjustment
548 shall not result in a gain of state funds to the district.
549 Beginning with the 2011-2012 fiscal year, if a special program
550 cost factor is less than the basic program cost factor, an audit
551 adjustment may not result in the reclassification of the special
552 program FTE to the basic program FTE. If the Department of
553 Education audit adjustment recommendation is based upon
554 controverted findings of fact, the Commissioner of Education is
555 authorized to establish the amount of the adjustment based on
556 the best interests of the state.

557 Section 9. Paragraph (e) of subsection (2) of section
558 1011.71, Florida Statutes, is amended to read:

559 1011.71 District school tax.—

560 (2) In addition to the maximum millage levy as provided in
561 subsection (1), each school board may levy not more than 1.5
562 mills against the taxable value for school purposes for district
563 schools, including charter schools at the discretion of the
564 school board, to fund:



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565 (e) Payments for educational facilities and sites due under
566 a lease-purchase agreement entered into by a district school
567 board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
568 exceeding, in the aggregate, an amount equal to three-fourths of
569 the proceeds from the millage levied by a district school board
570 pursuant to this subsection. ~~For the 2009-2010 fiscal year,~~ The
571 three-fourths limit is waived for lease-purchase agreements
572 entered into before June 30, 2009, by a district school board
573 pursuant to this paragraph.

574 Section 10. Paragraph (a) of subsection (10) of section
575 1013.03, Florida Statutes, is amended to read:

576 1013.03 Functions of the department and the Board of
577 Governors.—The functions of the Department of Education as it
578 pertains to educational facilities of school districts and
579 Florida College System institutions and of the Board of
580 Governors as it pertains to educational facilities of state
581 universities shall include, but not be limited to, the
582 following:

583 (10) (a) Review and validate surveys proposed or amended by
584 the boards and recommend to the Commissioner of Education, or
585 the Chancellor of the State University System, as appropriate,
586 for approval, surveys that meet the requirements of this
587 chapter.

588 1. The term "validate" as applied to surveys by school
589 districts means to review inventory data as submitted to the
590 department by district school boards; provide for review and
591 inspection, where required, of student stations and aggregate
592 square feet of inventory changed from satisfactory to
593 unsatisfactory or changed from unsatisfactory to satisfactory;



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594 compare new school inventory to allocation limits provided by
595 this chapter; review cost projections for conformity with cost
596 limits set by s. 1013.64(6); compare total capital outlay full-
597 time equivalent enrollment projections in the survey with the
598 department's projections; review facilities lists to verify that
599 student station and auxiliary facility space allocations do not
600 exceed the limits provided by this chapter and related rules;
601 review and confirm the application of uniform facility
602 utilization factors, where provided by this chapter or related
603 rules; utilize the documentation of programs offered per site,
604 as submitted by the board, to analyze facility needs; confirm
605 that need projections for career and adult educational programs
606 comply with needs documented by the Department of Education; and
607 confirm the assignment of full-time student stations to all
608 space except auxiliary facilities, which, for purposes of
609 exemption from student station assignment, include the
610 following:

- 611 a. Cafeterias.
- 612 b. Multipurpose dining areas.
- 613 c. Media centers.
- 614 d. Auditoriums.
- 615 e. Administration.
- 616 f. Elementary, middle, and high school resource rooms, up
617 to the number of such rooms recommended for the applicable
618 occupant and space design capacity of the educational plant in
619 the State Requirements for Educational Facilities, beyond which
620 student stations must be assigned.
- 621 g. Elementary school skills labs, up to the number of such
622 rooms recommended for the applicable occupant and space design



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623 capacity of the educational plant in the State Requirements for
624 Educational Facilities, beyond which student stations must be
625 assigned.

626 h. Elementary school art and music rooms.

627

628 The Commissioner of Education may grant a waiver from the
629 requirements of this subparagraph if a district school board
630 determines that such waiver will make possible a substantial
631 savings of funds or will be advantageous to the welfare of the
632 educational system. The district school board shall present a
633 full statement to the commissioner which sets forth the facts
634 that warrant the waiver. If the commissioner denies a request
635 for a waiver, the district school board may appeal such decision
636 to the State Board of Education.

637 2. The term "validate" as applied to surveys by Florida
638 College System institutions and universities means to review and
639 document the approval of each new site and official designation,
640 where applicable; review the inventory database as submitted by
641 each board to the department, including noncareer, and total
642 capital outlay full-time equivalent enrollment projections per
643 site and per college; provide for the review and inspection,
644 where required, of student stations and aggregate square feet of
645 space changed from satisfactory to unsatisfactory; utilize and
646 review the documentation of programs offered per site submitted
647 by the boards as accurate for analysis of space requirements and
648 needs; confirm that needs projected for career and adult
649 educational programs comply with needs documented by the
650 Department of Education; compare new facility inventory to
651 allocations limits as provided in this chapter; review cost



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652 projections for conformity with state averages or limits
653 designated by this chapter; compare student enrollment
654 projections in the survey to the department's projections;
655 review facilities lists to verify that area allocations and
656 space factors for generating space needs do not exceed the
657 limits as provided by this chapter and related rules; confirm
658 the application of facility utilization factors as provided by
659 this chapter and related rules; and review, as submitted,
660 documentation of how survey recommendations will implement the
661 detail of current campus master plans and integrate with local
662 comprehensive plans and development regulations.

663 Section 11. Paragraph (f) of subsection (2) of section
664 1013.35, Florida Statutes, is amended to read:

665 1013.35 School district educational facilities plan;
666 definitions; preparation, adoption, and amendment; long-term
667 work programs.—

668 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL
669 FACILITIES PLAN.—

670 (f) ~~Commencing on October 1, 2002, and~~ Not less than once
671 every 5 years ~~thereafter~~, the district school board shall have
672 ~~contract with a qualified, independent third party to conduct a~~
673 financial management and performance audit conducted of the
674 educational planning and construction activities of the
675 district. An audit conducted by the Office of Program Policy
676 Analysis and Government Accountability and the Auditor General
677 pursuant to s. 1008.35 satisfies this requirement.

678 Section 12. Notwithstanding the amendments made by this act
679 to s. 1003.03(4)(a)4., Florida Statutes, for the 2011-2012
680 fiscal year, the calculation required by that subparagraph shall



681 be an amount equal to 50 percent of the base student allocation
682 adjusted by the district cost differential. This section shall
683 take effect upon this act becoming a law.

684 Section 13. Notwithstanding the required review by the
685 Legislative Budget Commission pursuant to s. 1003.03(4)(c),
686 Florida Statutes, and s. 41 of chapter 2011-55, Laws of Florida,
687 for the 2011-2012 fiscal year, the alternate compliance
688 calculation amounts to the class size operating categorical fund
689 authorized by s. 1003.03(4)(c), Florida Statutes, shall be the
690 reduction calculation required by s. 1003.03(4), Florida
691 Statutes. The Commissioner of Education shall modify payments to
692 districts as required by s. 1003.03(4), Florida Statutes, for
693 the 2011-2012 fiscal year. This section shall take effect upon
694 this act becoming a law.

695 Section 14. Except as otherwise expressly provided in this
696 act and except for this section, which shall take effect upon
697 this act becoming a law, this act shall take effect July 1,
698 2012.

699
700 ===== T I T L E A M E N D M E N T =====

701 And the title is amended as follows:

702 Delete everything before the enacting clause
703 and insert:

704 A bill to be entitled
705 An act relating to kindergarten through grade 12
706 education funding; amending s. 1001.42, F.S. ;
707 requiring that any contract or employment agreement,
708 or renewal or renegotiation of an existing contract or
709 employment agreement, entered into by a school



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710 district with an officer, agent, employee, or
711 contractor which contains a provision for severance
712 pay include provisions in s. 215.425, F.S., relating
713 to limitations on extra compensation, bonuses, and
714 severance pay; requiring that each district school
715 board enter into an interlocal agreement for the
716 purpose of establishing the School District
717 Consortium; amending s. 1001.50, F.S.; requiring that
718 any employment contract entered into by a district
719 school board with a district school superintendent
720 which contains a provision for severance pay include
721 provisions in s. 215.425, F.S.; amending s. 1002.33,
722 F.S.; revising provisions relating to the calculation
723 of the total administrative fee for providing
724 administrative and educational services to charter
725 schools; amending s. 1003.03, F.S.; extending dates
726 relating to calculations for the class size maximum;
727 amending s. 1003.52, F.S.; providing for the funding
728 of juvenile justice education programs; amending s.
729 1006.40, F.S.; authorizing the Commissioner of
730 Education to waive a requirement relating to the
731 purchase of current instructional materials for school
732 districts under certain circumstances; amending s.
733 1011.61, F.S.; revising the definition of the term
734 "full-time equivalent student" for full-time students
735 enrolled in a combination of certain programs;
736 revising provisions relating to the funding of
737 students in kindergarten through grade 12 or
738 exceptional children in a prekindergarten program to



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739 conform to changes made by the act; amending s.
740 1011.62, F.S.; requiring that each school district
741 having low-performing elementary schools use funds
742 from the supplemental academic instruction categorical
743 fund, along with the school district's research-based
744 reading instruction allocation, to provide an
745 additional hour of instruction per day for intensive
746 reading instruction; requiring that the Department of
747 Education monitor and track the implementation of each
748 school district's comprehensive reading plan and
749 report its findings to the Legislature by a specified
750 date each year; revising provisions relating to the
751 total allocation of state funds to each district for
752 current operations; amending s. 1011.71, F.S.;
753 deleting an obsolete fiscal year reference; amending
754 s. 1013.03, F.S.; authorizing the Commissioner of
755 Education to grant waivers to district school boards
756 from certain requirements relating to the validation
757 of surveys and inventory data under certain
758 circumstances; amending s. 1013.35, F.S.; requiring
759 that each district school board have a financial
760 management and performance audit conducted of the
761 district's educational planning and construction
762 activities; requiring that the calculation required in
763 s. 1003.03(4)(a)4., F.S., be an amount equal to 50
764 percent of the base student allocation adjusted by the
765 district cost differential for a specified fiscal
766 year; specifying the formula to be used for the 2011-
767 2012 fiscal year in calculating the alternate



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768 compliance calculation amounts to the class size
769 operating categorical fund, notwithstanding certain
770 other provisions of law; requiring that the
771 Commissioner of Education modify payments to school
772 districts; providing effective dates.