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1 A bill to be entitled
2 An act relating to education funding; amending s.
3 1002.32, F.S.; deleting an obsolete provision;
4 amending s. 1002.3305, F.S.; revising a definition;
5 authorizing the state's program of education to
6 receive state and federal funding that may be
7 transferred between state agencies to provide for
8 operations of the college-preparatory boarding
9 academy; authorizing the college-preparatory boarding
10 academy to enter into an agreement with the Department
11 of Children and Families to admit certain students and
12 to develop an alternative admissions process; amending
13 s. 1002.45, F.S.; authorizing a district to report
14 full-time equivalent membership for credit earned by a
15 student who is enrolled in a virtual education course
16 under certain circumstances; amending s. 1003.498,
17 F.S.; authorizing a district to report full-time
18 equivalent membership for credit earned by a student
19 who is enrolled in a virtual education course under
20 certain circumstances; amending s. 1011.61, F.S.;
21 revising the definition of the term "full-time
22 equivalent student" as it relates to the Florida
23 Education Finance Program; amending s. 1011.62, F.S.;
24 revising the fiscal years in which certain school
25 districts may use funds for supplemental academic
26 instruction and research-based reading instruction to
27 provide additional intensive reading instruction;
28 revising the rate of nonvoted current operating
29 discretionary millage that is used to calculate a

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

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

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Section 1. Paragraph (a) of subsection (9) of section 1002.32, Florida Statutes, is amended to read:

1002.32 Developmental research (laboratory) schools.—

(9) FUNDING.—Funding for a lab school, including a charter lab school, shall be provided as follows:

(a) Each lab school shall be allocated its proportional share of operating funds from the Florida Education Finance Program as provided in s. 1011.62 based on the county in which the lab school is located and the General Appropriations Act. The nonvoted ad valorem millage that would otherwise be required for lab schools shall be allocated from state funds. The required local effort funds calculated pursuant to s. 1011.62 shall be allocated from state funds to the schools as a part of the allocation of operating funds pursuant to s. 1011.62. Each eligible lab school ~~in operation as of September 1, 2002,~~ shall also receive a proportional share of the sparsity supplement as calculated pursuant to s. 1011.62. In addition, each lab school shall receive its proportional share of all categorical funds, with the exception of s. 1011.68, and new categorical funds enacted after July 1, 1994, for the purpose of elementary or secondary academic program enhancement. The sum of funds available as provided in this paragraph shall be included annually in the Florida Education Finance Program and appropriate categorical programs funded in the General Appropriations Act.

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

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88 1002.3305 College-Preparatory Boarding Academy Pilot
89 Program for at-risk students.—

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

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

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

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

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

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

109 5. The child is covered under the terms of the state's
110 Child Welfare Waiver Demonstration project with the United
111 States Department of Health and Human Services.

112 (7) FUNDING.—The college-preparatory boarding academy must
113 be a public school and part of the state's program of education.
114 ~~If~~ The program may receive ~~receives~~ state and federal funding
115 from noneducation sources, and such funds may be transferred
116 between state agencies to provide for the operations of the

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117 program. The State Board of Education shall coordinate,
118 streamline, and simplify any requirements to eliminate
119 duplicate, redundant, or conflicting requirements and oversight
120 by various governmental programs or agencies. Funding for the
121 operation of the boarding academy is contingent on the
122 development of a plan by the Department of Education, the
123 Department of Juvenile Justice, and the Department of Children
124 and Family Services which details how educational and
125 noneducational funds that would otherwise be committed to the
126 students in the school and their families can be repurposed to
127 provide for the operation of the school and related services.
128 Such plans must be based on federal and state funding streams
129 for children and families meeting the eligibility criteria for
130 eligible students as specified in paragraph (2) (b) and include
131 recommendations for modifications to the criteria for eligible
132 students which further the program's goals or improve the
133 feasibility of using existing funding sources. The plan shall be
134 submitted, together with relevant budget requests, through the
135 legislative budget request process under s. 216.023 or through
136 requests for budget amendments to the Legislative Budget
137 Commission in accordance with s. 216.181.

138 (10) ADMISSION.—An eligible student may apply for admission
139 to the program. If more eligible students apply for admission
140 than the number of students permitted by the capacity
141 established by the board of trustees, admission shall be
142 determined by lottery. The college preparatory boarding academy
143 may enter into an agreement with the Department of Children and
144 Families to admit a designated number of students who are
145 covered under the state's Child Welfare Waiver Demonstration

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146 project and develop an alternative admissions process for these
147 eligible students.

148 Section 3. Paragraph (c) of subsection (1) of section
149 1002.45, Florida Statutes, is amended to read:

150 1002.45 Virtual instruction programs.—

151 (1) PROGRAM.—

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

155 1. Contract with the Florida Virtual School or establish a
156 franchise of the Florida Virtual School for the provision of a
157 program under paragraph (b). Using this option is subject to the
158 requirements of this section and s. 1011.61(1)(c)1.b.(III) and
159 (IV). A district may report full-time equivalent membership for
160 credit earned by a student who is enrolled in a virtual
161 education course provided by the district which was completed
162 after the end of the regular school year if the FTE is reported
163 no later than the deadline for amending the final student
164 enrollment report for that year.

165 2. Contract with an approved provider under subsection (2)
166 for the provision of a full-time program under subparagraph
167 (b)1. or subparagraph (b)3. or a part-time program under
168 subparagraph (b)2. or subparagraph (b)3.

169 3. Enter into an agreement with other school districts to
170 allow the participation of its students in an approved virtual
171 instruction program provided by the other school district. The
172 agreement must indicate a process for the transfer of funds
173 required by paragraph (7)(f).

174 4. Establish school district operated part-time or full-

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175 time kindergarten through grade 12 virtual instruction programs
176 under paragraph (b) for students enrolled in the school
177 district. A full-time program shall operate under its own Master
178 School Identification Number.

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

181
182 Contracts under subparagraph 1. or subparagraph 2. may include
183 multidistrict contractual arrangements that may be executed by a
184 regional consortium for its member districts. A multidistrict
185 contractual arrangement or an agreement under subparagraph 3. is
186 not subject to s. 1001.42(4)(d) and does not require the
187 participating school districts to be contiguous. These
188 arrangements may be used to fulfill the requirements of
189 paragraph (b).

190 Section 4. Subsection (1) of section 1003.498, Florida
191 Statutes, is amended to read:

192 1003.498 School district virtual course offerings.—

193 (1) School districts may deliver courses in the traditional
194 school setting by personnel certified pursuant to s. 1012.55 who
195 provide direct instruction through virtual instruction or
196 through blended learning courses consisting of both traditional
197 classroom and online instructional techniques. Students in a
198 blended learning course must be full-time students of the school
199 and receive the online instruction in a classroom setting at the
200 school. The funding, performance, and accountability
201 requirements for blended learning courses are the same as those
202 for traditional courses. A district may report full-time
203 equivalent membership for credit earned by a student who is

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204 enrolled in a virtual education course provided by the district
205 which is completed after the end of the regular school year if
206 the FTE is reported no later than the deadline for amending the
207 final student enrollment report for that year.

208 Section 5. Paragraph (c) of subsection (1) of section
209 1011.61, Florida Statutes, is amended to read:

210 1011.61 Definitions.—Notwithstanding the provisions of s.
211 1000.21, the following terms are defined as follows for the
212 purposes of the Florida Education Finance Program:

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

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

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

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

223 (I) A full-time student in a combination of programs listed
224 in s. 1011.62(1)(c) shall be a fraction of a full-time
225 equivalent membership in each special program equal to the
226 number of net hours per school year for which he or she is a
227 member, divided by the appropriate number of hours set forth in
228 subparagraph (a)1. or subparagraph (a)2. The difference between
229 that fraction or sum of fractions and the maximum value as set
230 forth in subsection (4) for each full-time student is presumed
231 to be the balance of the student’s time not spent in such
232 special program and shall be recorded as time in the appropriate

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233 basic program ~~The sum of the fractions for each program may not~~
234 ~~exceed the maximum value set forth in subsection (4).~~

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

237 (III) A full-time equivalent student for students in
238 kindergarten through grade 12 in a full-time virtual instruction
239 program under s. 1002.45 or a virtual charter school under s.
240 1002.33 shall consist of six full-credit completions or the
241 prescribed level of content that counts toward promotion to the
242 next grade in programs listed in s. 1011.62(1)(c). Credit
243 completions may be a combination of full-credit courses or half-
244 credit courses. Beginning in the 2014-2015 fiscal year, when s.
245 1008.22(3)(g) is implemented, the reported full-time equivalent
246 students and associated funding of students enrolled in courses
247 requiring passage of an end-of-course assessment shall be
248 adjusted after the student completes the end-of-course
249 assessment.

250 (IV) A full-time equivalent student for students in
251 kindergarten through grade 12 in a part-time virtual instruction
252 program under s. 1002.45 shall consist of six full-credit
253 completions in programs listed in s. 1011.62(1)(c)1. and 3.
254 Credit completions may be a combination of full-credit courses
255 or half-credit courses. Beginning in the 2014-2015 fiscal year,
256 when s. 1008.22(3)(g) is implemented, the reported full-time
257 equivalent students and associated funding of students enrolled
258 in courses requiring passage of an end-of-course assessment
259 shall be adjusted after the student completes the end-of-course
260 assessment.

261 (V) A Florida Virtual School full-time equivalent student

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262 shall consist of six full-credit completions or the prescribed
263 level of content that counts toward promotion to the next grade
264 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
265 participating in kindergarten through grade 12 part-time virtual
266 instruction and the programs listed in s. 1011.62(1)(c) for
267 students participating in kindergarten through grade 12 full-
268 time virtual instruction. Credit completions may be a
269 combination of full-credit courses or half-credit courses.
270 Beginning in the 2014-2015 fiscal year, when s. 1008.22(3)(g) is
271 implemented, the reported full-time equivalent students and
272 associated funding of students enrolled in courses requiring
273 passage of an end-of-course assessment shall be adjusted after
274 the student completes the end-of-course assessment.

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

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

283 (VIII) (A) A full-time equivalent student for courses
284 requiring a statewide, standardized end-of-course assessment
285 pursuant to s. 1008.22(3)(c)2.a. shall be defined and reported
286 based on the number of instructional hours as provided in this
287 subsection for the first 3 years of administering the end-of-
288 course assessment. Beginning in the fourth year of administering
289 the end-of-course assessment, the FTE shall be credit-based and
290 each course shall be equal to 1/6 FTE. The reported FTE shall be

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291 adjusted after the student successfully completes the end-of-
292 course assessment pursuant to s. 1008.22(3)(c)2.a.

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

297 (C) The FTE earned under this sub-sub-subparagraph and any
298 FTE for courses or programs listed in s. 1011.62(1)(c) that do
299 not require passing a statewide, standardized end-of-course
300 assessment are subject to the requirements in subsection (4).

301 2. A student in membership in a program scheduled for more
302 or less than 180 school days or the equivalent on an hourly
303 basis as specified by rules of the State Board of Education is a
304 fraction of a full-time equivalent membership equal to the
305 number of instructional hours in membership divided by the
306 appropriate number of hours set forth in subparagraph (a)1.;
307 however, for the purposes of this subparagraph, membership in
308 programs scheduled for more than 180 days is limited to students
309 enrolled in juvenile justice education programs and the Florida
310 Virtual School.

311
312 The department shall determine and implement an equitable method
313 of equivalent funding for experimental schools and for schools
314 operating under emergency conditions, which schools have been
315 approved by the department to operate for less than the minimum
316 school day.

317 Section 6. Paragraph (f) of subsection (1), subsection (5),
318 paragraph (a) of subsection (9), and subsections (11), (12),
319 (13), and (14) of section 1011.62, Florida Statutes, are amended

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320 to read:

321 1011.62 Funds for operation of schools.—If the annual
322 allocation from the Florida Education Finance Program to each
323 district for operation of schools is not determined in the
324 annual appropriations act or the substantive bill implementing
325 the annual appropriations act, it shall be determined as
326 follows:

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

331 (f) *Supplemental academic instruction; categorical fund.*—
332 1. There is created a categorical fund to provide
333 supplemental academic instruction to students in kindergarten
334 through grade 12. This paragraph may be cited as the
335 “Supplemental Academic Instruction Categorical Fund.”

336 2. Categorical funds for supplemental academic instruction
337 shall be allocated annually to each school district in the
338 amount provided in the General Appropriations Act. These funds
339 shall be in addition to the funds appropriated on the basis of
340 FTE student membership in the Florida Education Finance Program
341 and shall be included in the total potential funds of each
342 district. These funds shall be used to provide supplemental
343 academic instruction to students enrolled in the K-12 program.
344 For the 2012-2013, ~~and 2013-2014,~~ and 2014-2015 fiscal years,
345 each school district that has one or more of the 100 lowest-
346 performing elementary schools based on the state reading
347 assessment shall use these funds, together with the funds
348 provided in the district’s research-based reading instruction

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349 allocation and other available funds, to provide an additional
350 hour of instruction beyond the normal school day for each day of
351 the entire school year for intensive reading instruction for the
352 students in each of these schools. This additional hour of
353 instruction must be provided only by teachers or reading
354 specialists who are effective in teaching reading. Students
355 enrolled in these schools who have level 5 assessment scores may
356 participate in the additional hour of instruction on an optional
357 basis. Exceptional student education centers shall not be
358 included in the 100 schools. After this requirement has been
359 met, supplemental instruction strategies may include, but are
360 not limited to: modified curriculum, reading instruction, after-
361 school instruction, tutoring, mentoring, class size reduction,
362 extended school year, intensive skills development in summer
363 school, and other methods for improving student achievement.
364 Supplemental instruction may be provided to a student in any
365 manner and at any time during or beyond the regular 180-day term
366 identified by the school as being the most effective and
367 efficient way to best help that student progress from grade to
368 grade and to graduate.

369 3. Effective with the 1999-2000 fiscal year, funding on the
370 basis of FTE membership beyond the 180-day regular term shall be
371 provided in the FEFP only for students enrolled in juvenile
372 justice education programs or in education programs for
373 juveniles placed in secure facilities or programs under s.
374 985.19. Funding for instruction beyond the regular 180-day
375 school year for all other K-12 students shall be provided
376 through the supplemental academic instruction categorical fund
377 and other state, federal, and local fund sources with ample

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378 flexibility for schools to provide supplemental instruction to
379 assist students in progressing from grade to grade and
380 graduating.

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

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

390 (5) DISCRETIONARY MILLAGE COMPRESSION SUPPLEMENT.—The
391 Legislature shall prescribe in the General Appropriations Act,
392 pursuant to s. 1011.71(1), the rate of nonvoted current
393 operating discretionary millage that shall be used to calculate
394 a discretionary millage compression supplement. If the
395 prescribed millage generates an amount of funds per unweighted
396 FTE for the district that is less than 105 percent of the state
397 average, the district shall receive an amount per FTE that, when
398 added to the funds per FTE generated by the designated levy,
399 shall equal 105 percent of the state average.

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

401 (a) The research-based reading instruction allocation is
402 created to provide comprehensive reading instruction to students
403 in kindergarten through grade 12. For the 2012-2013, ~~and~~ 2013-
404 2014, and 2014-2015 fiscal years, in each school district that
405 has one or more of the 100 lowest-performing elementary schools
406 based on the state reading assessment, priority shall be given

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407 to providing an additional hour per day of intensive reading
408 instruction beyond the normal school day for each day of the
409 entire school year for the students in each school. Students
410 enrolled in these schools who have level 5 assessment scores may
411 participate in the additional hour of instruction on an optional
412 basis. Exceptional student education centers shall not be
413 included in the 100 schools. The intensive reading instruction
414 delivered in this additional hour and for other students shall
415 include: research-based reading instruction that has been proven
416 to accelerate progress of students exhibiting a reading
417 deficiency; differentiated instruction based on student
418 assessment data to meet students' specific reading needs;
419 explicit and systematic reading development in phonemic
420 awareness, phonics, fluency, vocabulary, and comprehension, with
421 more extensive opportunities for guided practice, error
422 correction, and feedback; and the integration of social studies,
423 science, and mathematics-text reading, text discussion, and
424 writing in response to reading. For the 2012-2013 and 2013-2014
425 fiscal years, a school district may not hire more reading
426 coaches than were hired during the 2011-2012 fiscal year unless
427 all students in kindergarten through grade 5 who demonstrate a
428 reading deficiency, as determined by district and state
429 assessments, including students scoring Level 1 or Level 2 on
430 FCAT Reading, are provided an additional hour per day of
431 intensive reading instruction beyond the normal school day for
432 each day of the entire school year.

433 ~~(11) VIRTUAL EDUCATION CONTRIBUTION. The Legislature may~~
434 ~~annually provide in the Florida Education Finance Program a~~
435 ~~virtual education contribution. The amount of the virtual~~

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436 ~~education contribution shall be the difference between the~~
437 ~~amount per FTE established in the General Appropriations Act for~~
438 ~~virtual education and the amount per FTE for each district and~~
439 ~~the Florida Virtual School, which may be calculated by taking~~
440 ~~the sum of the base FEFP allocation, the discretionary local~~
441 ~~effort, the state-funded discretionary contribution, the~~
442 ~~discretionary millage compression supplement, the research-based~~
443 ~~reading instruction allocation, and the instructional materials~~
444 ~~allocation, and then dividing by the total unweighted FTE. This~~
445 ~~difference shall be multiplied by the virtual education~~
446 ~~unweighted FTE for programs and options identified in s.~~
447 ~~1002.455(3) and the Florida Virtual School and its franchises to~~
448 ~~equal the virtual education contribution and shall be included~~
449 ~~as a separate allocation in the funding formula.~~

450 (11)~~(12)~~ QUALITY ASSURANCE GUARANTEE.—The Legislature may
451 annually in the General Appropriations Act determine a
452 percentage increase in funds per K-12 unweighted FTE as a
453 minimum guarantee to each school district. The guarantee shall
454 be calculated from prior year base funding per unweighted FTE
455 student which shall include the adjusted FTE dollars as provided
456 in subsection (12)~~(13)~~, quality guarantee funds, and actual
457 nonvoted discretionary local effort from taxes. From the base
458 funding per unweighted FTE, the increase shall be calculated for
459 the current year. The current year funds from which the
460 guarantee shall be determined shall include the adjusted FTE
461 dollars as provided in subsection (12)~~(13)~~ and potential
462 nonvoted discretionary local effort from taxes. A comparison of
463 current year funds per unweighted FTE to prior year funds per
464 unweighted FTE shall be computed. For those school districts

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465 which have less than the legislatively assigned percentage
466 increase, funds shall be provided to guarantee the assigned
467 percentage increase in funds per unweighted FTE student. Should
468 appropriated funds be less than the sum of this calculated
469 amount for all districts, the commissioner shall prorate each
470 district's allocation. This provision shall be implemented to
471 the extent specifically funded.

472 (12)~~(13)~~ TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT
473 FOR CURRENT OPERATION.—The total annual state allocation to each
474 district for current operation for the FEFP shall be distributed
475 periodically in the manner prescribed in the General
476 Appropriations Act.

477 (a) If the funds appropriated for current operation of the
478 FEFP are not sufficient to pay the state requirement in full,
479 the department shall prorate the available state funds to each
480 district in the following manner:

481 1. Determine the percentage of proration by dividing the
482 sum of the total amount for current operation, as provided in
483 this paragraph for all districts collectively, and the total
484 district required local effort into the sum of the state funds
485 available for current operation and the total district required
486 local effort.

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

490 3. From the product of such multiplication, subtract the
491 required local effort of each district; and the remainder shall
492 be the amount of state funds allocated to the district for
493 current operation. However, no calculation subsequent to the

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494 appropriation shall result in negative state funds for any
495 district.

496 (b) The amount thus obtained shall be the net annual
497 allocation to each school district. However, if it is determined
498 that any school district received an underallocation or
499 overallocation for any prior year because of an arithmetical
500 error, assessment roll change required by final judicial
501 decision, full-time equivalent student membership error, or any
502 allocation error revealed in an audit report, the allocation to
503 that district shall be appropriately adjusted. Beginning with
504 audits for the 2001-2002 fiscal year, if the adjustment is the
505 result of an audit finding in which group 2 FTE are reclassified
506 to the basic program and the district weighted FTE are over the
507 weighted enrollment ceiling for group 2 programs, the adjustment
508 shall not result in a gain of state funds to the district.
509 Beginning with the 2011-2012 fiscal year, if a special program
510 cost factor is less than the basic program cost factor, an audit
511 adjustment may not result in the reclassification of the special
512 program FTE to the basic program FTE. If the Department of
513 Education audit adjustment recommendation is based upon
514 controverted findings of fact, the Commissioner of Education is
515 authorized to establish the amount of the adjustment based on
516 the best interests of the state.

517 (c) The amount thus obtained shall represent the net annual
518 state allocation to each district; however, notwithstanding any
519 of the provisions herein, each district shall be guaranteed a
520 minimum level of funding in the amount and manner prescribed in
521 the General Appropriations Act.

522 (13) ~~(14)~~ COMPUTATION OF PRIOR YEAR DISTRICT REQUIRED LOCAL

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523 EFFORT.—Calculations required in this section shall be based on
524 95 percent of the taxable value for school purposes for fiscal
525 years prior to the 2010-2011 fiscal year.

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

528 1011.71 District school tax.—

529 (1) If the district school tax is not provided in the
530 General Appropriations Act or the substantive bill implementing
531 the General Appropriations Act, each district school board
532 desiring to participate in the state allocation of funds for
533 current operation as prescribed by s. 1011.62(12) ~~s. 1011.62(13)~~
534 shall levy on the taxable value for school purposes of the
535 district, exclusive of millage voted under the provisions of s.
536 9(b) or s. 12, Art. VII of the State Constitution, a millage
537 rate not to exceed the amount certified by the commissioner as
538 the minimum millage rate necessary to provide the district
539 required local effort for the current year, pursuant to s.
540 1011.62(4)(a)1. In addition to the required local effort millage
541 levy, each district school board may levy a nonvoted current
542 operating discretionary millage. The Legislature shall prescribe
543 annually in the appropriations act the maximum amount of millage
544 a district may levy.

545 (3)(a) Notwithstanding subsection (2), if the revenue from
546 1.5 mills is insufficient to meet the payments due under a
547 lease-purchase agreement entered into before June 30, 2009, by a
548 district school board pursuant to paragraph (2)(e), or to meet
549 other critical district fixed capital outlay needs, the board,
550 in addition to the 1.5 mills, may levy up to 0.25 mills for
551 fixed capital outlay in lieu of levying an equivalent amount of

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552 the discretionary mills for operations as provided in the
553 General Appropriations Act. Millage levied pursuant to this
554 subsection is subject to the provisions of s. 200.065 and,
555 combined with the 1.5 mills authorized in subsection (2), may
556 not exceed 1.75 mills. If the district chooses to use up to 0.25
557 mills for fixed capital outlay, the compression adjustment
558 pursuant to s. 1011.62(5) shall be calculated for the standard
559 discretionary millage that is not eligible for transfer to
560 capital outlay.

561 (b) In addition to the millage authorized in this section,
562 a district school board may, by a supermajority vote, levy an
563 additional 0.25 mills for critical capital outlay needs if the
564 average of the annual percent increase in the district's capital
565 outlay full-time equivalent student membership over the previous
566 5 years is 2.5 percent or greater. The levy of this millage and
567 expenditure of the funds is subject to the requirements of s.
568 200.065 and this section ~~Local funds generated by the additional~~
569 ~~0.25 mills authorized in paragraph (b) and state funds provided~~
570 ~~pursuant to s. 1011.62(5) may not be included in the calculation~~
571 ~~of the Florida Education Finance Program in 2011-2012 or any~~
572 ~~subsequent year and may not be incorporated in the calculation~~
573 ~~of any hold-harmless or other component of the Florida Education~~
574 ~~Finance Program in any year, except as provided in paragraph~~
575 ~~(c).~~

576 ~~(c) For the 2011-2012 and 2012-2013 fiscal years, the 0.25~~
577 ~~mills authorized in paragraph (b) may be levied by the districts~~
578 ~~in which it was authorized by the voters in the 2010 general~~
579 ~~election. If a district levies this voter-approved 0.25 mills~~
580 ~~for operations, a compression adjustment pursuant to s.~~

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581 ~~1011.62(5) may be calculated and added to the district's Florida~~
582 ~~Education Finance Program allocation, subject to determination~~
583 ~~in the General Appropriations Act.~~

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

586 1011.80 Funds for operation of workforce education
587 programs.—

588 (10) A high school student dually enrolled under s.
589 1007.271 in a workforce education program operated by a Florida
590 College System institution or school district career center
591 generates the amount calculated for workforce education funding,
592 including any payment of performance funding, and the
593 proportional share of full-time equivalent enrollment generated
594 through the Florida Education Finance Program for the student's
595 enrollment in a high school. If a high school student is dually
596 enrolled in a Florida College System institution program,
597 including a program conducted at a high school, the Florida
598 College System institution earns the funds generated for
599 workforce education funding, and the school district earns the
600 proportional share of full-time equivalent funding from the
601 Florida Education Finance Program. If a student is dually
602 enrolled in a career center operated by the same district as the
603 district in which the student attends high school, that district
604 earns the funds generated for workforce education funding and
605 also earns the proportional share of full-time equivalent
606 funding from the Florida Education Finance Program. If a student
607 is dually enrolled in a workforce education program provided by
608 a career center operated by a different school district, the
609 funds must be divided between the two school districts

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610 proportionally from the two funding sources. A student may not
611 be reported for funding in a dual enrollment workforce education
612 program unless the student has completed the basic skills
613 assessment pursuant to s. 1004.91. A student who is coenrolled
614 in a K-12 education program and an adult education program ~~may~~
615 ~~not be reported for purposes of funding in an adult education~~
616 ~~program, except that for the 2011-2012 and 2012-2013 fiscal~~
617 ~~years, students who are coenrolled in core curricula courses for~~
618 credit recovery or dropout prevention purposes and who does ~~de~~
619 not have a pattern of excessive absenteeism or habitual truancy
620 or a history of disruptive behavior in school may be reported
621 for funding for up to two courses per student. Such students are
622 exempt from the payment of the block tuition for adult general
623 education programs provided in s. 1009.22(3)(c).

624 Section 9. Paragraph (a) of subsection (3) of section
625 1013.64, Florida Statutes, is amended to read:

626 1013.64 Funds for comprehensive educational plant needs;
627 construction cost maximums for school district capital
628 projects.—Allocations from the Public Education Capital Outlay
629 and Debt Service Trust Fund to the various boards for capital
630 outlay projects shall be determined as follows:

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

636 1. K-12 students for whom the school district provides the
637 educational facility, including district students receiving
638 virtual education instruction in district facilities, except

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639 that hospital- and homebound part-time students are not
640 included; and

641 2. Students who are career education students, and adult
642 disabled students and who are enrolled in school district career
643 centers. The capital outlay full-time equivalent membership
644 shall be determined for kindergarten through the 12th grade and
645 for career centers by averaging the unweighted full-time
646 equivalent student membership for the second and third surveys
647 and comparing the results on a school-by-school basis with the
648 Florida Inventory for School Houses. The capital outlay full-
649 time equivalent membership by grade level organization shall be
650 used in making the following calculations: The capital outlay
651 full-time equivalent membership by grade level organization for
652 the 4th prior year must be used to compute the base-year
653 allocation. The capital outlay full-time equivalent membership
654 by grade-level organization for the prior year must be used to
655 compute the growth over the highest of the 3 years preceding the
656 prior year. From the total amount appropriated by the
657 Legislature pursuant to this subsection, 40 percent shall be
658 allocated among the base capital outlay full-time equivalent
659 membership and 60 percent among the growth capital outlay full-
660 time equivalent membership. The allocation within each of these
661 groups shall be prorated to the districts based upon each
662 district's percentage of base and growth capital outlay full-
663 time membership. The most recent 4-year capital outlay full-time
664 equivalent membership data shall be used in each subsequent
665 year's calculation for the allocation of funds pursuant to this
666 subsection. If a change, correction, or recomputation of data
667 during any year results in a reduction or increase of the

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668 calculated amount previously allocated to a district, the
669 allocation to that district shall be adjusted correspondingly.
670 If such recomputation results in an increase or decrease of the
671 calculated amount, such additional or reduced amounts shall be
672 added to or reduced from the district's future appropriations.
673 However, no change, correction, or recomputation of data shall
674 be made subsequent to 2 years following the initial annual
675 allocation.

676 Section 10. Notwithstanding the required review by the
677 Legislative Budget Commission pursuant to s. 1003.03(4)(c),
678 Florida Statutes, for the 2012-2013 fiscal year, the alternate
679 compliance calculation amounts to the class size operating
680 categorical fund authorized by s. 1003.03(4)(c), Florida
681 Statutes, shall be the reduction calculation required by s.
682 1003.03(4), Florida Statutes. The Commissioner of Education
683 shall modify payments to districts as required by s. 1003.03(4),
684 Florida Statutes, for the 2012-2013 fiscal year. This section
685 shall take effect upon this act becoming a law.

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