

By the Committee on Appropriations

576-03519-13

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1 A bill to be entitled
2 An act relating to education funding; amending s.
3 1002.3305, F.S.; revising a definition; authorizing
4 the state's program of education to receive state and
5 federal funding that may be transferred between state
6 agencies to provide for operations of the college-
7 preparatory boarding academy; authorizing the college-
8 preparatory boarding academy to enter into an
9 agreement with the Department of Children and Families
10 to admit certain students and to develop an
11 alternative admissions process; amending s. 1002.45,
12 F.S.; authorizing a district to report full-time
13 equivalent membership for credit earned by a student
14 who is enrolled in a virtual education course under
15 certain circumstances; amending s. 1003.498, F.S.;
16 authorizing a district to report full-time equivalent
17 membership for credit earned by a student who is
18 enrolled in a virtual education course under certain
19 circumstances; amending s. 1009.24, F.S.; authorizing
20 a university to increase its athletic fee to defray
21 the costs associated with adding National Collegiate
22 Athletic Association Division II football; amending s.
23 1011.61, F.S.; revising the definition of the term
24 "full-time equivalent student" as it relates to the
25 Florida Education Finance Program; amending s.
26 1011.62, F.S.; revising the fiscal years in which
27 certain school districts may use funds for
28 supplemental academic instruction and research-based
29 reading instruction to provide additional intensive

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30 reading instruction; revising the rate of nonvoted
31 current operating discretionary millage that is used
32 to calculate a discretionary millage compression
33 supplement; eliminating the annual virtual education
34 contribution in the Florida Education Finance Program;
35 amending s. 1011.71, F.S.; conforming a cross-
36 reference; authorizing a district school board to levy
37 additional millage for critical capital outlay needs
38 under certain circumstances; deleting a provision that
39 prohibits additional millage and state funds from
40 being included in the calculation of the Florida
41 Education Finance Program; deleting a provision that
42 authorizes the districts to levy millage that was
43 authorized by the voters in the 2010 general election;
44 amending s. 1011.80, F.S.; revising the funding for
45 operation of workforce education programs with regard
46 to students who are coenrolled in a K-12 education
47 program and an adult education program; amending s.
48 1013.64, F.S.; revising the capital outlay full-time
49 equivalent membership used to calculate the amount
50 that district school boards receive from the Public
51 Education Capital Outlay and Debt Service Trust Fund;
52 specifying the formula to be used for the 2012-2013
53 fiscal year in calculating the alternate compliance
54 calculation amounts to the class size operating
55 categorical fund, notwithstanding certain other
56 provisions of law; requiring that the Commissioner of
57 Education modify payments to school districts;
58 providing effective dates.

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

Section 1. Paragraph (b) of subsection (2) and subsections (7) and (10) of section 1002.3305, Florida Statutes, are amended to read:

1002.3305 College-Preparatory Boarding Academy Pilot Program for at-risk students.—

(2) DEFINITIONS.—As used in this section, the term:

(b) "Eligible student" means a student who is a resident of the state and entitled to attend school in a participating school district, is at risk of academic failure, is currently enrolled in grade 5 or 6, is from a family whose gross income is at or below 200 percent of the federal poverty guidelines, is eligible for benefits or services funded by Temporary Assistance for Needy Families (TANF) or Title IV-E of the Social Security Act, and ~~who~~ meets at least one of the following additional risk factors:

1. The child is in foster care or has been declared an adjudicated dependent by a court.

2. The student's head of household is not the student's custodial parent.

3. The student resides in a household that receives a housing voucher or has been determined eligible for public housing assistance.

4. A member of the student's immediate family has been incarcerated.

5. The child is covered under the terms of the state's Child Welfare Waiver Demonstration project with the United

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88 States Department of Health and Human Services.

89 (7) FUNDING.—The college-preparatory boarding academy must
90 be a public school and part of the state's program of education.
91 ~~If~~ The program may receive ~~receives~~ state and federal funding
92 from noneducation sources, and such funds may be transferred
93 between state agencies to provide for the operations of the
94 program. The State Board of Education shall coordinate,
95 streamline, and simplify any requirements to eliminate
96 duplicate, redundant, or conflicting requirements and oversight
97 by various governmental programs or agencies. Funding for the
98 operation of the boarding academy is contingent on the
99 development of a plan by the Department of Education, the
100 Department of Juvenile Justice, and the Department of Children
101 and Family Services which details how educational and
102 noneducational funds that would otherwise be committed to the
103 students in the school and their families can be repurposed to
104 provide for the operation of the school and related services.
105 Such plans must be based on federal and state funding streams
106 for children and families meeting the eligibility criteria for
107 eligible students as specified in paragraph (2)(b) and include
108 recommendations for modifications to the criteria for eligible
109 students which further the program's goals or improve the
110 feasibility of using existing funding sources. The plan shall be
111 submitted, together with relevant budget requests, through the
112 legislative budget request process under s. 216.023 or through
113 requests for budget amendments to the Legislative Budget
114 Commission in accordance with s. 216.181.

115 (10) ADMISSION.—An eligible student may apply for admission
116 to the program. If more eligible students apply for admission

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117 than the number of students permitted by the capacity
118 established by the board of trustees, admission shall be
119 determined by lottery. The college preparatory boarding academy
120 may enter into an agreement with the Department of Children and
121 Families to admit a designated number of students who are
122 covered under the state's Child Welfare Waiver Demonstration
123 project and develop an alternative admissions process for these
124 eligible students.

125 Section 2. Paragraph (c) of subsection (1) of section
126 1002.45, Florida Statutes, is amended to read:

127 1002.45 Virtual instruction programs.—

128 (1) PROGRAM.—

129 (c) To provide students with the option of participating in
130 virtual instruction programs as required by paragraph (b), a
131 school district may:

132 1. Contract with the Florida Virtual School or establish a
133 franchise of the Florida Virtual School for the provision of a
134 program under paragraph (b). Using this option is subject to the
135 requirements of this section and s. 1011.61(1)(c)1.b.(III) and
136 (IV). A district may report full-time equivalent membership for
137 credit earned by a student who is enrolled in a virtual
138 education course provided by the district which was completed
139 after the end of the regular school year if the FTE is reported
140 no later than the deadline for amending the final student
141 enrollment report for that year.

142 2. Contract with an approved provider under subsection (2)
143 for the provision of a full-time program under subparagraph
144 (b)1. or subparagraph (b)3. or a part-time program under
145 subparagraph (b)2. or subparagraph (b)3.

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146 3. Enter into an agreement with other school districts to
147 allow the participation of its students in an approved virtual
148 instruction program provided by the other school district. The
149 agreement must indicate a process for the transfer of funds
150 required by paragraph (7) (f).

151 4. Establish school district operated part-time or full-
152 time kindergarten through grade 12 virtual instruction programs
153 under paragraph (b) for students enrolled in the school
154 district. A full-time program shall operate under its own Master
155 School Identification Number.

156 5. Enter into an agreement with a virtual charter school
157 authorized by the school district under s. 1002.33.

158
159 Contracts under subparagraph 1. or subparagraph 2. may include
160 multidistrict contractual arrangements that may be executed by a
161 regional consortium for its member districts. A multidistrict
162 contractual arrangement or an agreement under subparagraph 3. is
163 not subject to s. 1001.42(4) (d) and does not require the
164 participating school districts to be contiguous. These
165 arrangements may be used to fulfill the requirements of
166 paragraph (b).

167 Section 3. Subsection (1) of section 1003.498, Florida
168 Statutes, is amended to read:

169 1003.498 School district virtual course offerings.—

170 (1) School districts may deliver courses in the traditional
171 school setting by personnel certified pursuant to s. 1012.55 who
172 provide direct instruction through virtual instruction or
173 through blended learning courses consisting of both traditional
174 classroom and online instructional techniques. Students in a

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175 blended learning course must be full-time students of the school
176 and receive the online instruction in a classroom setting at the
177 school. The funding, performance, and accountability
178 requirements for blended learning courses are the same as those
179 for traditional courses. A district may report full-time
180 equivalent membership for credit earned by a student who is
181 enrolled in a virtual education course provided by the district
182 which is completed after the end of the regular school year if
183 the FTE is reported no later than the deadline for amending the
184 final student enrollment report for that year.

185 Section 4. Paragraph (e) of subsection (4) of section
186 1009.24, Florida Statutes, is amended to read:

187 1009.24 State university student fees.—

188 (4)

189 (e) The sum of the activity and service, health, and
190 athletic fees a student is required to pay to register for a
191 course shall not exceed 40 percent of the tuition established in
192 law or in the General Appropriations Act. No university shall be
193 required to lower any fee in effect on the effective date of
194 this act in order to comply with this subsection. Within the 40
195 percent cap, universities may not increase the aggregate sum of
196 activity and service, health, and athletic fees more than 5
197 percent per year, or the same percentage increase in tuition
198 authorized under paragraph (b), whichever is greater, unless
199 specifically authorized in law or in the General Appropriations
200 Act. A university may increase its athletic fee to defray the
201 costs associated with changing National Collegiate Athletic
202 Association divisions or adding National Collegiate Athletic
203 Association Division II football. Any such increase in the

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204 athletic fee may exceed both the 40 percent cap and the 5
205 percent cap imposed by this subsection. Any such increase must
206 be approved by the athletic fee committee in the process
207 outlined in subsection (12) and cannot exceed \$2 per credit
208 hour. Notwithstanding the provisions of ss. 1009.534, 1009.535,
209 and 1009.536, that portion of any increase in an athletic fee
210 pursuant to this subsection that causes the sum of the activity
211 and service, health, and athletic fees to exceed the 40 percent
212 cap or the annual increase in such fees to exceed the 5 percent
213 cap shall not be included in calculating the amount a student
214 receives for a Florida Academic Scholars award, a Florida
215 Medallion Scholars award, or a Florida Gold Seal Vocational
216 Scholars award. Notwithstanding this paragraph and subject to
217 approval by the board of trustees, each state university is
218 authorized to exceed the 5-percent cap on the annual increase to
219 the aggregate sum of activity and service, health, and athletic
220 fees for the 2010-2011 fiscal year. Any such increase shall not
221 exceed 15 percent or the amount required to reach the 2009-2010
222 fiscal year statewide average for the aggregate sum of activity
223 and service, health, and athletic fees at the main campuses,
224 whichever is greater. The aggregate sum of the activity and
225 service, health, and athletic fees shall not exceed 40 percent
226 of tuition. Any increase in the activity and service fee, health
227 fee, or athletic fee must be approved by the appropriate fee
228 committee pursuant to subsection (10), subsection (11), or
229 subsection (12).

230 Section 5. Paragraph (c) of subsection (1) of section
231 1011.61, Florida Statutes, is amended to read:

232 1011.61 Definitions.—Notwithstanding the provisions of s.

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233 1000.21, the following terms are defined as follows for the
234 purposes of the Florida Education Finance Program:

235 (1) A "full-time equivalent student" in each program of the
236 district is defined in terms of full-time students and part-time
237 students as follows:

238 (c)1. A "full-time equivalent student" is:

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

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

245 (I) A full-time student in a combination of programs listed
246 in s. 1011.62(1)(c) shall be a fraction of a full-time
247 equivalent membership in each special program equal to the
248 number of net hours per school year for which he or she is a
249 member, divided by the appropriate number of hours set forth in
250 subparagraph (a)1. or subparagraph (a)2. The difference between
251 that fraction or sum of fractions and the maximum value as set
252 forth in subsection (4) for each full-time student is presumed
253 to be the balance of the student's time not spent in such
254 special program and shall be recorded as time in the appropriate
255 basic program ~~The sum of the fractions for each program may not~~
256 ~~exceed the maximum value set forth in subsection (4).~~

257 (II) A prekindergarten student with a disability shall meet
258 the requirements specified for kindergarten students.

259 (III) A full-time equivalent student for students in
260 kindergarten through grade 12 in a full-time virtual instruction
261 program under s. 1002.45 or a virtual charter school under s.

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262 1002.33 shall consist of six full-credit completions or the
263 prescribed level of content that counts toward promotion to the
264 next grade in programs listed in s. 1011.62(1)(c). Credit
265 completions may be a combination of full-credit courses or half-
266 credit courses. Beginning in the 2014-2015 fiscal year, when s.
267 1008.22(3)(g) is implemented, the reported full-time equivalent
268 students and associated funding of students enrolled in courses
269 requiring passage of an end-of-course assessment shall be
270 adjusted after the student completes the end-of-course
271 assessment.

272 (IV) A full-time equivalent student for students in
273 kindergarten through grade 12 in a part-time virtual instruction
274 program under s. 1002.45 shall consist of six full-credit
275 completions in programs listed in s. 1011.62(1)(c)1. and 3.
276 Credit completions may be a combination of full-credit courses
277 or half-credit courses. Beginning in the 2014-2015 fiscal year,
278 when s. 1008.22(3)(g) is implemented, the reported full-time
279 equivalent students and associated funding of students enrolled
280 in courses requiring passage of an end-of-course assessment
281 shall be adjusted after the student completes the end-of-course
282 assessment.

283 (V) A Florida Virtual School full-time equivalent student
284 shall consist of six full-credit completions or the prescribed
285 level of content that counts toward promotion to the next grade
286 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
287 participating in kindergarten through grade 12 part-time virtual
288 instruction and the programs listed in s. 1011.62(1)(c) for
289 students participating in kindergarten through grade 12 full-
290 time virtual instruction. Credit completions may be a

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291 combination of full-credit courses or half-credit courses.
292 Beginning in the 2014-2015 fiscal year, when s. 1008.22(3)(g) is
293 implemented, the reported full-time equivalent students and
294 associated funding of students enrolled in courses requiring
295 passage of an end-of-course assessment shall be adjusted after
296 the student completes the end-of-course assessment.

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

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

305 (VIII) (A) A full-time equivalent student for courses
306 requiring a statewide, standardized end-of-course assessment
307 pursuant to s. 1008.22(3)(c)2.a. shall be defined and reported
308 based on the number of instructional hours as provided in this
309 subsection for the first 3 years of administering the end-of-
310 course assessment. Beginning in the fourth year of administering
311 the end-of-course assessment, the FTE shall be credit-based and
312 each course shall be equal to 1/6 FTE. The reported FTE shall be
313 adjusted after the student successfully completes the end-of-
314 course assessment pursuant to s. 1008.22(3)(c)2.a.

315 (B) For students enrolled in a school district as a full-
316 time student, the district may report 1/6 FTE for each student
317 who passes a statewide, standardized end-of-course assessment
318 without being enrolled in the corresponding course.

319 (C) The FTE earned under this sub-sub-subparagraph and any

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320 FTE for courses or programs listed in s. 1011.62(1)(c) that do
321 not require passing a statewide, standardized end-of-course
322 assessment are subject to the requirements in subsection (4).

323 2. A student in membership in a program scheduled for more
324 or less than 180 school days or the equivalent on an hourly
325 basis as specified by rules of the State Board of Education is a
326 fraction of a full-time equivalent membership equal to the
327 number of instructional hours in membership divided by the
328 appropriate number of hours set forth in subparagraph (a)1.;
329 however, for the purposes of this subparagraph, membership in
330 programs scheduled for more than 180 days is limited to students
331 enrolled in juvenile justice education programs and the Florida
332 Virtual School.

333
334 The department shall determine and implement an equitable method
335 of equivalent funding for experimental schools and for schools
336 operating under emergency conditions, which schools have been
337 approved by the department to operate for less than the minimum
338 school day.

339 Section 6. Paragraph (f) of subsection (1), subsection (5),
340 paragraph (a) of subsection (9), and subsections (11), (12),
341 (13), and (14) of section 1011.62, Florida Statutes, are amended
342 to read:

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

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

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

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

358 2. Categorical funds for supplemental academic instruction
359 shall be allocated annually to each school district in the
360 amount provided in the General Appropriations Act. These funds
361 shall be in addition to the funds appropriated on the basis of
362 FTE student membership in the Florida Education Finance Program
363 and shall be included in the total potential funds of each
364 district. These funds shall be used to provide supplemental
365 academic instruction to students enrolled in the K-12 program.
366 For the 2012-2013, ~~and~~ 2013-2014, and 2014-2015 fiscal years,
367 each school district that has one or more of the 100 lowest-
368 performing elementary schools based on the state reading
369 assessment shall use these funds, together with the funds
370 provided in the district’s research-based reading instruction
371 allocation and other available funds, to provide an additional
372 hour of instruction beyond the normal school day for each day of
373 the entire school year for intensive reading instruction for the
374 students in each of these schools. This additional hour of
375 instruction must be provided only by teachers or reading
376 specialists who are effective in teaching reading. Students
377 enrolled in these schools who have level 5 assessment scores may

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378 participate in the additional hour of instruction on an optional
379 basis. Exceptional student education centers shall not be
380 included in the 100 schools. After this requirement has been
381 met, supplemental instruction strategies may include, but are
382 not limited to: modified curriculum, reading instruction, after-
383 school instruction, tutoring, mentoring, class size reduction,
384 extended school year, intensive skills development in summer
385 school, and other methods for improving student achievement.
386 Supplemental instruction may be provided to a student in any
387 manner and at any time during or beyond the regular 180-day term
388 identified by the school as being the most effective and
389 efficient way to best help that student progress from grade to
390 grade and to graduate.

391 3. Effective with the 1999-2000 fiscal year, funding on the
392 basis of FTE membership beyond the 180-day regular term shall be
393 provided in the FEFP only for students enrolled in juvenile
394 justice education programs or in education programs for
395 juveniles placed in secure facilities or programs under s.
396 985.19. Funding for instruction beyond the regular 180-day
397 school year for all other K-12 students shall be provided
398 through the supplemental academic instruction categorical fund
399 and other state, federal, and local fund sources with ample
400 flexibility for schools to provide supplemental instruction to
401 assist students in progressing from grade to grade and
402 graduating.

403 4. The Florida State University School, as a lab school, is
404 authorized to expend from its FEFP or Lottery Enhancement Trust
405 Fund allocation the cost to the student of remediation in
406 reading, writing, or mathematics for any graduate who requires

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407 remediation at a postsecondary educational institution.

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

412 (5) DISCRETIONARY MILLAGE COMPRESSION SUPPLEMENT.—The
413 Legislature shall prescribe in the General Appropriations Act,
414 pursuant to s. 1011.71(1), the rate of nonvoted current
415 operating discretionary millage that shall be used to calculate
416 a discretionary millage compression supplement. If the
417 prescribed millage generates an amount of funds per unweighted
418 FTE for the district that is less than 105 percent of the state
419 average, the district shall receive an amount per FTE that, when
420 added to the funds per FTE generated by the designated levy,
421 shall equal 105 percent of the state average.

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

423 (a) The research-based reading instruction allocation is
424 created to provide comprehensive reading instruction to students
425 in kindergarten through grade 12. For the 2012-2013, ~~and~~ 2013-
426 2014, and 2014-2015 fiscal years, in each school district that
427 has one or more of the 100 lowest-performing elementary schools
428 based on the state reading assessment, priority shall be given
429 to providing an additional hour per day of intensive reading
430 instruction beyond the normal school day for each day of the
431 entire school year for the students in each school. Students
432 enrolled in these schools who have level 5 assessment scores may
433 participate in the additional hour of instruction on an optional
434 basis. Exceptional student education centers shall not be
435 included in the 100 schools. The intensive reading instruction

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436 delivered in this additional hour and for other students shall
437 include: research-based reading instruction that has been proven
438 to accelerate progress of students exhibiting a reading
439 deficiency; differentiated instruction based on student
440 assessment data to meet students' specific reading needs;
441 explicit and systematic reading development in phonemic
442 awareness, phonics, fluency, vocabulary, and comprehension, with
443 more extensive opportunities for guided practice, error
444 correction, and feedback; and the integration of social studies,
445 science, and mathematics-text reading, text discussion, and
446 writing in response to reading. For the 2012-2013 and 2013-2014
447 fiscal years, a school district may not hire more reading
448 coaches than were hired during the 2011-2012 fiscal year unless
449 all students in kindergarten through grade 5 who demonstrate a
450 reading deficiency, as determined by district and state
451 assessments, including students scoring Level 1 or Level 2 on
452 FCAT Reading, are provided an additional hour per day of
453 intensive reading instruction beyond the normal school day for
454 each day of the entire school year.

455 ~~(11) VIRTUAL EDUCATION CONTRIBUTION. The Legislature may~~
456 ~~annually provide in the Florida Education Finance Program a~~
457 ~~virtual education contribution. The amount of the virtual~~
458 ~~education contribution shall be the difference between the~~
459 ~~amount per FTE established in the General Appropriations Act for~~
460 ~~virtual education and the amount per FTE for each district and~~
461 ~~the Florida Virtual School, which may be calculated by taking~~
462 ~~the sum of the base FEFP allocation, the discretionary local~~
463 ~~effort, the state-funded discretionary contribution, the~~
464 ~~discretionary millage compression supplement, the research-based~~

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465 ~~reading instruction allocation, and the instructional materials~~
466 ~~allocation, and then dividing by the total unweighted FTE. This~~
467 ~~difference shall be multiplied by the virtual education~~
468 ~~unweighted FTE for programs and options identified in s.~~
469 ~~1002.455(3) and the Florida Virtual School and its franchises to~~
470 ~~equal the virtual education contribution and shall be included~~
471 ~~as a separate allocation in the funding formula.~~

472 (11)~~(12)~~ QUALITY ASSURANCE GUARANTEE.—The Legislature may
473 annually in the General Appropriations Act determine a
474 percentage increase in funds per K-12 unweighted FTE as a
475 minimum guarantee to each school district. The guarantee shall
476 be calculated from prior year base funding per unweighted FTE
477 student which shall include the adjusted FTE dollars as provided
478 in subsection (12)~~(13)~~, quality guarantee funds, and actual
479 nonvoted discretionary local effort from taxes. From the base
480 funding per unweighted FTE, the increase shall be calculated for
481 the current year. The current year funds from which the
482 guarantee shall be determined shall include the adjusted FTE
483 dollars as provided in subsection (12)~~(13)~~ and potential
484 nonvoted discretionary local effort from taxes. A comparison of
485 current year funds per unweighted FTE to prior year funds per
486 unweighted FTE shall be computed. For those school districts
487 which have less than the legislatively assigned percentage
488 increase, funds shall be provided to guarantee the assigned
489 percentage increase in funds per unweighted FTE student. Should
490 appropriated funds be less than the sum of this calculated
491 amount for all districts, the commissioner shall prorate each
492 district's allocation. This provision shall be implemented to
493 the extent specifically funded.

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494 (12)~~(13)~~ TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT
495 FOR CURRENT OPERATION.—The total annual state allocation to each
496 district for current operation for the FEFP shall be distributed
497 periodically in the manner prescribed in the General
498 Appropriations Act.

499 (a) If the funds appropriated for current operation of the
500 FEFP are not sufficient to pay the state requirement in full,
501 the department shall prorate the available state funds to each
502 district in the following manner:

503 1. Determine the percentage of proration by dividing the
504 sum of the total amount for current operation, as provided in
505 this paragraph for all districts collectively, and the total
506 district required local effort into the sum of the state funds
507 available for current operation and the total district required
508 local effort.

509 2. Multiply the percentage so determined by the sum of the
510 total amount for current operation as provided in this paragraph
511 and the required local effort for each individual district.

512 3. From the product of such multiplication, subtract the
513 required local effort of each district; and the remainder shall
514 be the amount of state funds allocated to the district for
515 current operation. However, no calculation subsequent to the
516 appropriation shall result in negative state funds for any
517 district.

518 (b) The amount thus obtained shall be the net annual
519 allocation to each school district. However, if it is determined
520 that any school district received an underallocation or
521 overallocation for any prior year because of an arithmetical
522 error, assessment roll change required by final judicial

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523 decision, full-time equivalent student membership error, or any
524 allocation error revealed in an audit report, the allocation to
525 that district shall be appropriately adjusted. Beginning with
526 audits for the 2001-2002 fiscal year, if the adjustment is the
527 result of an audit finding in which group 2 FTE are reclassified
528 to the basic program and the district weighted FTE are over the
529 weighted enrollment ceiling for group 2 programs, the adjustment
530 shall not result in a gain of state funds to the district.
531 Beginning with the 2011-2012 fiscal year, if a special program
532 cost factor is less than the basic program cost factor, an audit
533 adjustment may not result in the reclassification of the special
534 program FTE to the basic program FTE. If the Department of
535 Education audit adjustment recommendation is based upon
536 controverted findings of fact, the Commissioner of Education is
537 authorized to establish the amount of the adjustment based on
538 the best interests of the state.

539 (c) The amount thus obtained shall represent the net annual
540 state allocation to each district; however, notwithstanding any
541 of the provisions herein, each district shall be guaranteed a
542 minimum level of funding in the amount and manner prescribed in
543 the General Appropriations Act.

544 (13)~~(14)~~ COMPUTATION OF PRIOR YEAR DISTRICT REQUIRED LOCAL
545 EFFORT.—Calculations required in this section shall be based on
546 95 percent of the taxable value for school purposes for fiscal
547 years prior to the 2010-2011 fiscal year.

548 Section 7. Subsections (1) and (3) of section 1011.71,
549 Florida Statutes, are amended to read:

550 1011.71 District school tax.—

551 (1) If the district school tax is not provided in the

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552 General Appropriations Act or the substantive bill implementing
553 the General Appropriations Act, each district school board
554 desiring to participate in the state allocation of funds for
555 current operation as prescribed by s. 1011.62(12) ~~s. 1011.62(13)~~
556 shall levy on the taxable value for school purposes of the
557 district, exclusive of millage voted under the provisions of s.
558 9(b) or s. 12, Art. VII of the State Constitution, a millage
559 rate not to exceed the amount certified by the commissioner as
560 the minimum millage rate necessary to provide the district
561 required local effort for the current year, pursuant to s.
562 1011.62(4)(a)1. In addition to the required local effort millage
563 levy, each district school board may levy a nonvoted current
564 operating discretionary millage. The Legislature shall prescribe
565 annually in the appropriations act the maximum amount of millage
566 a district may levy.

567 (3)(a) Notwithstanding subsection (2), if the revenue from
568 1.5 mills is insufficient to meet the payments due under a
569 lease-purchase agreement entered into before June 30, 2009, by a
570 district school board pursuant to paragraph (2)(e), or to meet
571 other critical district fixed capital outlay needs, the board,
572 in addition to the 1.5 mills, may levy up to 0.25 mills for
573 fixed capital outlay in lieu of levying an equivalent amount of
574 the discretionary mills for operations as provided in the
575 General Appropriations Act. Millage levied pursuant to this
576 subsection is subject to the provisions of s. 200.065 and,
577 combined with the 1.5 mills authorized in subsection (2), may
578 not exceed 1.75 mills. If the district chooses to use up to 0.25
579 mills for fixed capital outlay, the compression adjustment
580 pursuant to s. 1011.62(5) shall be calculated for the standard

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581 discretionary millage that is not eligible for transfer to
582 capital outlay.

583 (b) In addition to the millage authorized in this section,
584 a district school board may, by a supermajority vote, levy an
585 additional 0.25 mills for critical capital outlay needs if the
586 average of the annual percent increase in the district's capital
587 outlay full-time equivalent student membership over the previous
588 5 years is 2.5 percent or greater. The levy of this millage and
589 expenditure of the funds is subject to the requirements of s.
590 200.065 and this section ~~Local funds generated by the additional~~
591 ~~0.25 mills authorized in paragraph (b) and state funds provided~~
592 ~~pursuant to s. 1011.62(5) may not be included in the calculation~~
593 ~~of the Florida Education Finance Program in 2011-2012 or any~~
594 ~~subsequent year and may not be incorporated in the calculation~~
595 ~~of any hold-harmless or other component of the Florida Education~~
596 ~~Finance Program in any year, except as provided in paragraph~~
597 ~~(c).~~

598 ~~(c) For the 2011-2012 and 2012-2013 fiscal years, the 0.25~~
599 ~~mills authorized in paragraph (b) may be levied by the districts~~
600 ~~in which it was authorized by the voters in the 2010 general~~
601 ~~election. If a district levies this voter-approved 0.25 mills~~
602 ~~for operations, a compression adjustment pursuant to s.~~
603 ~~1011.62(5) may be calculated and added to the district's Florida~~
604 ~~Education Finance Program allocation, subject to determination~~
605 ~~in the General Appropriations Act.~~

606 Section 8. Subsection (10) of section 1011.80, Florida
607 Statutes, is amended to read:

608 1011.80 Funds for operation of workforce education
609 programs.—

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610 (10) A high school student dually enrolled under s.
611 1007.271 in a workforce education program operated by a Florida
612 College System institution or school district career center
613 generates the amount calculated for workforce education funding,
614 including any payment of performance funding, and the
615 proportional share of full-time equivalent enrollment generated
616 through the Florida Education Finance Program for the student's
617 enrollment in a high school. If a high school student is dually
618 enrolled in a Florida College System institution program,
619 including a program conducted at a high school, the Florida
620 College System institution earns the funds generated for
621 workforce education funding, and the school district earns the
622 proportional share of full-time equivalent funding from the
623 Florida Education Finance Program. If a student is dually
624 enrolled in a career center operated by the same district as the
625 district in which the student attends high school, that district
626 earns the funds generated for workforce education funding and
627 also earns the proportional share of full-time equivalent
628 funding from the Florida Education Finance Program. If a student
629 is dually enrolled in a workforce education program provided by
630 a career center operated by a different school district, the
631 funds must be divided between the two school districts
632 proportionally from the two funding sources. A student may not
633 be reported for funding in a dual enrollment workforce education
634 program unless the student has completed the basic skills
635 assessment pursuant to s. 1004.91. A student who is coenrolled
636 in a K-12 education program and an adult education program ~~may~~
637 ~~not be reported for purposes of funding in an adult education~~
638 ~~program, except that for the 2011-2012 and 2012-2013 fiscal~~

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639 ~~years, students who are coenrolled~~ in core curricula courses for
640 credit recovery or dropout prevention purposes and who does ~~do~~
641 not have a pattern of excessive absenteeism or habitual truancy
642 or a history of disruptive behavior in school may be reported
643 for funding for up to two courses per student. Such students are
644 exempt from the payment of the block tuition for adult general
645 education programs provided in s. 1009.22(3)(c).

646 Section 9. Paragraph (a) of subsection (3) of section
647 1013.64, Florida Statutes, is amended to read:

648 1013.64 Funds for comprehensive educational plant needs;
649 construction cost maximums for school district capital
650 projects.—Allocations from the Public Education Capital Outlay
651 and Debt Service Trust Fund to the various boards for capital
652 outlay projects shall be determined as follows:

653 (3) (a) Each district school board shall receive an amount
654 from the Public Education Capital Outlay and Debt Service Trust
655 Fund to be calculated by computing the capital outlay full-time
656 equivalent membership as determined by the department. Such
657 membership must include, but is not limited to:

658 1. K-12 students for whom the school district provides the
659 educational facility, including district students receiving
660 virtual education instruction in district facilities, except
661 that hospital- and homebound part-time students are not
662 included; and

663 2. Students who are career education students, and adult
664 disabled students and who are enrolled in school district career
665 centers. The capital outlay full-time equivalent membership
666 shall be determined for kindergarten through the 12th grade and
667 for career centers by averaging the unweighted full-time

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668 equivalent student membership for the second and third surveys
669 and comparing the results on a school-by-school basis with the
670 Florida Inventory for School Houses. The capital outlay full-
671 time equivalent membership by grade level organization shall be
672 used in making the following calculations: The capital outlay
673 full-time equivalent membership by grade level organization for
674 the 4th prior year must be used to compute the base-year
675 allocation. The capital outlay full-time equivalent membership
676 by grade-level organization for the prior year must be used to
677 compute the growth over the highest of the 3 years preceding the
678 prior year. From the total amount appropriated by the
679 Legislature pursuant to this subsection, 40 percent shall be
680 allocated among the base capital outlay full-time equivalent
681 membership and 60 percent among the growth capital outlay full-
682 time equivalent membership. The allocation within each of these
683 groups shall be prorated to the districts based upon each
684 district's percentage of base and growth capital outlay full-
685 time membership. The most recent 4-year capital outlay full-time
686 equivalent membership data shall be used in each subsequent
687 year's calculation for the allocation of funds pursuant to this
688 subsection. If a change, correction, or recomputation of data
689 during any year results in a reduction or increase of the
690 calculated amount previously allocated to a district, the
691 allocation to that district shall be adjusted correspondingly.
692 If such recomputation results in an increase or decrease of the
693 calculated amount, such additional or reduced amounts shall be
694 added to or reduced from the district's future appropriations.
695 However, no change, correction, or recomputation of data shall
696 be made subsequent to 2 years following the initial annual

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697 allocation.

698 Section 10. Notwithstanding the required review by the
699 Legislative Budget Commission pursuant to s. 1003.03(4)(c),
700 Florida Statutes, for the 2012-2013 fiscal year, the alternate
701 compliance calculation amounts to the class size operating
702 categorical fund authorized by s. 1003.03(4)(c), Florida
703 Statutes, shall be the reduction calculation required by s.
704 1003.03(4), Florida Statutes. The Commissioner of Education
705 shall modify payments to districts as required by s. 1003.03(4),
706 Florida Statutes, for the 2012-2013 fiscal year. This section
707 shall take effect upon this act becoming a law.

708 Section 11. Except as otherwise expressly provided in this
709 act and except for this section, which shall take effect upon
710 becoming a law, this act shall take effect July 1, 2013.