

By Senator Stargel

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1 A bill to be entitled
2 An act relating to K-12 education; amending s.
3 212.055, F.S.; requiring that a resolution to levy
4 discretionary sales tax include a statement containing
5 certain information; requiring surtax revenues shared
6 with charter schools to be expended by the charter
7 schools in a certain manner; amending s. 1007.273,
8 F.S.; defining the term "early college program";
9 deleting a provision related to collegiate high school
10 programs; changing the term "collegiate high school
11 program" to "early college program"; requiring early
12 college programs to prioritize certain courses for
13 degree purposes; authorizing a charter school to
14 execute a contract with a local Florida College System
15 institution or another institution as authorized by
16 law to establish an early college program; requiring
17 that the Commissioner of Education report to the
18 Governor and the Legislature on the status of early
19 college programs by a specified date and annually
20 thereafter; requiring the report contain certain
21 information; amending s. 1011.62, F.S.; changing the
22 calculation of full-time equivalent student membership
23 for dual enrollment purposes; providing that full-time
24 equivalent membership can be calculated based on a
25 student earning a College Board Advanced Placement
26 Capstone Diploma; providing for calculation of full-
27 time equivalent membership for students earning the
28 Capstone Diploma; requiring that before distribution
29 of the mental health assistance allocation occurs, a

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30 school district submit a detailed plan that includes
31 the input of school and community stakeholders and is
32 informed by a needs assessment; requiring school board
33 mental health policies and procedures to include
34 certain items; requiring each school district to
35 submit a report to the Department of Education which
36 reflects certain program outcomes and expenditures for
37 all charter schools in the district; requiring the
38 report to include certain information; requiring that
39 certain excess funds be used for specified mental
40 health expenses; abrogating the scheduled repeal of
41 provisions relating to the annual funding compression
42 allocation; amending s. 1003.4282, F.S.; conforming a
43 provision to changes made by the act; providing an
44 effective date.

45

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

47

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

50 212.055 Discretionary sales surtaxes; legislative intent;
51 authorization and use of proceeds.—It is the legislative intent
52 that any authorization for imposition of a discretionary sales
53 surtax shall be published in the Florida Statutes as a
54 subsection of this section, irrespective of the duration of the
55 levy. Each enactment shall specify the types of counties
56 authorized to levy; the rate or rates which may be imposed; the
57 maximum length of time the surtax may be imposed, if any; the
58 procedure which must be followed to secure voter approval, if

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59 required; the purpose for which the proceeds may be expended;
 60 and such other requirements as the Legislature may provide.
 61 Taxable transactions and administrative procedures shall be as
 62 provided in s. 212.054.

63 (6) SCHOOL CAPITAL OUTLAY SURTAX.—

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

69 (b) The resolution must ~~shall~~ include a statement that
 70 provides a brief and general description of the school capital
 71 outlay projects to be funded by the surtax. The resolution must
 72 also include a statement that the revenues collected must be
 73 shared with charter schools based on their proportionate share
 74 of total school district enrollment. The statement must ~~shall~~
 75 conform to the requirements of s. 101.161 and shall be placed on
 76 the ballot by the governing body of the county. The following
 77 question shall be placed on the ballot:
 78

79 FOR THE CENTS TAX

80 AGAINST THE CENTS TAX

81 (c) The resolution providing for the imposition of the
 82 surtax must ~~shall~~ set forth a plan for use of the surtax
 83 proceeds for fixed capital expenditures or fixed capital costs
 84 associated with the construction, reconstruction, or improvement
 85 of school facilities and campuses which have a useful life

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86 expectancy of 5 or more years, and any land acquisition, land
87 improvement, design, and engineering costs related thereto.
88 Additionally, the plan shall include the costs of retrofitting
89 and providing for technology implementation, including hardware
90 and software, for the various sites within the school district.
91 Surtax revenues may be used for the purpose of servicing bond
92 indebtedness to finance projects authorized by this subsection,
93 and any interest accrued thereto may be held in trust to finance
94 such projects. Neither the proceeds of the surtax nor any
95 interest accrued thereto shall be used for operational expenses.
96 Surtax revenues shared with charter schools shall be expended by
97 the charter schools in a manner consistent with the plan, as
98 appropriate.

99 (d) Surtax revenues collected by the Department of Revenue
100 pursuant to this subsection shall be distributed to the school
101 board imposing the surtax in accordance with law.

102 Section 2. Section 1007.273, Florida Statutes, is amended
103 to read:

104 1007.273 Early college programs ~~Collegiate high school~~
105 ~~program.~~

106 (1) Each Florida College System institution shall work with
107 each district school board in its designated service area to
108 establish one or more early college ~~collegiate high school~~
109 programs. As used in this section, the term "early college
110 program" means a structured high school acceleration program in
111 which a cohort of students is taking postsecondary courses full
112 time toward an associate degree. The early college program must
113 prioritize courses applicable as general education core courses
114 under s. 1007.25 for an associate degree or a baccalaureate

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115 degree.

116 ~~(2) At a minimum, collegiate high school programs must~~
117 ~~include an option for public school students in grade 11 or~~
118 ~~grade 12 participating in the program, for at least 1 full~~
119 ~~school year, to earn CAPE industry certifications pursuant to s.~~
120 ~~1008.44 and to successfully complete 30 credit hours through the~~
121 ~~dual enrollment program under s. 1007.271 toward the first year~~
122 ~~of college for an associate degree or baccalaureate degree while~~
123 ~~enrolled in the program.~~

124 ~~(2)(3)~~ Each district school board and its local Florida
125 College System institution shall execute a contract to establish
126 one or more early college ~~collegiate high school~~ programs at a
127 mutually agreed upon location or locations. ~~Beginning with the~~
128 ~~2015-2016 school year,~~ If the Florida College System institution
129 does not establish an early college a program with a district
130 school board in its designated service area, another Florida
131 College System institution may execute a contract with that
132 district school board to establish the early college program.
133 The contract must be executed by January 1 of each school year
134 for implementation of the program during the next school year.
135 The contract must:

136 (a) Identify the grade levels to be included in the early
137 college ~~collegiate high school~~ program ~~which must, at a minimum,~~
138 ~~include grade 12.~~

139 (b) Describe the early college ~~collegiate high school~~
140 program, including the delineation of courses that must, at a
141 minimum, include general education core courses pursuant to s.
142 1007.25; ~~and industry certifications offered, including online~~
143 ~~course availability; the high school and college credits earned~~

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144 for each postsecondary course completed and industry
 145 certification earned; student eligibility criteria; and the
 146 enrollment process and relevant deadlines.

147 (c) Describe the methods, medium, and process by which
 148 students and their parents are annually informed about the
 149 availability of the early college ~~collegiate high school~~
 150 program, the return on investment associated with participation
 151 in the early college program, and the information described in
 152 paragraphs (a) and (b).

153 (d) Identify the delivery methods for instruction and the
 154 instructors for all courses.

155 (e) Identify student advising services and progress
 156 monitoring mechanisms.

157 (f) Establish a program review and reporting mechanism
 158 regarding student performance outcomes.

159 (g) Describe the terms of funding arrangements to
 160 implement the early college ~~collegiate high school~~ program
 161 pursuant to subsection (5).

162 ~~(3)-(4)~~ Each student participating in an early college a
 163 ~~collegiate high school~~ program must enter into a student
 164 performance contract that ~~which~~ must be signed by the student,
 165 the parent, and a representative of the school district and the
 166 ~~applicable~~ Florida College System institution partner, ~~state~~
 167 ~~university~~, or any other eligible postsecondary institution
 168 partner participating pursuant to subsection (4) ~~(5)~~. The
 169 performance contract must, at a minimum, specify ~~include~~ the
 170 schedule of courses, by semester, and industry certifications to
 171 be taken by the student, if any; student attendance
 172 requirements; ~~and~~ and course grade requirements; and the

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173 applicability of such courses to an associate degree or a
174 baccalaureate degree.

175 (4)~~(5)~~ In addition to executing a contract with the local
176 Florida College System institution under this section, a
177 district school board may execute a contract to establish an
178 early college ~~a collegiate high school~~ program with a state
179 university or an institution that is eligible to participate in
180 the William L. Boyd, IV, Effective Access to Student Education
181 Grant Program, that is a nonprofit independent college or
182 university located and chartered in this state, and that is
183 accredited by the Commission on Colleges of the Southern
184 Association of Colleges and Schools to grant baccalaureate
185 degrees. Such university or institution must meet the
186 requirements specified under subsections (2) and (3) ~~subsections~~
187 ~~(3) and (4)~~. A charter school may execute a contract directly
188 with the local Florida College System institution or another
189 institution as authorized under this section to establish an
190 early college program at a mutually agreed upon location.

191 (5)~~(6)~~ The early college ~~collegiate high school~~ program
192 shall be funded pursuant to ss. 1007.271 and 1011.62. The State
193 Board of Education shall enforce compliance with this section by
194 withholding the transfer of funds for the school districts and
195 the Florida College System institutions in accordance with s.
196 1008.32.

197 (6) By November 30, 2021, and annually thereafter, the
198 commissioner must report to the Governor, the President of the
199 Senate, and the Speaker of the House of Representatives the
200 status of early college programs, including, at a minimum, a
201 summary of student enrollment in public and private

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202 postsecondary institutions and program completion information.

203 Section 3. Paragraphs (i) and (n) of subsection (1) and
204 subsections (16) and (17) of section 1011.62, Florida Statutes,
205 are amended to read:

206 1011.62 Funds for operation of schools.—If the annual
207 allocation from the Florida Education Finance Program to each
208 district for operation of schools is not determined in the
209 annual appropriations act or the substantive bill implementing
210 the annual appropriations act, it shall be determined as
211 follows:

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

216 (i) *Calculation of full-time equivalent membership with*
217 *respect to dual enrollment instruction.—*

218 1. Full-time equivalent students.—Students enrolled in dual
219 enrollment instruction pursuant to s. 1007.271 may be included
220 in calculations of full-time equivalent student memberships for
221 basic programs for grades 9 through 12 by a district school
222 board. Instructional time for dual enrollment may vary from 900
223 hours; however, the full-time equivalent student membership
224 value shall be subject to the provisions in s. 1011.61(4). Dual
225 enrollment full-time equivalent student membership shall be
226 calculated in an amount equal to the hours of instruction that
227 would be necessary to earn the full-time equivalent student
228 membership for an equivalent course if it were taught in the
229 school district. Students in dual enrollment courses may also be
230 calculated as the proportional shares of full-time equivalent

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231 enrollments they generate for a Florida College System
232 institution or university conducting the dual enrollment
233 instruction. Early admission students shall be considered dual
234 enrollments for funding purposes. Students may be enrolled in
235 dual enrollment instruction provided by an eligible independent
236 college or university and may be included in calculations of
237 full-time equivalent student memberships for basic programs for
238 grades 9 through 12 by a district school board. However, those
239 provisions of law which exempt dual enrolled and early admission
240 students from payment of instructional materials and tuition and
241 fees, including laboratory fees, shall not apply to students who
242 select the option of enrolling in an eligible independent
243 institution. An independent college or university, which is not
244 for profit, is accredited by a regional or national accrediting
245 agency recognized by the United States Department of Education,
246 and confers degrees as defined in s. 1005.02 shall be eligible
247 for inclusion in the dual enrollment or early admission program.
248 Students enrolled in dual enrollment instruction shall be exempt
249 from the payment of tuition and fees, including laboratory fees.
250 No student enrolled in college credit mathematics or English
251 dual enrollment instruction shall be funded as a dual enrollment
252 unless the student has successfully completed the relevant
253 section of the entry-level examination required pursuant to s.
254 1008.30.

255 2. Additional full-time equivalent student membership.—For
256 students enrolled in an early college program, pursuant to s.
257 1007.273, a value of 0.16 full-time equivalent student
258 membership shall be calculated for each student who completes a
259 general education core course through the dual enrollment

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260 program with a grade of "C" or better. For students who are not
261 enrolled in an early college program, a value of 0.08 full-time
262 equivalent student membership shall be calculated for each
263 student who completes a general education core course through
264 the dual enrollment program with a grade of "C" or better. In
265 addition, a value of 0.3 full-time equivalent student membership
266 shall be calculated for any student who receives an associate
267 degree through the dual enrollment program with a 3.0 grade
268 point average or better. This value shall be added to the total
269 full-time equivalent student membership in basic programs for
270 grades 9 through 12 in the subsequent fiscal year. This section
271 shall be effective for credit earned by dually enrolled students
272 for courses taken in the 2020-2021 school year and each school
273 year thereafter. If the associate degree pursuant to this
274 paragraph is earned in 2020-2021 following completion of courses
275 taken in the 2020-2021 school year, then courses taken towards
276 the degree as part of the dual enrollment program prior to 2020-
277 2021 may not preclude eligibility for the 0.3 additional full-
278 time equivalent student membership bonus. Each school district
279 shall allocate at least 50 percent of the funds received from
280 the dual enrollment bonus FTE funding, in accordance with this
281 paragraph, to the schools that generated the funds to support
282 student academic guidance and postsecondary readiness.

283 3. Qualifying courses.—For the purposes of this paragraph,
284 general education core courses are those that are identified in
285 rule by the State Board of Education and in regulation by the
286 Board of Governors pursuant to s. 1007.25(3).

287 *(n) Calculation of additional full-time equivalent*
288 *membership based on college board advanced placement scores of*

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289 students and earning College Board Advanced Placement Capstone
290 Diplomas.—A value of 0.16 full-time equivalent student
291 membership shall be calculated for each student in each advanced
292 placement course who receives a score of 3 or higher on the
293 College Board Advanced Placement Examination for the prior year
294 and added to the total full-time equivalent student membership
295 in basic programs for grades 9 through 12 in the subsequent
296 fiscal year. A value of 0.3 full-time equivalent student
297 membership shall be calculated for each student who receives a
298 College Board Advanced Placement Capstone Diploma and meets the
299 requirements for a standard high school diploma under s.
300 1003.4282. This value shall be added to the total full-time
301 equivalent student membership in basic programs for grades 9
302 through 12 in the subsequent fiscal year. Each district must
303 allocate at least 80 percent of the funds provided to the
304 district for advanced placement instruction, in accordance with
305 this paragraph, to the high school that generates the funds. The
306 school district shall distribute to each classroom teacher who
307 provided advanced placement instruction:

308 1. A bonus in the amount of \$50 for each student taught by
309 the Advanced Placement teacher in each advanced placement course
310 who receives a score of 3 or higher on the College Board
311 Advanced Placement Examination.

312 2. An additional bonus of \$500 to each Advanced Placement
313 teacher in a school designated with a grade of "D" or "F" who
314 has at least one student scoring 3 or higher on the College
315 Board Advanced Placement Examination, regardless of the number
316 of classes taught or of the number of students scoring a 3 or
317 higher on the College Board Advanced Placement Examination.

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319 Bonuses awarded under this paragraph shall be in addition to any
320 regular wage or other bonus the teacher received or is scheduled
321 to receive. For such courses, the teacher shall earn an
322 additional bonus of \$50 for each student who has a qualifying
323 score.

324 (16) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health
325 assistance allocation is created to provide funding to assist
326 school districts in establishing or expanding school-based
327 mental health care; train educators and other school staff in
328 detecting and responding to mental health issues; and connect
329 children, youth, and families who may experience behavioral
330 health issues with appropriate services. These funds shall be
331 allocated annually in the General Appropriations Act or other
332 law to each eligible school district. Each school district shall
333 receive a minimum of \$100,000, with the remaining balance
334 allocated based on each school district's proportionate share of
335 the state's total unweighted full-time equivalent student
336 enrollment. Charter schools that submit a plan separate from the
337 school district are entitled to a proportionate share of
338 district funding. The allocated funds may not supplant funds
339 that are provided for this purpose from other operating funds
340 and may not be used to increase salaries or provide bonuses.
341 School districts are encouraged to maximize third-party health
342 insurance benefits and Medicaid claiming for services, where
343 appropriate.

344 (a) Before the distribution of the allocation:

345 1. The school district must develop and submit a detailed
346 plan, which includes the input of school and community

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347 stakeholders and is informed by a needs assessment, outlining
348 the local program and planned expenditures to the district
349 school board for approval. This plan must include all district
350 schools, including charter schools, unless a charter school
351 elects to submit a plan independently from the school district
352 pursuant to subparagraph 2.

353 2. A charter school may develop and submit a detailed plan
354 outlining the local program and planned expenditures to its
355 governing body for approval. After the plan is approved by the
356 governing body, it must be provided to the charter school's
357 sponsor.

358 (b) The plans required under paragraph (a) must be focused
359 on a multitiered system of supports to deliver evidence-based
360 mental health care assessment, diagnosis, intervention,
361 treatment, and recovery services to students with one or more
362 mental health or co-occurring substance abuse diagnoses and to
363 students at high risk of such diagnoses. The provision of these
364 services must be coordinated with a student's primary mental
365 health care provider and with other mental health providers
366 involved in the student's care. At a minimum, the plans must
367 include the following elements:

368 1. Direct employment of school-based mental health services
369 providers to expand and enhance school-based student services
370 and to reduce the ratio of students to staff in order to better
371 align with nationally recommended ratio models. These providers
372 include, but are not limited to, certified school counselors,
373 school psychologists, school social workers, and other licensed
374 mental health professionals. The plan also must identify
375 strategies to increase the amount of time that school-based

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376 student services personnel spend providing direct services to
377 students, which may include the review and revision of district
378 staffing resource allocations based on school or student mental
379 health assistance needs.

380 2. Contracts or interagency agreements with one or more
381 local community behavioral health providers or providers of
382 Community Action Team services to provide a behavioral health
383 staff presence and services at district schools. Services may
384 include, but are not limited to, mental health screenings and
385 assessments, individual counseling, family counseling, group
386 counseling, psychiatric or psychological services, trauma-
387 informed care, mobile crisis services, and behavior
388 modification. These behavioral health services may be provided
389 on or off the school campus and may be supplemented by
390 telehealth.

391 3. Policies and procedures, including contracts with
392 service providers, which will ensure that students who are
393 referred to a school-based or community-based mental health
394 service provider for mental health screening for the
395 identification of mental health concerns and ensure that the
396 assessment of students at risk for mental health disorders
397 occurs within 15 days of referral. School-based mental health
398 services must be initiated within 15 days after identification
399 and assessment, and support by community-based mental health
400 service providers for students who are referred for community-
401 based mental health services must be initiated within 30 days
402 after the school or district makes a referral.

403 4. School board mental health policies and procedures,
404 including the following:

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- 405 a. Universal supports to promote students' psychological
406 well-being and ensure safe and supportive school environments;
- 407 b. Evidence-based strategies or programs to reduce the
408 likelihood of at-risk students developing social, emotional, or
409 behavioral health problems, depression, anxiety disorders,
410 suicidal tendencies, or substance use disorders.
- 411 c.5. Strategies to improve the early identification of
412 social, emotional, or behavioral problems or substance use
413 disorders, to provide ~~improve the provision of~~ early
414 intervention services, and to assist students in dealing with
415 trauma and violence.
- 416 d. Policies and procedures for responding to a student with
417 suicidal ideation, including risk assessment, guidelines for
418 informing parents of suicide risk, and school board policies for
419 initiating involuntary examination of students with suicide
420 ideation.
- 421 e. A school crisis response plan that includes prevention,
422 preparation for, response to, and recovery from a range of
423 crises. The plan should include establishment of district-level
424 and school-level crisis response teams, including, but not
425 limited to, administration and school-based mental health
426 service providers.
- 427 (c) School districts shall submit approved plans, including
428 approved plans of each charter school in the district, to the
429 commissioner by August 1 of each fiscal year.
- 430 (d) Beginning September 30, 2019, and annually by September
431 30 thereafter, each school district shall submit to the
432 Department of Education a report on its program outcomes and
433 expenditures for the previous fiscal year. The report must

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434 reflect program outcomes and expenditures for all charter
435 schools in the district, including charter schools that
436 submitted a separate plan. The report must ~~that~~, at a minimum,
437 ~~must~~ include ~~the number of each of~~ the following:

438 1. The number of students who receive screenings or
439 assessments.

440 2. The number of students who are referred to either
441 school-based or community-based providers for services or
442 assistance.

443 3. The number of students who receive either school-based
444 or community-based interventions, services, or assistance.

445 4. The number of school-based and community-based mental
446 health providers, including licensure type, paid for from funds
447 provided through the allocation.

448 5. The number and ratio of school social workers, school
449 psychologists, and certified school counselors employed by the
450 district and the total number of licensed mental health
451 professionals employed directly by the district.

452 ~~6.5.~~ Contract-based collaborative efforts or partnerships
453 with community mental health programs, agencies, or providers.

454 (e) The amount of mental health assistance allocation funds
455 appropriated subsequent to the 2019-2020 fiscal year that are in
456 excess of the amount appropriated in the 2019-2020 fiscal year
457 shall be used exclusively to fund additional providers of
458 school-based mental health services.

459 (17) FUNDING COMPRESSION ALLOCATION.—The Legislature may
460 provide an annual funding compression allocation in the General
461 Appropriations Act. The allocation is created to provide
462 additional funding to school districts and developmental

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463 research schools whose total funds per FTE in the prior year
464 were less than the statewide average. Using the most recent
465 prior year FEFP calculation for each eligible school district,
466 the total funds per FTE shall be subtracted from the state
467 average funds per FTE, not including any adjustments made
468 pursuant to paragraph (19) (b). The resulting funds per FTE
469 difference, or a portion thereof, as designated in the General
470 Appropriations Act, shall then be multiplied by the school
471 district's total unweighted FTE to provide the allocation. If
472 the calculated funds are greater than the amount included in the
473 General Appropriations Act, they must be prorated to the
474 appropriation amount based on each participating school
475 district's share. ~~This subsection expires July 1, 2020.~~

476 Section 4. Paragraph (c) of subsection (10) of section
477 1003.4282, Florida Statutes, is amended to read:

478 1003.4282 Requirements for a standard high school diploma.-

479 (10) STUDENTS WITH DISABILITIES.-Beginning with students
480 entering grade 9 in the 2014-2015 school year, this subsection
481 applies to a student with a disability.

482 (c) A student with a disability who meets the standard high
483 school diploma requirements in this section may defer the
484 receipt of a standard high school diploma if the student:

485 1. Has an individual education plan that prescribes special
486 education, transition planning, transition services, or related
487 services through age 21; and

488 2. Is enrolled in accelerated college credit instruction
489 pursuant to s. 1007.27, industry certification courses that lead
490 to college credit, an early college ~~a collegiate high school~~
491 program, courses necessary to satisfy the Scholar designation

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492 requirements, or a structured work-study, internship, or
493 preapprenticeship program.

494

495 The State Board of Education shall adopt rules under ss.
496 120.536(1) and 120.54 to implement this subsection, including
497 rules that establish the minimum requirements for students
498 described in this subsection to earn a standard high school
499 diploma. The State Board of Education shall adopt emergency
500 rules pursuant to ss. 120.536(1) and 120.54.

501 Section 5. This act shall take effect July 1, 2020.