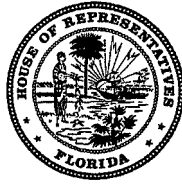




PreK-12 Appropriations Committee

Tuesday, March 16, 2010
2:15 p.m. – 6:00 p.m.
404 House Office Building

Meeting Packet



The Florida House of Representatives

PreK-12 Appropriations Committee

Larry Cretul
Speaker

Anitere Flores
Chair

Meeting Agenda

Tuesday, March 16, 2010

2:15 p.m. to 6:00 p.m.

404 House Office Building

- I. Call to Order
- II. Roll Call
- III. Budget Workshop
- IV. Consideration of the following proposed committee bill:

PCB PAC 10-01 - Prekindergarten through Grade 12 Education Funding
- V. Adjournment

PreK -12 Appropriations 2010-11

FY 2010-11 Final Chair Recommendation							
Policy Area/Budget Entity	FTE	GR	EETF	PSSTF	Other Trust	Total	Non-Rec
1							
2	EARLY LEARNING	310,898,352	-	-	38,017,534	348,915,886	38,017,534
3							
4	PUBLIC SCHOOLS						
5	State Grants - K-12/FEFP	8,509,633,279	261,400,000	109,600,000	865,268,839	9,745,902,118	865,268,839
6							
7	State Grants - K-12/Non-FEFP	63,501,050	-	-	203,834,920	267,335,970	57,545,185
8							
9	Federal Grants - K-12 Programs	14,353,139	-	-	3,418,316,579	3,432,669,718	1,102,374,060
10							
11	Ed Media & Technology Services	6,700,800	-	-	1,750,816	8,451,616	1,750,816
12							
13	STATE BOARD OF EDUCATION	1,128.0	63,224,261	-	-	151,976,217	215,200,478
14							
15							
16							
17	TOTAL, PUBLIC SCHOOLS	1,128.0	8,968,310,881	261,400,000	109,600,000	4,679,164,905	14,018,475,786

Early Learning - PreKindergarten Education

		FY 2010-11 Final Chair Recommendation						
Appropriation Category		GR	EETF	PSSTF	Other Trust	Total	Non-Rec	Comments
1	TRANSFER VOLUNTARY PREK TO AWI	328,771,580			38,017,534	366,789,114	-	2009-10 Total Appropriation
2	Startup Budget Adjustments - Deduct Nonrecurring				(38,017,534)	(38,017,534)	-	Technical adjustment.
3	Align Appropriations with Revenue Estimates					-	-	
3a	Workload	40,996,217				40,996,217		Increase in 9,825 students.
3b	Restore Nonrecurring - Federal Stabilization Discretionary Funds				38,017,534	38,017,534	38,017,534	2009-10 funding was nonrecurring.
4	Revised Program Ratios	(57,700,826)				(57,700,826)	-	Program savings associated with increase of school year teacher ratio to 1:12 or 2:24. BSA of \$2190 for both summer and school year terms.
4a	Administrative Reduction	(1,168,619)				(1,168,619)	-	Reduction in Administrative Cost from 4.85% to 4.5%.
5	TOTAL, TRANSFER VOLUNTARY PREK TO AWI	310,898,352	-	-	38,017,534	348,915,886	38,017,534	4.87% decrease in total funds from the prior year.
6								
7	G/A-EARLY LEARNING STDS/ACCOUNTABILITY	400,000				400,000	-	2009-10 Total Appropriation
8	Align Appropriations with Revenue Estimates	(400,000)				(400,000)	-	Eliminate funding.
9						-	-	
10	TOTAL, G/A-EARLY LEARNING STDS/ACCOUNTABILITY	-	-	-	-	-	-	
11								
12	TOTAL, PREKINDERGARTEN EDUCATION	310,898,352	-	-	38,017,534	348,915,886	38,017,534	

Federal Stabilization Funds (Discretionary) Included

38,017,534

Division of Public Schools - FEFP

		FY 2010-11 Final Chair Recommendation						
Appropriation Category	GR	EETF	PSSTF	Other Trust	Total	Non-Rec	Comments	
1 G/A-FEFP	5,014,769,389	9,036,490	73,385,190	907,920,175	6,005,111,244	-	2009-10 Total Appropriation	
2 Startup Budget Adjustments - Deduct Nonrecurring				(907,920,175)	(907,920,175)	-	Technical adjustment.	
3 Align Appropriations with Revenue Estimates	(2,821,604)				(2,821,604)	-	.06% reduction to GR.	
4 State Employee Salary and Benefits Issue	35,876,562				35,876,562	-	Statewide issue.	
4a Reduce Industry Certification incentive funding	(652,299)				(652,299)	-	Reduce Add-on funding by 50%.	
4b Ad Valorem Offset Adjustment	703,010,280				703,010,280	-	Cover deficit in Local Funds due to 9.48% reduction in School Taxable Value.	
4c Restore Nonrecurring - Federal Stabilization Education Funds				858,238,056	858,238,056	858,238,056	2009-10 funding was nonrecurring.	
4d Restore Nonrecurring - Federal Stabilization Discretionary Funds				7,030,783	7,030,783	7,030,783	2009-10 funding was nonrecurring.	
4e Balance to Principal State School Trust Fund Revenues	49,946,288		(49,946,288)		-	-	Fund shift to balance revenues.	
5					-	-		
6 TOTAL, G/A-FEFP	5,800,128,616	9,036,490	23,438,902	865,268,839	6,697,872,847	865,268,839		
7								
8 G/A-CLASS SIZE REDUCTION	2,569,568,271	189,849,480	86,161,098		2,845,578,849	-	2009-10 Total Appropriation	
9 Startup Budget Adjustments - Deduct Nonrecurring		(33,500,000)			(33,500,000)	-	Technical adjustment.	
10 Align Appropriations with Revenue Estimates					-	-		
11 Restore Nonrecurring	33,500,000				33,500,000	-	2009-10 funding was nonrecurring.	
11a Balance to Educational Enhancement Trust Fund Revenues	33,900,000	(33,900,000)			-	-	Fund shift to balance revenues.	
11b Workload	72,536,392				72,536,392	-	Increase in enrollment.	
12					-	-		
13 TOTAL, G/A-CLASS SIZE REDUCTION	2,709,504,663	122,449,480	86,161,098	-	2,918,115,241	-		
14								
15 G/A-DIST LOTTERY/SCHOOL RECOGNITION		129,914,030			129,914,030	-	2009-10 Total Appropriation	
16 Startup Budget Adjustments - Deduct Nonrecurring					-	-		
17 Align Appropriations with Revenue Estimates					-	-		
18					-	-		
19					-	-		
20 TOTAL, G/A-DIST LOTTERY/SCHL RECOGNITION	-	129,914,030	-	-	129,914,030	-	No change to program or award of \$75 per student.	
21								
22 TOTAL FEFP	8,509,633,279	261,400,000	109,600,000	865,268,839	9,745,902,118	865,268,839	9.10% Increase in State Funds Due to ad valorem revenue declines and increased enrollment, the net of state funds and local funds results in a per student reduction of .45% or \$30.71.	

Federal Stabilization Funds Included
Federal Stabilization Funds (Discretionary) Included

858,238,056
7,030,783

Division of Public Schools - State Grants/Non - FEFP

FY 2010-11 Final Chair Recommendation

	Appropriation Category	GR	EETF	PSSTF	Other Trust	Total	Non-Rec	Comments	
1	G/A-INSTRUCTIONAL MATERIALS	1,595,415			546,169	2,141,584	-	2009-10 Total Appropriation	
2	Recurring Earmarks:					-	-		
3	Partially Sighted Materials	137,021				137,021	-		
4	Sunlink Library Database	601,683				601,683	-		
5	Instructional Materials Management	76,894				76,894	-		
6	Learning thru Listening	779,817				779,817	-		
7	Nonrecurring Funds:					-	-		
8	PAEC Distance Learning				500,000	500,000	-		
9	Partially Sighted Materials				8,564	8,564	-		
10	Sunlink Library Database				37,605	37,605	-		
11	Startup Budget Adjustments - Deduct Nonrecurring				(546,169)	(546,169)	-		Technical adjustment.
12	Align Appropriations with Revenue Estimates:					-	-		
12a	Partially Sighted Materials	(20,553)				(20,553)	-		15% reduction.
12b	Instructional Materials Management	(7,689)				(7,689)	-		10% reduction.
12c	Learning thru Listening	(77,982)				(77,982)	-	10% reduction.	
12d	Restore Nonrecurring - Federal Stabilization Discretionary Funds:					-	-		
12e	PAEC Distance Learning				450,000	450,000	450,000	Restore nonrecurring funds to generate 10% total funds reduction from prior year.	
12f	Partially Sighted Materials				14,559	14,559	14,559	Restore nonrecurring funds to generate 10% total funds reduction from prior year.	
12g	Transfer Sunlink Library Database to College Center for Library Automation (CCLA)	(501,683)				(501,683)	-	Sunlink public school library database is being transferred to College Center for Library Automation under Community Colleges.	
13						-	-		
14	TOTAL, G/A-INSTRUCTIONAL MATERIALS	987,508	-	-	464,559	1,452,067	464,559		
15									
16	G/A-EXCELLENT TEACHING				46,902,403	46,902,403	-	2009-10 Total Appropriation	
17	Startup Budget Adjustments - Deduct Nonrecurring				(46,902,403)	(46,902,403)	-	Technical adjustment.	
18	Align Appropriations with Revenue Estimates					-	-		
18a	Restore Nonrecurring - Federal Stabilization Discretionary Funds				44,557,283	44,557,283	44,557,283	Restore nonrecurring funds to generate 5% total funds reduction from prior year.	
19						-	-		
20	TOTAL, G/A-EXCELLENT TEACHING	-	-	-	44,557,283	44,557,283	44,557,283		
21									
22	PROFESSIONAL PRACTICES SUBSTITUTES	50,596				50,596		2009-10 Total Appropriation	
23	Align Appropriations with Revenue Estimates	(50,596)				(50,596)		Eliminate funding.	
24						-	-		
25	TOTAL, G/A- PROFESSIONAL PRACTICES SUBSTITUTES	-	-	-	-	-	-		
26									
27	G/A-READING INITIATIVES	-			9,600,000	9,600,000	-	2009-10 Total Appropriation	
28	Startup Budget Adjustments - Deduct Nonrecurring				(4,600,000)	(4,600,000)	-	Nonrecurring funding not restored.	
29	Align Appropriations with Revenue Estimates					-	-		
30	Restore Nonrecurring - Federal Stabilization Discretionary Funds				1,500,000	1,500,000	1,500,000	2009-10 funding was nonrecurring.	

Division of Public Schools - State Grants/Non - FEFP

		FY 2010-11 Final Chair Recommendation							
Appropriation Category	GR	EETF	PSSTF	Other Trust	Total	Non-Rec	Comments		
31 TOTAL, G/A- READING INITIATIVES	-	-	-	6,500,000	6,500,000	1,500,000			
32									
33 G/A-ASSIST LOW PERFORMING SCHOOLS	3,375,767			723,379	4,099,146	-	2009-10 Total Appropriation		
34 Startup Budget Adjustments - Deduct Nonrecurring				(723,379)	(723,379)	-	Technical adjustment.		
35 Align Appropriations with Revenue Estimates	(506,365)				(506,365)	-	15% reduction.		
35a Restore Nonrecurring - Federal Stabilization Discretionary Funds				819,829	819,829	819,829	Restore nonrecurring funds to generate 10% total funds reduction from prior year.		
36					-	-			
37 TOTAL, G/A- ASSIST LOW PERFORMING SCHOOLS	2,869,402	-	-	819,829	3,689,231	819,829			
38									
39 G/A-MENTORING/STUDENT ASSISTANCE	7,381,686			847,466	8,229,152	-	2009-10 Total Appropriation		
40 Recurring Earmarks:					-	-			
41 Best Buddies	618,926				618,926	-			
42 Take Stock in Children	2,690,985				2,690,985	-			
43 Big Brothers Big Sisters	1,533,861				1,533,861	-			
44 Boys and Girls Clubs	1,399,312				1,399,312	-			
45 Governor's Mentoring Initiatives	331,306				331,306	-			
46 YMCA State Alliance	807,296				807,296	-			
47 Nonrecurring Funds:					-	-			
48 Best Buddies				71,047	71,047	-			
49 Take Stock in Children				309,015	309,015	-			
50 Big Brothers Big Sisters				176,074	176,074	-			
51 Boys and Girls Clubs				160,629	160,629	-			
52 Governor's Mentoring Initiatives				38,030	38,030	-			
53 YMCA State Alliance				92,671	92,671	-			
54 Startup Budget Adjustments - Deduct Nonrecurring				(847,466)	(847,466)	-	Technical adjustment.		
55 Align Appropriations with Revenue Estimates:					-	-			
55a Best Buddies					-	-			
55b Take Stock in Children					-	-			
55c Big Brothers Big Sisters					-	-			
55d Boys and Girls Clubs					-	-			
55e YMCA State Alliance					-	-			
55f Governor's Mentoring Initiatives	(331,306)				(331,306)	-	Transfer funds from GR to ARRA		
55g Restore Nonrecurring:					-	-			
55h Best Buddies	36,548				36,548	-	Restore nonrecurring funds to generate 5% total funds reduction from prior year.		
55i Take Stock in Children	159,015				159,015	-			
55j Big Brothers Big Sisters	90,577				90,577	-			
55k Boys and Girls Clubs	82,632				82,632	-			
55l YMCA State Alliance	47,673				47,673	-			
55m Governor's Mentoring Initiatives				298,175	298,175	298,175	10% GR reduction.		
55n Competitive Bid Process				2,000,000	2,000,000	2,000,000	Funding for mentoring projects through a competitive bid process.		
56					-	-			
57 TOTAL, G/A- MENTORING/STUDENT ASSISTANCE	7,466,825	-	-	2,298,175	9,765,000	2,298,175			
58									

Division of Public Schools - State Grants/Non - FEFP

		FY 2010-11 Final Chair Recommendation						
Appropriation Category		GR	EETF	PSSTF	Other Trust	Total	Non-Rec	Comments
59	G/A-COLLEGE REACH OUT PROGRAM	1,918,280			411,060	2,329,340	-	2009-10 Total Appropriation
60	Startup Budget Adjustments - Deduct Nonrecurring				(411,060)	(411,060)	-	Technical adjustment.
61	Align Appropriations with Revenue Estimates	(287,742)				(287,742)	-	15% reduction.
61a	Restore Nonrecurring - Federal Stabilization Discretionary Funds				465,868	465,868	465,868	Restore nonrecurring funds to generate 10% total funds reduction from prior year.
62						-	-	
63	TOTAL, G/A-COLLEGE REACH OUT PROGRAM	1,630,538	-	-	465,868	2,096,406	465,868	
64								
65	G/A-DIAG/LEARNING RESOURCE CENTERS	2,348,554			136,465	2,485,019	-	
66	Earmarks in 2009-10:					-	-	
67	University of Florida	466,719				466,719	-	
68	University of Miami	439,480				439,480	-	
69	Florida State University	438,138				438,138	-	
70	University of South Florida	458,092				458,092	-	
71	UF Health Science Center at Jacksonville	546,125				546,125	-	2009-10 Total Appropriation
72	Nonrecurring Funds:					-	-	
73	University of Florida				27,119	27,119	-	
74	University of Miami				25,537	25,537	-	
75	Florida State University				25,458	25,458	-	
76	University of South Florida				26,618	26,618	-	
77	UF Health Science Center at Jacksonville				31,733	31,733	-	
78	Startup Budget Adjustments - Deduct Nonrecurring				(136,465)	(136,465)	-	Technical adjustment.
79	Align Appropriations with Revenue Estimates:					-	-	
79a	University of Florida	(70,008)				(70,008)	-	15% reduction.
79b	University of Miami	(65,922)				(65,922)	-	15% reduction.
79c	Florida State University	(65,721)				(65,721)	-	15% reduction.
79d	University of South Florida	(68,714)				(68,714)	-	15% reduction.
79e	UF Health Science Center at Jacksonville	(81,919)				(81,919)	-	15% reduction.
79f	Restore Nonrecurring - Federal Stabilization Discretionary Funds:					-	-	
79g	University of Florida				47,743	47,743	47,743	
79h	University of Miami				44,957	44,957	44,957	
79i	Florida State University				44,819	44,819	44,819	Restore nonrecurring funds to generate 10% total funds reduction from prior year.
79j	University of South Florida				46,861	46,861	46,861	
79k	UF Health Science Center at Jacksonville				55,866	55,866	55,866	
80						-	-	
81	TOTAL, G/A-DIAG/LEARNING RESOURCE CENTERS	1,996,270	-	-	240,246	2,236,516	240,246	
82								
83	G/A-NEW WORLD SCHOOL OF THE ARTS	628,143			193,276	821,419	-	2009-10 Total Appropriation
84	Startup Budget Adjustments - Deduct Nonrecurring				(193,276)	(193,276)	-	Technical adjustment.
85	Align Appropriations with Revenue Estimates	(62,814)				(62,814)	-	10% reduction.
85a	Restore Nonrecurring - Federal Stabilization Discretionary Funds				173,948	173,948	173,948	2009-10 funding was nonrecurring.
86						-	-	
87	TOTAL, G/A-NEW WORLD SCHOOL OF THE ARTS	565,329	-	-	173,948	739,277	173,948	

Division of Public Schools - State Grants/Non - FEFP

		FY 2010-11 Final Chair Recommendation							
Appropriation Category	GR	EETF	PSSTF	Other Trust	Total	Non-Rec	Comments		
88									
89	G/A-SCHOOL DISTRICT MATCHING GRANT	1,285,584			354,288	1,639,872	-	2009-10 Total Appropriation	
90	Startup Budget Adjustments - Deduct Nonrecurring				(354,288)	(354,288)	-	Technical adjustment.	
91	Align Appropriations with Revenue Estimates				-	-	-		
91a	Restore Nonrecurring - Federal Stabilization Discretionary Funds				354,288	354,288	354,288	2009-10 funding was nonrecurring.	
92					-	-	-		
93	TOTAL, G/A-SCHOOL DISTRICT MATCHING GRANT	1,285,584	-	-	354,288	1,639,872	354,288		
94									
95	TEACHER DEATH BENEFITS	20,000				20,000	-	2009-10 Total Appropriation	
96	Align Appropriations with Revenue Estimates					-	-		
97						-	-		
98	TOTAL, TEACHER DEATH BENEFITS	20,000	-	-	-	20,000	-		
99									
100	RISK MANAGEMENT INSURANCE	369,487				27,427	396,914	-	2009-10 Total Appropriation
101	Startup Budget Adjustments - Deduct Nonrecurring						-	-	
102	Align Appropriations with Revenue Estimates						-	-	
103							-	-	
104	TOTAL, RISK MANAGEMENT INSURANCE	369,487	-	-	27,427	396,914	-	Council Issue	
105									
106	G/A- AUTISM PROGRAM	5,893,731				342,460	6,236,191	-	2009-10 Total Appropriation
107	Recurring Earmarks:						-	-	
108	USF Florida Mental Health Institute	1,033,689					1,033,689	-	
109	UF College of Medicine	716,817					716,817	-	
110	University of Central Florida	885,209					885,209	-	
111	UM Pediatrics including Nova	1,120,396					1,120,396	-	
112	Florida Atlantic University	560,602					560,602	-	
113	UF at Jacksonville	746,999					746,999	-	
114	FSU	830,019					830,019	-	
115	Nonrecurring Funds:						-	-	
116	USF Florida Mental Health Institute					60,063	60,063	-	
117	UF College of Medicine					41,651	41,651	-	
118	University of Central Florida					51,436	51,436	-	
119	UM Pediatrics including Nova					65,102	65,102	-	
120	Florida Atlantic University					32,574	32,574	-	
121	UF at Jacksonville					43,405	43,405	-	
122	FSU					48,229	48,229	-	
123	Startup Budget Adjustments - Deduct Nonrecurring					(342,460)	(342,460)	-	Technical adjustment.
124	Align Appropriations with Revenue Estimates:						-	-	
124a	USF Florida Mental Health Institute	(155,053)					(155,053)	-	15% reduction.
124b	UF College of Medicine	(107,523)					(107,523)	-	15% reduction.
124c	University of Central Florida	(132,781)					(132,781)	-	15% reduction.
124d	UM Pediatrics including Nova	(168,059)					(168,059)	-	15% reduction.
124e	Florida Atlantic University	(84,090)					(84,090)	-	15% reduction.
124f	UF at Jacksonville	(112,050)					(112,050)	-	15% reduction.

Division of Public Schools - State Grants/Non - FEFP

		FY 2010-11 Final Chair Recommendation							
Appropriation Category	GR	EETF	PSSTF	Other Trust	Total	Non-Rec	Comments		
124g	FSU	(124,503)				(124,503)	-	15% reduction.	
124h	Restore Nonrecurring - Federal Stabilization Discretionary Funds:					-	-		
124i	USF Florida Mental Health Institute				105,741	105,741	105,741	Restore nonrecurring funds to generate 10% total funds reduction from prior year.	
124j	UF College of Medicine				73,327	73,327	73,327		
124k	University of Central Florida				90,552	90,552	90,552		
124l	UM Pediatrics including Nova				114,611	114,611	114,611		
124m	Florida Atlantic University				57,346	57,346	57,346		
124n	UF at Jacksonville				76,415	76,415	76,415		
124o	FSU				84,907	84,907	84,907		
125					-	-			
126	TOTAL, G/A-AUTISM PROGRAM	5,009,672	-	-	602,899	5,612,571	602,899		
127									
128	G/A-REGIONAL ED CONSORTIUM SERVICES	1,445,390			166,075	1,611,465	-	2009-10 Total Appropriation	
129	Startup Budget Adjustments - Deduct Nonrecurring				(166,075)	(166,075)	-	Technical adjustment.	
130	Align Appropriations with Revenue Estimates	(216,809)				(216,809)	-	15% reduction.	
130a	Restore Nonrecurring - Federal Stabilization Discretionary Funds				221,737	221,737	221,737	Restore nonrecurring funds to generate 10% total funds reduction from prior year.	
131					-	-			
132	TOTAL, G/A-REGIONAL ED CONSORTIUM SERVICES	1,228,581	-	-	221,737	1,450,318	221,737		
133									
134	TEACHER PROFESSIONAL DEVELOPMENT	248,029			134,616,337	134,864,366	-	2009-10 Total Appropriation	
135	Recurring Earmarks:				-	-			
136	FL Association of District Superintendents Training	179,839				179,839	-		
137	Principal of the Year	36,927				36,927	-		
138	Teacher of the Year	23,505				23,505	-		
139	School Related Personnel of the Year	7,758				7,758	-		
140	Nonrecurring Funds:				-	-			
141	FL Association of District Superintendents Training				25,691	25,691	-		
142	Principal of the Year				5,275	5,275	-		
143	Teacher of the Year				3,357	3,357	-		
144	School Related Personnel of the Year				1,108	1,108	-		
145	Startup Budget Adjustments - Deduct Nonrecurring				(35,431)	(35,431)	-		Technical adjustment.
146	Align Appropriations with Revenue Estimates:				-	-			
146a	FL Association of District Superintendents Training	(26,976)				(26,976)	-		15% reduction.
146b	Principal of the Year	(5,539)				(5,539)	-	15% reduction.	
146c	Teacher of the Year	(3,526)				(3,526)	-	15% reduction.	
146d	School Related Personnel of the Year	(1,164)				(1,164)	-	15% reduction.	
146e	Restore Nonrecurring - Federal Stabilization Discretionary Funds:					-	-		
146f	FL Association of District Superintendents Training				32,114	32,114	32,114	Restore nonrecurring funds to generate 10% total funds reduction from prior year.	
146g	Principal of the Year				6,594	6,594	6,594		
146h	Teacher of the Year				4,197	4,197	4,197		
146i	School Related Personnel of the Year				1,385	1,385	1,385		
147					-	-			

Division of Public Schools - State Grants/Non - FEFP

		FY 2010-11 Final Chair Recommendation						
Appropriation Category	GR	EETF	PSSTF	Other Trust	Total	Non-Rec	Comments	
148	TOTAL, TEACHER PROFESSIONAL DEVELOPMENT	210,824	-	-	134,625,196	134,836,020	44,290	
149								
150	G/A-SCHL/INSTRUCTIONAL ENHANCEMENTS	383,657			2,822,230	3,205,887	-	
151	Recurring Earmarks:					-	-	
152	State Science Fair	41,107				41,107	-	
153	Academic Tourney	68,510				68,510	-	
154	Arts for a Complete Education	137,020				137,020	-	
155	Florida Holocaust Museum	137,020				137,020	-	
156	Nonrecurring Funds:					-	-	
157	State Science Fair				2,569	2,569	-	2009-10 Total Appropriation
158	Academic Tourney				4,282	4,282	-	
159	Arts for a Complete Education				8,564	8,564	-	
160	Florida Holocaust Museum				8,564	8,564	-	
161	Learning for Life				1,294,364	1,294,364	-	
162	Girl Scouts of Florida				398,266	398,266	-	
163	Black Male Explorers				298,699	298,699	-	
164	Project to Advance School Success (PASS)				706,922	706,922	-	
165	Task Force on African American History				100,000	100,000	-	
166	Startup Budget Adjustments - Deduct Nonrecurring				(2,822,230)	(2,822,230)	-	Technical adjustment.
167	Align Appropriations with Revenue Estimates:					-	-	
167a	State Science Fair	(6,166)				(6,166)	-	15% reduction.
167b	Academic Tourney	(10,277)				(10,277)	-	15% reduction.
167c	Arts for a Complete Education	(20,553)				(20,553)	-	15% reduction.
167d	Florida Holocaust Museum	(20,553)				(20,553)	-	15% reduction.
167e	Restore Nonrecurring - Federal Stabilization Discretionary Funds:					-	-	
167f	State Science Fair				4,368	4,368	4,368	Restore nonrecurring funds to generate 10% total funds reduction from prior year.
167g	Academic Tourney				7,279	7,279	7,279	
167h	Arts for a Complete Education				14,558	14,558	14,558	
167i	Florida Holocaust Museum				14,558	14,558	14,558	
167j	Learning for Life				1,164,928	1,164,928	1,164,928	
167k	Girl Scouts of Florida				358,439	358,439	358,439	
167l	Black Male Explorers				268,829	268,829	268,829	
167m	Project to Advance School Success (PASS)	636,230				636,230	-	
168						-	-	
169	TOTAL, G/A-SCHL/INSTRUCTIONAL ENHANCEMENTS	962,338	-	-	1,832,959	2,795,297	1,832,959	
170								
171	G/A-EXCEPTIONAL EDUCATION	1,568,163			2,576,329	4,144,492	-	2009-10 Total Appropriation
172	Startup Budget Adjustments - Deduct Nonrecurring				(242,975)	(242,975)	-	Technical adjustment.
173	Align Appropriations with Revenue Estimates	(235,224)				(235,224)	-	15% reduction.
173a	Restore Nonrecurring - Federal Stabilization Discretionary Funds				63,750	63,750	63,750	Restore nonrecurring funds to generate 10% total funds reduction from prior year.
174						-	-	
175	TOTAL, G/A-EXCEPTIONAL EDUCATION	1,332,939	-	-	2,397,104	3,730,043	63,750	
176								

Division of Public Schools - State Grants/Non - FEFP

		FY 2010-11 Final Chair Recommendation						
Appropriation Category		GR	EETF	PSSTF	Other Trust	Total	Non-Rec	Comments
177	FL SCHOOL FOR THE DEAF & THE BLIND	37,669,692			8,237,566	45,907,258	-	2009-10 Total Appropriation
178	Startup Budget Adjustments	246,585			12,975	259,560	-	Technical adjustment.
179	Startup Budget Adjustments - Deduct Nonrecurring				(3,905,354)	(3,905,354)	-	Technical adjustment.
179a	Align Appropriations with Revenue Estimates	(376,697)				(376,697)	-	1% reduction.
179b	Restore Nonrecurring - Federal Stabilization Discretionary Funds				3,905,354	3,905,354	3,905,354	
180						-	-	
181	TOTAL, FL SCHOOL FOR THE DEAF & THE BLIND	37,539,580	-	-	8,250,541	45,790,121	3,905,354	
182								
183	TR/DMS/HR SVCS/STW CONTRACT	26,173			2,861	29,034	-	2009-10 Total Appropriation
184						-	-	
185	TOTAL, TR/DMS/HR SVCS/STW CONTRACT	26,173	-	-	2,861	29,034	-	Council Issue
186								
187	TOTAL, STATE GRANTS/NON-FEFP	63,501,050	-	-	203,834,920	267,335,970	57,545,185	

Federal Stabilization Funds (Discretionary) Included

57,545,185

Division of Public Schools Federal Grants - K-12 Programs

FY 2010-11 Final Chair Recommendation								
	Appropriation Category	GR	EETF	PSSTF	Other Trust	Total	Total Non-Rec	Comments
1	G/A-PROJECTS, CONTRACTS, & GRANTS				4,099,420	4,099,420	-	2009-10 Total Appropriation
2						-	-	
3	TOTAL, G/A-PROJECTS, CONTRACTS, & GRANTS	-	-	-	4,099,420	4,099,420	-	
4								
5	G/A-FEDERAL GRANTS & AIDS				2,828,690,570	2,828,690,570	-	2009-10 Total Appropriation
6	Startup Budget Adjustments - Deduct Nonrecurring:					-	-	
7	ARRA - Title I Funds				(635,295,227)	(635,295,227)	-	Technical adjustment.
8	ARRA - IDEA Funds				(646,963,473)	(646,963,473)	-	Technical adjustment.
9	ARRA - Education Technology				(30,319,115)	(30,319,115)	-	Technical adjustment.
10	ARRA - Education for Homeless Children				(3,200,000)	(3,200,000)	-	Technical adjustment.
11	Align Appropriations with Revenue Estimates					-	-	
11a	Restore Nonrecurring:					-	-	
11b	ARRA - Title I Funds				568,200,040	568,200,040	568,200,040	Estimated Budget Authority to continue expending ARRA targeted grant award funds.
11c	ARRA - IDEA Funds				500,376,981	500,376,981	500,376,981	
11d	ARRA - Education Technology				27,950,599	27,950,599	27,950,599	
11e	ARRA - Education for Homeless Children				2,722,521	2,722,521	2,722,521	
12						-	-	
13	TOTAL, G/A-FEDERAL GRANTS & AIDS	-	-	-	2,612,162,896	2,612,162,896	1,099,250,141	
14								
15	G/A-SCHOOL LUNCH PROGRAM				661,280,840	661,280,840	-	2009-10 Total Appropriation
16	Startup Budget Adjustments - Deduct Nonrecurring					-	-	
17	ARRA - National School Lunch Program				(5,403,280)	(5,403,280)	-	Technical adjustment.
18	Align Appropriations with Revenue Estimates					-	-	
18a	Workload Increase				143,052,784	143,052,784	-	Additional Federal Budget Authority.
19						-	-	
20	TOTAL, G/A-SCHOOL LUNCH PROGRAM	-	-	-	798,930,344	798,930,344	-	
21								
22	G/A-SCHOOL LUNCH PROG/STATE MATCH	16,886,046			2,532,907	19,418,953	-	2009-10 Total Appropriation
23	Startup Budget Adjustments - Deduct Nonrecurring				(2,532,907)	(2,532,907)	-	Technical adjustment.
24	Align Appropriations with Revenue Estimates	(2,532,907)				(2,532,907)	-	15% reduction.
24a	Restore Nonrecurring - Federal Stabilization Discretionary Funds				3,123,919	3,123,919	3,123,919	Restore nonrecurring funds to generate 10% total funds reduction from prior year.
25						-	-	
26	TOTAL, G/A-SCHOOL LUNCH PROG/STATE MATCH	14,353,139	-	-	3,123,919	17,477,058	3,123,919	
27								
28	TOTAL, FEDERAL GRANTS K-12 PROGRAMS	14,353,139	-	-	3,418,316,579	3,432,669,718	1,102,374,060	

Federal Stimulus (Directed) Funds Included
Federal Stabilization Funds (Discretionary) Included

1,099,250,141
3,123,919

Division of Public Schools - Educational Media & Technology Services

FY 2010-11 Final Chair Recommendation								
Appropriation Category	GR	EETF	PSSTF	Other Trust	Total	Total Non-Rec	Comments	
1 CAPITOL TECHNICAL CENTER	187,466			24,996	212,462	-	2009-10 Total Appropriation	
2 Startup Budget Adjustments - Deduct Nonrecurring				(24,996)	(24,996)	-	Technical adjustment.	
3 Align Appropriations with Revenue Estimates	(28,120)				(28,120)	-	15% reduction.	
3a Restore Nonrecurring - Federal Stabilization Discretionary Funds				31,870	31,870	31,870	Restore nonrecurring funds to generate 10% total funds reduction from prior year.	
4					-	-		
5 TOTAL, CAPITOL TECHNICAL CENTER	159,346	-	-	31,870	191,216	31,870		
6								
7 G/A-INSTRUCTIONAL TECHNOLOGY	-			1,100,000	1,100,000	-	2009-10 Total Appropriation	
8 Startup Budget Adjustments - Deduct Nonrecurring				(1,100,000)	(1,100,000)	-	Technical adjustment.	
9 Align Appropriations with Revenue Estimates					-	-		
10					-	-		
11 TOTAL, G/A-INSTRUCTIONAL TECHNOLOGY	-	-	-	-	-	-	FCAT Explorer transferred into State Board of Education.	
12								
13 FEDERAL EQUIP MATCHING GRANTS	132,662				132,662	-	2009-10 Total Appropriation	
14 Startup Budget Adjustments - Deduct Nonrecurring					-	-		
15 Align Appropriations with Revenue Estimates	(13,266)				(13,266)	-	10% reduction.	
16					-	-		
17 TOTAL, FEDERAL EQUIP MATCHING GRANTS	119,396	-	-	-	119,396	-		
18								
19 G/A-PUBLIC BROADCASTING	7,555,361			1,490,208	9,045,569	-	2009-10 Total Appropriation	
20 Recurring Earmarks:					-	-		
21 Governmental & Cultural Affairs Programming	437,429				437,429	-		
22 Florida Channel Closed Captioning	299,691				299,691	-		
23 Year Round Coverage - Florida Channel	1,148,851				1,148,851	-		
24 Public Radio & TV Stations	5,669,390				5,669,390	-		
25 Nonrecurring Funds:					-	-		
26 Governmental & Cultural Affairs Programming				86,278	86,278	-		
27 Florida Channel Closed Captioning				59,111	59,111	-		
28 Year Round Coverage - Florida Channel				226,597	226,597	-		
29 Public Radio & TV Stations				1,118,222	1,118,222	-		
30 Startup Budget Adjustments - Deduct Nonrecurring				(1,490,208)	(1,490,208)	-		Technical adjustment.
31 Align Appropriations with Revenue Estimates:					-	-		
31a Governmental & Cultural Affairs Programming	(65,614)				(65,614)	-		15% reduction.
31b Florida Channel Closed Captioning	(44,954)				(44,954)	-		15% reduction.
31c Year Round Coverage - Florida Channel	(172,328)				(172,328)	-	15% reduction.	
31d Public Radio & TV Stations	(850,407)				(850,407)	-	15% reduction.	
31e Restore Nonrecurring - Federal Stabilization Discretionary Funds:					-	-		

Division of Public Schools - Educational Media & Technology Services

FY 2010-11 Final Chair Recommendation								
	Appropriation Category	GR	EETF	PSSTF	Other Trust	Total	Total Non-Rec	Comments
31f	Governmental & Cultural Affairs Programming				99,521	99,521	99,521	
31g	Florida Channel Closed Captioning				68,185	68,185	68,185	Restore nonrecurring funds to generate 10% total funds reduction from prior year.
31h	Year Round Coverage - Florida Channel				261,380	261,380	261,380	
31i	Public Radio & TV Stations				1,289,860	1,289,860	1,289,860	
32					-	-	-	
33	TOTAL, G/A-PUBLIC BROADCASTING	6,422,058	-	-	1,718,946	8,141,004	1,718,946	
34								
35	TOTAL, ED MEDIA & TECH SERVICES	6,700,800	-	-	1,750,816	8,451,616	1,750,816	

Federal Stabilization Funds (Discretionary) Included

1,750,816

State Board of Education

FY 2010-11 Final Chair Recommendation								
Appropriation Category	FTE	GR	EETF	PSSTF	Other Trust	Total	Total Non-Rec	Comments
1 SALARIES & BENEFITS	1,142.0	21,451,648			50,544,732	71,996,380	-	2009-10 Total Appropriation
2 Startup Budget Adjustments		132,065			561,100	693,165	-	Technical adjustment.
3 Startup Budget Adjustments - Deduct Nonrecurring					(1,276,752)	(1,276,752)	-	Technical adjustment.
4 Align Appropriations with Revenue Estimates	(14.0)	(840,000)				(840,000)	-	3.89% reduction.
4a Restore Nonrecurring - Federal Stabilization Discretionary Funds					1,276,752	1,276,752	1,276,752	2009-10 funding was nonrecurring.
4b Align budget authority with available data processing funds - Working Capital Trust Fund					(551,548)	(551,548)	-	Align budget authority with available funds.
5							-	
6 TOTAL, SALARIES & BENEFITS	1,128.0	20,743,713			50,554,284	71,297,997	1,276,752	
7								
8 OTHER PERSONAL SERVICES		249,495			2,028,846	2,278,341	-	2009-10 Total Appropriation
9 Startup Budget Adjustments							-	
10 Align Appropriations with Revenue Estimates		(12,475)				(12,475)	-	5% reduction.
10a Align budget authority with available data processing funds - Working Capital Trust Fund					(31,680)	(31,680)	-	Align budget authority with available funds.
11							-	
12 TOTAL, OTHER PERSONAL SERVICES		237,020			1,997,166	2,234,186	-	
13								
14 EXPENSES		3,394,707			19,161,983	22,556,690	-	2009-10 Total Appropriation
15 Startup Budget Adjustments							-	
16 Align Appropriations with Revenue Estimates		(430,076)				(430,076)	-	12.67% reduction.
16a Align budget authority with USDA estimated receipts - Food and Nutrition Trust Fund					1,043,336	1,043,336	-	Align budget authority with available federal funds.
16b Align budget authority with available data processing funds - Working Capital Trust Fund					(906,963)	(906,963)	-	Align budget authority with available funds.
17							-	
18 TOTAL, EXPENSES		2,964,631			19,298,356	22,262,987	-	
19								
20 OPERATING CAPITAL OUTLAY		50,406			1,669,302	1,719,708	-	2009-10 Total Appropriation
21 Startup Budget Adjustments							-	
22 Align Appropriations with Revenue Estimates		(2,520)				(2,520)	-	5% reduction.
23							-	
24 TOTAL, OPERATING CAPITAL OUTLAY		47,886			1,669,302	1,717,188	-	
25								
26 ASSESSMENT & EVALUATION		31,633,403			53,863,896	85,497,299	-	2009-10 Total Appropriation
27 Startup Budget Adjustments							-	
28 Startup Budget Adjustments - Deduct Nonrecurring					(9,401,442)	(9,401,442)	-	Technical adjustment.
29 Align Appropriations with Revenue Estimates		(1,581,670)				(1,581,670)	-	5% reduction.
29a Align budget authority with fee revenue estimates - Teacher Certification Exam Trust Fund					(3,596,800)	(3,596,800)	-	Align budget authority with available funds.
29b Restore Nonrecurring - Federal Stabilization Discretionary Funds					4,758,056	4,758,056	4,758,056	2009-10 funding was nonrecurring.

State Board of Education

FY 2010-11 Final Chair Recommendation

	Appropriation Category	FTE	GR	EETF	PSSTF	Other Trust	Total	Total Non-Rec	Comments
29c	Use of unallocated funds - Sophomore Level Trust Fund					346,022	346,022	-	Align budget authority with available funds.
29d	Use of unallocated funds - Operating Trust Fund					650,000	650,000	-	Align budget authority with available funds.
29e	Workload increase		4,352,448				4,352,448	-	Workload.
29f	Transfer FCAT Explorer					990,000	990,000	990,000	Transfer from Media and Technology budget entity.
29g	Reduction In Use of Administrative Trust Fund					(620,868)	(620,868)	-	Align budget authority with available funds.
30								-	
31	TOTAL, ASSESSMENT & EVALUATION		34,404,181			46,988,864	81,393,045	5,748,056	
32									
33	COMMISSION FOR INDEPENDENT EDUCATION					1,188,178	1,188,178	-	2009-10 Total Appropriation
34a	Workload increase - additional fee revenue					243,905	243,905	-	Technical adjustment.
34									
35	TOTAL, COMMISSION FOR INDEPENDENT ED					1,432,083	1,432,083	-	Trust Fund Budget Authority
36									
37	TRANSFER TO DIV OF ADMIN HEARINGS		244,149				244,149	-	2009-10 Total Appropriation
38	Additional Assessment from DOAH		38,261				38,261	-	
39	TOTAL, TRANSFER TO DIV OF ADMIN HEARINGS		282,410				282,410	-	Council Issue
40									
41	CONTRACTED SERVICES		836,327			19,668,902	20,505,229	-	2009-10 Total Appropriation
42	Startup Budget Adjustments							-	
43	Align Appropriations with Revenue Estimates		(200,000)				(200,000)	-	23.91% reduction.
43a	Align budget authority with USDA estimated receipts - Food and Nutrition Trust Fund					2,036,539	2,036,539	-	Align budget authority with available federal funds.
43b	Align budget authority with available data processing funds - Working Capital Trust Fund					(102,134)	(102,134)	-	Align budget authority with available funds.
44								-	
45	TOTAL, CONTRACTED SERVICES		636,327			21,603,307	22,239,634	-	
46									
47	G/A-CHOICES PRODUCT SALES					400,000	400,000	-	2009-10 Total Appropriation
48								-	
49	TOTAL, CHOICES PRODUCT SALES					400,000	400,000	-	Trust Fund Budget Authority
50									
51	ED FACILITIES RES & DEV PROJECTS					200,000	200,000	-	2009-10 Total Appropriation
52								-	
55e	TOTAL, ED FACILITIES RES & DEV PROJECTS					200,000	200,000	-	Trust Fund Budget Authority
55f									
55g	STUDENT FINANCIAL ASSISTANCE/MIS					484,993	484,993	-	2009-10 Total Appropriation
55h								-	
55i	TOTAL, STUDENT FINANCIAL ASSISTANCE/MIS					484,993	484,993	-	Trust Fund Budget Authority
55j									
55k	RISK MANAGEMENT INSURANCE		143,281			418,250	561,531	-	2009-10 Total Appropriation
55l								-	
55m	TOTAL, RISK MANAGEMENT INSURANCE		143,281			418,250	561,531	-	Council Issue
62									

State Board of Education

FY 2010-11 Final Chair Recommendation

	Appropriation Category	FTE	GR	EETF	PSSTF	Other Trust	Total	Total Non-Rec	Comments
63	TR/DMS/HR SERVICES STW CONTRACT		178,042			334,626	512,668	-	2009-10 Total Appropriation
64								-	
65	TOTAL, TR/DMS/HR SERVICES STW CONTRACT		178,042			334,626	512,668	-	
66									
67	DATA PROCESSING SERVICES / EDU TECH / INFO SVCS		3,581,250			6,612,115	10,193,365	-	2009-10 Total Appropriation
68	Startup Budget Adjustments		5,520			9,350	14,870	-	Technical adjustment.
69	Startup Budget Adjustments - Deduct Nonrecurring					(606,955)	(606,955)	-	Technical adjustment.
70	Restore Nonrecurring - Federal Stabilization Discretionary Funds					606,955	606,955	606,955	2009-10 funding was nonrecurring.
70a	Align budget authority with available data processing funds - Working Capital Trust Fund					(26,479)	(26,479)	-	Align budget authority with available funds.
71								-	
72	TOTAL, DATA PROCESSING SERVICES		3,586,770			6,594,986	10,181,756	606,955	
73									
74	TOTAL, STATE BOARD OF EDUCATION	1,128.0	63,224,261			151,976,217	215,200,478	7,631,763	
75									
76	SALARY RATE ADJUSTMENT								
77	Budget Adjustment	(14)	(654,332)				(654,332)		
78	TOTAL, SALARY RATE ADJUSTMENTS						(654,332)		

Federal Stabilization Funds (Discretionary) Included

7,631,763

FLORIDA EDUCATION FINANCE PROGRAM
2010-2011 FEFP - 2010-11 FINAL CHAIR RECOMMENDATION CALCULATION

Statewide Summary
Comparison to 2009-10 Third Calculation

	2009-2010 Third Calculation	2010-11 Final Chair Recommendation Calculation	Difference	Percentage Difference
MAJOR FEFP FORMULA COMPONENTS				
Unweighted FTE	2,620,317.06	2,640,080.14	19,763.08	0.75%
Weighted FTE	2,810,382.74	2,846,629.21	36,246.47	1.29%
School Taxable Value	1,622,946,057,603	1,469,134,379,322	(153,811,678,281)	-9.48%
Required Local Effort Millage	5.288	5.288	0.000	0.00%
.748 Discretionary Millage	0.748	0.748	0.000	0.00%
.250 Discretionary Millage	0.250	0.250	0.000	0.00%
Total Millage	6.286	6.286	0.000	0.00%
Base Student Allocation	3,630.62	3,618.30	(12.32)	-0.34%
FEFP DETAIL				
WFTE x BSA x DCD	10,206,632,177	10,306,570,454	99,938,277	0.98%
Declining Enrollment Supplement	10,562,551	5,738,809	(4,823,742)	-45.67%
Sparsity Supplement	35,822,046	35,700,251	(121,795)	-0.34%
Lab School Discretionary Contribution	13,743,137	14,991,186	1,248,049	9.08%
Safe Schools	67,260,840	67,032,153	(228,687)	-0.34%
.748 Millage Compression	160,251,515	139,095,935	(21,155,580)	-13.20%
.250 Millage Compression	33,551,186	28,346,302	(5,204,884)	-15.51%
Supplemental Academic Instruction	637,781,383	639,335,749	1,554,366	0.24%
ESE Guaranteed Allocation	981,724,365	980,705,069	(1,019,296)	-0.10%
Reading Instruction Allocation	101,923,720	101,577,179	(346,541)	-0.34%
Merit Award Plan	20,000,000	20,000,000	0	0.00%
DJJ Supplemental	9,215,600	9,229,108	13,508	0.15%
Instructional Materials	216,031,121	216,920,436	889,315	0.41%
Student Transportation	428,931,491	430,697,232	1,765,741	0.41%
Teachers Lead Program	33,283,309	33,170,146	(113,163)	-0.34%
Minimum Guarantee	8,702,698	317,257	(8,385,441)	-96.35%
Governor's Veto	(6,000,000)	0	6,000,000	-100.00%
Proration to Funds Available	(53,168,376)	0	53,168,376	-100.00%
Federal SFSF Education Funds	875,025,819	858,238,056	(16,787,763)	-1.92%
Federal SFSF Discretionary Funds	32,894,356	7,030,783	(25,863,573)	-78.63%
TOTAL FEFP	13,814,168,938	13,894,696,105	80,527,167	0.58%
ADJUSTMENTS				
Required Local Effort Taxes	7,801,379,986	7,196,831,483	(604,548,503)	-7.75%
Federal Funds	907,920,175	865,268,839	(42,651,336)	-4.70%
LESS ADJUSTMENTS	8,709,300,161	8,062,100,322	(647,199,839)	-7.43%
STATE FEFP	5,104,868,777	5,832,595,783	727,727,006	14.26%
DISTRICT LOTTERY FUNDS	129,914,030	129,914,030	0	0.00%
STATE CATEGORICAL PROGRAMS				
Class Size Reduction Allocation	2,845,578,849	2,918,115,241	72,536,392	2.55%
TOTAL STATE CATEGORICAL FUNDING	2,845,578,849	2,918,115,241	72,536,392	2.55%
TOTAL STATE FUNDING	8,080,361,656	8,880,625,054	800,263,398	9.90%
LOCAL FUNDING				
Total Required Local Effort	7,801,379,986	7,196,831,483	(604,548,503)	-7.75%
.748 Discretionary Local Effort	1,087,990,301	997,242,061	(90,748,240)	-8.34%
.250 Discretionary Local Effort	113,493,495	105,788,183	(7,705,312)	-6.79%
TOTAL LOCAL FUNDING	9,002,863,782	8,299,861,727	(703,002,055)	-7.81%
TOTAL FUNDING (State and Local)	17,083,225,438	17,180,486,781	97,261,343	0.57%
TOTAL FUNDING (State, Local & Federal)	17,991,145,613	18,045,755,620	54,610,007	0.30%
Total Dollars per Unweighted FTE	6,866.02	6,835.31	(30.71)	-0.45%

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB PAC 10-01 Prekindergarten through Grade 12 Education Funding

SPONSOR(S): PreK-12 Appropriations Committee

TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	PreK-12 Appropriations Committee		Heflin <i>Actt</i>	Heflin <i>Actt</i>
1)				
2)				
3)				
4)				
5)				

SUMMARY ANALYSIS

The bill amends statutory provisions necessary to conform the statutes to appropriations made in the General Appropriations Act for the 2010-2011 fiscal year.

The bill amends statutes relating to:

- Restrictions on the levy of discretionary sales surtaxes;
- Transfer of funds from a school district's operating funds to a fixed capital outlay category for class size;
- Minimum funding requirements per school district for the Regional Consortium Service Organizations;
- Reductions of administrative services fees that school districts charge charter schools;
- Documentation deadlines for private schools participating in the McKay scholarship program;
- Student-teacher ratio requirements in the Voluntary Prekindergarten Program;
- Class size reduction implementation requirements;
- School district reporting requirements to separately identify expenditures for gifted students;
- Requirements for instructional materials to be adopted and delivered in an electronic format;
- Authorizations for use of instructional materials funding to be used for the purchase of hardware;
- Access requirements for state-funded electronic library resources provided at colleges and universities;
- Bonus funding for student performance for certain courses and diplomas;
- The percent of taxable value for school purposes used in the calculations for Required Local Effort revenue as well as the calculations for funding for the Developmental research (laboratory) schools and the Florida Virtual School;
- Authorizations for flexibility in the use of FEFP categorical allocations;
- Determination of the sparsity supplement within the FEFP;
- Determination of the total allocation of state FEFP funds to each school district;
- Distribution of the transportation allocation according to the prior year's average per student cost for transporting disabled students;
- Clarification of the limitations for school districts to levy additional discretionary millage;
- The application and approval processes for appropriations from the Special Facility Construction Account and the composition of the Special Facility Construction Committee.

The bill provides school districts additional fiscal flexibility by giving priority to funding for the core mission of teaching and learning and less emphasis on funding noncore functions. In addition, the bill makes a series of adjustments and reductions to special allocations in the Florida Education Finance Program (FEFP) funding formula to maximize funding in the base allocation for all districts. The bill also provides fiscal efficiencies and limits unnecessary spending.

See FISCAL COMMENTS section.

Except as otherwise specifically provided, the bill takes effect July 1, 2010.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: pcb01.PAC.doc

DATE: 3/8/2010

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

School District Capital Outlay Surtax

Florida law authorizes school districts to levy a discretionary sales surtax for capital outlay that cannot exceed ½ cent.¹ Passage requires a majority vote of the county voters on a referendum. Upon levy of the capital outlay surtax, school districts are required to freeze noncapital local school property taxes at the prior year's millage rate for at least three years. However, the freeze does not apply to taxes authorized in the General Appropriations Act. Because all school property taxes for operations are authorized in the GAA, in practice, this section of statute does not result in school districts freezing any school property taxes. There are 14 school districts that levy the ½ cent surtax for capital outlay for the 2009-2010 fiscal year.² The bill repeals the requirement for school districts to freeze noncapital local school property taxes when the district levies a capital outlay surtax.

Transfer authority between appropriation categories

Florida law authorizes the Executive Office of the Governor (EOG) to transfer budget authority between appropriations provided for public school operations to a fixed capital outlay appropriation for class size reduction³. This transfer authority was necessary when the penalty for non-compliance with the constitutional class size requirements resulted in the transfer of a portion of a school district's class size reduction operating categorical to a fixed capital outlay appropriation for class size reduction.⁴ Beginning in the 2010-2011 fiscal year, the compliance calculation will no longer be a transfer of funding from one category to another; therefore, the transfer authorization is no longer needed. The bill repeals the authorization for the EOG to transfer funds from the appropriation for public school operations to a fixed capital outlay appropriation for class size reduction.

Regional Consortium Service Organizations

Current law provides that each school district and each non-district member of a regional consortium service organization is eligible to receive an incentive grant of \$50,000; however, the grant may be less than \$50,000 for the 2009-2010 fiscal year. The 2009-2010 appropriation for this program is

¹ s. 212.055(6), F.S.

² Calhoun, Escambia, Flagler, Hernando, Jackson, Leon, Manatee, Monroe, Orange, Palm Beach, Polk, St. Lucie, Santa Rosa, and Volusia currently levy the surtax.

³ s. 216.292(2)(d), F.S.

⁴ Section 1003.03(4)(a), F.S.

\$1,611,465.⁵ The bill allows that in any fiscal year if the appropriation is not sufficient to provide \$50,000 per participating school district, the amount may be less than \$50,000 and the appropriation shall be prorated equally among participating districts.

Funding for Developmental Research Schools and the Florida Virtual School

Current law requires funding for developmental research schools (lab schools) to include an amount based on the maximum allowable nonvoted discretionary millage rate for operations multiplied by 95 percent of the school taxable property value for the school district in which the lab school is located.⁶ Similarly, funding for the Florida Virtual School (FLVS) includes an amount based on the maximum allowable nonvoted discretionary millage rate for operations multiplied by 95 percent of the school taxable property value for the state and divided by the total state unweighted full-time-equivalent student membership and then multiplied by the FLVS unweighted full-time-equivalent student membership.⁷ Local governments are authorized to give credits to tax payers for early payment of taxes that cannot exceed four percent.⁸ Because the current authorization for tax credits is only four percent, school districts, in practice, are currently collecting more than the calculated amount for lab schools and the FLVS which is based on a five percent credit amount. The bill changes the percent of school taxable value to be used in the calculation of funding for the lab schools and the FLVS to 96 percent.

Charter School Service Fees

Sponsors of charter schools are currently authorized to charge a fee for certain administrative and educational services provided to charter schools. The fee is limited to five percent of the total funds a charter school is eligible to receive and is further restricted to charter schools of 500 or fewer students.⁹ The bill reduces the number of students in a charter school that can be charged the administrative fee by its sponsor from 500 students to 250 students.

John M. McKay Scholarship payments

The John M. McKay Scholarships for Students with Disabilities Program was established as an option for parents of K-12 students with disabilities to request and receive from the state a scholarship for their eligible child to attend a public school for which the student is not zoned or a private school of choice if they are dissatisfied with the child's current educational institution. Eligible students include those that have spent the prior year in a public school or the Florida School for the Deaf and the Blind who have a documented disability, including intellectual disability; speech impairment; language impairment; hearing impairment, including deafness; visual impairment, including blindness; dual sensory impairment; orthopedic impairment; other health impairment; emotional or behavioral disability; specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; traumatic brain injury; developmental delay; or autism spectrum disorder.¹⁰ If a student uses the scholarship to attend a private school, parents receive scholarship payments, which are then signed over to the private school, based on a quarterly payment schedule established in statute.¹¹ In order for a parent to receive scholarship payments, the private school must verify student participation and the fee schedule for the student at least 30 days prior to the first quarterly payment.¹² If the private school misses the 30 day deadline, there is not a statutory penalty established. The bill clarifies that a student is not eligible for a quarterly payment if the private school misses the 30 day deadline.

⁵ s. 1001.451(2)(a) & (c), F.S.; Specific Appropriation 93, § 2, ch. 2009-81, L.O.F.

⁶ s. 1002.32(9)(d), F.S.

⁷ s. 1002.37(3)(f), F.S.

⁸ s. 200.069(8), F.S.

⁹ s. 1002.33(20)(a), F.S.

¹⁰ s. 1002.39(1) & (2), F.S.

¹¹ s. 1002.39(10)(e), F.S.

¹² s. 1002.39(8), F.S.

Voluntary Prekindergarten student ratios

Current law states that each public and private prekindergarten class for the school-year Voluntary Prekindergarten (VPK) program must be composed of at least 4 students but may not exceed 18 students. In order to protect the health and safety of students, each prekindergarten provider must provide appropriate adult supervision for students at all times. For each prekindergarten class composed of 11 or more students the classroom must have a prekindergarten instructor who has a child development associate (CDA) credential and at least one adult prekindergarten instructor who is of good moral character and has been screened using the level two background screening required in s. 435.04, F.S.¹³ The bill changes the maximum number of students allowed in a voluntary prekindergarten class for the school-year program from 18 to 24 and also requires at least two teachers that have CDA credentials in classrooms with 13 or more students.

Class Size Reduction

In November 2002, the Florida Constitution was amended to require the Legislature, beginning with the 2003-2004 fiscal year, to provide sufficient funds to reduce the average number of students per classroom by at least two students per year until the number of students per classroom does not exceed the maximums. By the beginning of the 2010 school year, the maximum number of students who may be assigned to each teacher who is teaching in a public school classroom may not exceed the following:

- 18 for prekindergarten through grade 3;
- 22 for grades 4 through 8; and
- 25 for grades 9 through 12.¹⁴

The implementation schedule for reducing the number students per classroom by at least two students per year is as follows:¹⁵

- 2003-2004 through 2005-2006¹⁶ at the district level;
- 2006-2007 through 2009-2010¹⁷ at the school level; and
- 2010-2011 and thereafter, at the classroom level.

Since adoption of the class size reduction amendment, average class sizes have been reduced as follows:

	<u>District Average Class Size¹⁸</u>							
	<u>2002-03</u>	<u>2003-04</u>	<u>2004-05</u>	<u>2005-06</u>	<u>2006-07</u>	<u>2007-08</u>	<u>2008-09</u>	<u>2009-10</u>
Grades PK-3	23.07	20.54	18.98	18.16	17.01	16.28	15.95	16.39
Grades 4-8	24.16	22.43	21.30	20.48	19.45	18.76	18.60	18.91
Grades 9-12	24.10	24.06	23.65	22.96	22.22	21.39	21.49	21.94

Beginning with the 2003-2004 General Appropriations Act, the Legislature has appropriated and allocated funds annually to school districts and charter schools to be used to reduce the average number of students per classroom by two students.

¹³ s. 1002.55(3)(c), F.S.

¹⁴ s. 1(a), Art. IX of the State Constitution.

¹⁵ s. 1003.03(2), F.S.

¹⁶ Chapter 2003-391, L.O.F. established district level compliance for Fiscal Years 2003-2004 through 2005-2006. Chapter 2006-27, L.O.F. extended district level compliance to Fiscal Year 2006-2007.

¹⁷ Chapter 2003-391, L.O.F. established school level compliance for Fiscal Years 2006-2007 through 2007-2008. Chapter 2008-142, L.O.F. extended school level compliance to 2008-2009. Chapter 2009-59, L.O.F. extended school level compliance to 2009-2010.

¹⁸ Florida Department of Education, 2010 Legislative Information Request, December 2009.

Class Size Reduction Funding History

	Operating	Fixed Capital	Total
Fiscal Year	Appropriations	Outlay	Appropriations
	Appropriations	Appropriations	Appropriations
2003-2004	468,198,634	600,000,000	1,068,198,634
2004-2005	972,191,216	100,000,000	1,072,191,216
2005-2006	1,507,199,696	83,400,000	1,590,599,696
2006-2007	2,108,529,344	1,100,000,000	3,208,529,344
2007-2008	2,640,719,730	650,000,000	3,290,719,730
2008-2009	2,789,748,660	-	2,789,748,660
2009-2010	2,845,578,849		2,845,578,849
Total Year to Date			
Appropriations	13,332,166,129	2,533,400,000	15,865,566,129

Florida law provides the statutory framework for making adjustments to appropriations for school districts that fail to meet required class size reductions. From 2003-04 to 2005-06, compliance was measured at the district level. For fiscal years 2006-2007 through 2009-2010 compliance has been measured at the school level. Any school district that has not reduced its average school class size as required by statute may have a portion of its class size reduction operating funds transferred to a fixed capital outlay account. The adjustment is calculated by the Department of Education and verified by the Florida Education Finance Program Allocation Conference. The amount of the funds actually transferred shall be the lesser of the amount calculated or the undistributed balance of the district's class size reduction operating categorical. However, the Commissioner of Education and the State Board of Education may make a recommendation to the Legislative Budget Commission for approval of an alternate amount of funds to transfer if a district has been unable to meet the class size reduction requirements despite appropriate effort to do so.¹⁹

For the 2009-2010 fiscal year the initial transfer calculation completed on December 21, 2009, by the Florida Education Finance Program Allocation Conference found that 72 traditional schools in 26 school districts did not meet the current year class size reduction requirements on a school average basis, for a total potential transfer from the class size reduction operating categorical to fixed capital outlay in the amount of \$1,912,030. Following the initial transfer calculation, the Commissioner recommended an adjustment for unexpected student growth which reduced the transfer amount to \$1,234,912. Pursuant to Section 1003.03(4)(a), F.S., the State Board of Education reviewed evidence presented by school districts on February 9, 2010, and determined that district data reporting errors were factors to be considered in the appeal process. After the appeals, the transfer amount was reduced to \$267,263. The Commissioner of Education subsequently requested, and the Legislative Budget Commission approved, a budget amendment that transferred \$267,263 from district class size reduction allocations for operations to fixed capital outlay accounts.

House Joint Resolution 7039 to be considered in the 2010 legislative session would allow voters to amend Section 1, Article IX of the State Constitution, relating to class size. The joint resolution proposes modifying the class size requirements so that compliance, beginning with the 2010-2011 school year, would be calculated as follows:

- PreK – Grade 3: The maximum number of students who may be assigned to each teacher in an individual classroom is raised from 18 to 21, *but the average number of students assigned per class to each teacher within each public school may not exceed 18 students.*
- Grades 4 – 8: The maximum number of students that may be assigned to each teacher in an individual classroom is raised from 22 to 27, *but the average number of students assigned per class to each teacher within each public school may not exceed 22 students.*
- Grades 9 – 12: The maximum number of students that may be assigned to each teacher in an individual classroom is raised from 25 to 30, *but the average number of students assigned per class to each teacher within each public school may not exceed 25 students.*

¹⁹ s. 1003.03(4)(a), F.S.

Additionally, the joint resolution:

- Clarifies that full compliance with class size is required by the “beginning of the 2010-2011 school year,” rather than “the beginning of the 2010 school year” as currently provided in the constitution.
- Clarifies that virtual schools are exempt from class size requirements.
- Requires the Legislature to provide sufficient funding to maintain the average number of students required by the amendment and deletes obsolete language requiring the Legislature, beginning in 2003-2004, to fund class size reductions by at least two students annually.
- Contains a ballot summary that notifies voters of the contents of the proposed amendment.

The joint resolution must be adopted by a three-fifths vote of the membership of each house of the Legislature. If passed, the proposed amendments would be placed on the ballot at the November 2, 2010, general election. Sixty percent voter approval is required for adoption. If adopted by the voters, the amendment would take effect retroactively to the beginning of the 2010-2011 school year.

The bill requires school districts to develop two plans for the 2010-2011 school year. The first plan would be based on the requirements of the current constitutional class size maximums and would have to be implemented by the school board at the beginning of the 2010-2011 school year and continued if HJR 7039 is not approved at the 2010 general election. The second or contingency plan would be based on maintaining the class size requirements at the school average while maintaining hard caps of 21 per classroom for grades prek-3, 27 for grades 4-8 and 30 for grades 9-12 as proposed in HJR 7039 and could be implemented at the discretion of the school board upon approval of HJR 7039. The bill would further require school districts to hold public hearings and notify parents of the potential impacts of the two plans, including:

- A review of school attendance zones and transportation policies to maximize use of facilities;
- The impact on the district’s budget for the district to comply with class size requirements; and
- The potential impact on the district’s budget if the district fails to comply with class size requirements.

The bill further provides implementation alternatives upon passage or failure of HJR 7039 at the 2010 general election. If the HJR is approved by the electorate, the class size maximums would be calculated based on the school averages of 18 for grades prek-3, 22 for grades 4-8, and 25 for grades 9-12 with hard caps on the number of students per classroom of 21 for grades preK-3, 27 for grades 4-8, and 30 for grades 9-12. The DOE would calculate compliance based on the February 2011 student membership survey for the 2010-2011 fiscal year and based on the October student membership survey for the 2011-2012 fiscal year and annually thereafter. The penalty for non-compliance would be equal to the class-size reduction allocation factor as set in the GAA for each student that the district is out of compliance. The bill also clarifies that school districts should encourage participation in the school district virtual instruction program as a strategy to meeting class size requirements.

Alternatively, if the HJR is not approved by the electorate, the bill maintains the current class size maximums of 18 per classroom for grades prek-3, 22 for grades 4-8, and 25 for grades 9-12. The DOE would calculate compliance based on the February 2011 student membership survey for the 2010-2011 fiscal year and based on the October student membership survey for the 2011-2012 fiscal year and annually thereafter. The penalty for non-compliance would be equal to the class-size reduction allocation factor as set in the GAA for each student that the district is out of compliance. Based on the current requirement to simulate the compliance calculation required in s. 1003.03(4)(b) and (c), F.S., DOE estimated that school districts would have been out of compliance at the classroom level by approximately 120,996 FTE for the 2009-2010 fiscal year. If the proposed penalty equal to the class size reduction allocation factor as set in the GAA would have been in place for 2009-2010, the class size reduction operating categorical within the FEFP would have been reduced by \$131.5 million.²⁰

Gifted Student Education Services and Funding

²⁰ Florida Department of Education, 2009-10 CSR Simulation Using 2009-10 Data Average Values, January 12, 2010.

A "gifted" student is defined as "one who has superior intellectual development and is capable of high performance."²¹ Gifted students are classified as exceptional students²² because they need special services in order to make appropriate educational progress.

District school boards are statutorily required to provide exceptional students in grades K-12 with appropriate diagnosis, evaluation, special instruction, facilities, and services. Instruction, facilities, and services may be provided within a district school system, in cooperation with other district school systems, or through contractual arrangements with approved private schools or community facilities that meet certain standards. While current law requires districts to provide special instruction and services to gifted students, it does not specify type of courses and services required.²³

Funding for exceptional students is calculated using a system of weighted cost factors. Cost factors are determined by using a matrix of services (MOS) that the exceptional student will receive. For exceptional students who do not receive MOS funding and gifted students in grades K-8 the funding of their education is provided through the Exceptional Student Education (ESE) Guaranteed Allocation. The ESE Guaranteed Allocation is a lump sum allocation that districts receive in addition to base student funding through the Florida Education Finance Program (FEFP).²⁴

The Legislature increased gifted student funding by 26% from 2005-2006 to 2007-2008. This increase is attributed to a 6.7% rise in the statewide number of gifted students which caused the amount of ESE Guaranteed Allocation funding for gifted students to increase from \$243 million in 2005-2006 to \$276 million in 2006-2007.²⁵ In response to these increases, the 2007 Legislature amended the FEFP statute to provide that a school district's expenditure of ESE Guaranteed Allocation funds for gifted students in grades nine through 12 could not exceed the amount it expended in 2006-2007.²⁶

In 2009, the Legislature appropriated \$981,724,365 for the ESE Guaranteed Allocation for the 2009-2010 school year.²⁷ Approximately \$112,898,302 of the ESE Guaranteed Allocation is for gifted students. The total FEFP funds for gifted students, including the ESE Guaranteed Allocation, are approximately \$706,509,946.²⁸

In order to participate in the FEFP, school districts are required to maintain accurate financial records.²⁹ Each school district must annually report its expenditures of all state, local, and federal funds. However, school districts are not currently required to separately identify the amounts of ESE Guaranteed Allocation funding expended to provide education services to disabled students and gifted students.³⁰

The bill requires district school boards to annually report to the Department of Education (DOE) by school and grade level:

- The number of students classified as gifted under the generally applicable criteria set forth in SBE rule and the number classified under a DOE-approved school district plan for increasing the participation of underrepresented groups.
- The types of gifted student education services that it provides and the number of students receiving each service. Additionally, districts are directed to specify: the number of hours per week each service is provided to each student; whether the service consists of direct instruction in a gifted-only class, differentiated instruction in a class with both gifted and non-gifted

²¹ Rule 6A-6.03019, F.A.C.

²² s. 1003.01(3), F.S.

²³ s. 1003.57(1), F.S.

²⁴ s. 1011.62((1)(e)), F.S.

²⁵ <http://www.oppaga.state.fl.us/reports/educ/r08-01s.html>, Office of Program Policy Analysis and Government Accountability, Florida Gifted Grew Faster Than the Overall School Enrollment, Report No. 08-01, January 2008.

²⁶ s. 1011.62(1)(e), F.S.

²⁷ Specific Appropriation 76, Chapter 2009-81, L.O.F.

²⁸ Florida Department of Education. Revenue Estimate Worksheet for Gifted Based on the Third Calculation of the FEFP 2009-2010, March 14, 2010.

²⁹ s. 1011.60(1), F.S.

³⁰ s. 1010.20, F.S.

students, or noninstructional consultation services; and whether the service is provided by a SBE gifted endorsed teacher.

- Performance data for students receiving gifted education services.

The bill also requires each school district in its annual financial report to the DOE to separately identify the following amounts that it expends from the Exceptional Student Education Guaranteed Allocation: (a) the amount expended for students identified as exceptional who do not have a matrix of services; and (b) the amount expended for gifted students in grades K-12 according to grade level.

Instructional Materials

Florida law currently requires the district school board to provide adequate instructional materials for all students. The term “adequate instructional materials” means a sufficient number of textbooks or sets of materials serving as a basis for instruction for each student in the core courses of mathematics, language arts, social studies, science, reading, and literature.³¹

State funding for instructional materials is provided annually in the General Appropriations Act as an earmark specifically for instructional materials in proviso as part of the calculation of the Florida Education Finance Program (FEFP).³² In the 2009-2010 fiscal year, \$216,031,121 was appropriated for instructional materials.³³ Once the funds are distributed to the district school boards, each board must use at least 50 percent of the funds allocated to purchase instructional materials on the state-adopted list.³⁴ A district school board may use the remaining 50 percent of the annual allocation to purchase materials, including library and reference books and nonprint materials, not included on the state-adopted list and for the repair and renovation of textbooks and library books.³⁵ Under current law, state-adopted instructional materials and non state-adopted instructional materials have similar meanings. However, both definitions explicitly exclude the purchase of electronic or computer hardware even if such hardware is bundled with software or other electronic media, and exclude equipment and supplies.³⁶

Currently, school districts purchase computer equipment with state FEFP and capital outlay funds.³⁷ Additionally, federal funding for fiscal year 2009-2010 includes \$30.3 million for education technology from the American Recovery and Reinvestment Act of 2009 appropriated through the state’s 2009-2010 GAA.³⁸ The DOE was directed to implement a technology grant program for school districts to demonstrate the use of technology in teacher professional development and student instruction in science, technology, engineering, and mathematics (STEM) content areas. The student portion was to be used to incorporate the use of classroom laptops and personal learning devices that are mobile and able to extend learning beyond the classroom day. The teacher portion was to be used to combine the use of laptops and personal learning devices and must include the development and delivery of professional development linked to the newly adopted math and science standards.

³¹ s. 1006.28(1), F.S.

³² The Florida Education Finance Program (FEFP) is the mechanism used by the state to fund the operating costs of Florida’s school districts. *See* s. 1011.67, F.S. and s. 1011.67(1), F.S.

³³ Specific Appropriation 76, § 2, ch. 2009-81, L.O.F.

³⁴ For purposes of state adoption, instructional materials means items having intellectual content that, by design, serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software. The term does not include electronic or computer hardware even if such hardware is bundled with software or other electronic media, nor does it include equipment or supplies. s. 1006.29(4), F.S., and s. 1006.40(3)(a), F.S.

³⁵ Items not on the state-adopted list must be used to purchase instructional materials or other items having intellectual content which assist in the instruction of a subject or course. These items may include replacements for items which were part of previously purchased instructional materials and other commonly accepted instructional tools as prescribed by district board rule. s. 1006.40(4), F.S., and s. 1006.40(3)(b), F.S.

³⁶ s. 1006.29(4), F.S.

³⁷ The Discretionary Capital Outlay Levy is a statutorily authorized discretionary property tax that district school boards may levy without approval of the electorate. School districts are authorized to purchase equipment (including computers for classrooms) with this fund source. *See* s. 1011.71(2), F.S.

³⁸ Specific Appropriation 100, § 2, ch. 2009-81, L.O.F.

In addition, federal entitlement funds are provided through the No Child Left Behind Title IID – Enhancing Education Through Technology program to school districts based on their Title I allocation.³⁹ School districts also have flexibility in the expenditure of categorical funding provided for specific purposes within the Florida Education Finance Program, including funding provided for instructional materials, but only after March 1, 2010,⁴⁰ and hardware is explicitly prohibited from being purchased with this source of funding.

On March 4, 2010, Florida was named a finalist in phase 1 of the \$4.35-billion federal Race to the Top⁴¹ education reform competition.⁴² If funded, fifty percent of the state's total award will be distributed to participating school districts according to the federal Title I allocation formula, and the remaining 50 percent will fund state-level projects designed to benefit all school districts statewide.⁴³ A requirement of the Memorandum of Understanding between the DOE and participating school districts is to ensure that each school possesses the technology, including hardware, connectivity, and other necessary infrastructure to provide teachers and students sufficient access to strategic tools for improved classroom instruction and computer-based assessment.⁴⁴

The bill adds “electronic textbooks” to the definition of “adequate instructional materials” that serve as the basis for instruction and requires publishers or manufacturers of instructional materials provided as single bundles to also make available those instructional materials as unbundled items that are priced individually. Beginning in the 2012-2013 fiscal year, the bill authorizes the use of instructional materials funding to purchase materials not on the state-adopted list including computer hardware that is used for the sole purpose of delivering instructional materials content in an electronic format. The bill also provides guidelines for performance standards related to the interactive functionality, capacity and reliability of the hardware purchased from the instructional materials categorical, but provides the authority to the DOE to set specific standards and requires DOE to provide districts with a list of recommended vendors or providers from which to purchase devices or services. However, districts that are able to find a better value can submit a waiver to use different providers.

The bill also creates section 1006.281, Florida Statutes, to provide school districts with minimum standards and ensure that all school districts have access to digitally rich instructional materials. The section provides guidelines and instructions for implementation of electronic learning management systems that provide teachers, staff, students and parents the ability to organize and access electronic instructional materials and other teaching and learning tools as determined appropriate by the school district.

Access to Electronic Library Resources

There are four different automated library systems and services in Florida that provide centralized automated library services for different constituents as follows.⁴⁵

³⁹ Department of Education analysis of HB 623, January 12, 2010.

⁴⁰ s. 1011.62(6), F.S.

⁴¹ Through the federal Race to the Top competitive grant program, the U.S. Department of Education encourages and rewards states to propose education reforms focused on helping struggling schools, elevating the effectiveness of teaching professionals and education leaders, building internationally recognized education standards and assessments, and improving state education data systems. American Recovery and Reinvestment Act of 2009, Section 14006(c), Public Law 111-5. See <http://www2.ed.gov/programs/racetothetop/eligibility.html>.

⁴² Press Release issued March 4, 2010, *Florida Announces as Finalist in \$4.35-Billion Race to the Top Competition*, Office of the Governor. See <http://www.flgov.com/release/11409>.

⁴³ American Recovery and Reinvestment Act of 2009, Public Law 111-5. See <http://www2.ed.gov/programs/racetothetop/eligibility.html>.

⁴⁴ Florida Department of Education, *Florida's Race to the Top Application – Participating Local Education Agency Memorandum of Understanding*, p.8, December 9, 2009. See <http://www.fldoe.org/ARRA/Racetothetop.asp>.

⁴⁵ Joint Library Planning Committee, “A plan providing options and recommendations for cooperative library automation activity,” available at <http://www.fldoe.org/cc/pdf/ilpc-report-1.pdf> (last accessed March 12, 2010).

- Florida Center for Library Automation (FCLA) – State University System
- College Center for Library Automation (CCLA) – Florida College System
- SUNLINK – K-12 public schools
- Florida Electronic Library (FEL) – Florida public libraries.

Each system provides, in part, access to commercial electronic resources through subscription contracts with publishers. Currently, there is ad hoc coordination among the automated library systems and no assurances that all students have the necessary access to ensure equitable learning experiences in similar courses across secondary and postsecondary coursework.

The bill amends section 1007.27, Florida Statutes, to require secondary students enrolled in acceleration courses or programs such as advanced placement, early admission, dual enrollment, the Advanced International Certificate of Education Program and the International Baccalaureate Program be provided access to the electronic library resources provided by the Florida colleges and state universities.

Bonus Funding for Student Performance for Certain Courses and Diplomas

Section 1011.62(1), Florida Statutes, provides bonus full-time equivalents (FTE) for funding for student performance in the following academic programs:

- 0.16 FTE per student for passed International Baccalaureate examinations.
- 0.16 FTE per student for passed Advanced International Certificate of Education examinations. (Half for middle school equivalent programs)
- 0.16 FTE per student for passed College Board Advanced Placement examinations.
- 0.3 FTE for International Baccalaureate diplomas.
- 0.3 FTE for Advanced International Certificate of Education diplomas.
- 0.3 FTE for Industry-Certification courses and high school diploma (with \$15 million cap).⁴⁶

The bill reduces the bonus from 0.3 FTE to 0.16 FTE for students earning industry certification, and further limits the funding in the FEFP to \$8 million in total for all bonus FTE earning industry certification. This aligns the industry certification incentive FTE with the other programs receiving bonus funding in the FEFP.

Sparsity Allocation Methodology

The sparsity supplement provides additional funding to districts with 20,000 or fewer FTE and 3 or fewer high school centers. It compensates districts for diseconomies of scale. The sparsity supplement is allocated based on the total number of FTE in a district per high school center while adjusting for the wealth of the school district which is based on the district's total potential funds per FTE. If a district's sparsity supplement is less than \$100 per FTE, the supplement is increased to equal \$100 per FTE. Thirty-three of the 67 school districts and three lab schools receive a sparsity supplement in 2009-10. The current wealth adjustment methodology excludes School Recognition funding.⁴⁷ The bill authorizes the exclusion of Merit Award Program funding from the wealth adjustment calculation within the sparsity supplement allocation methodology, which results in a redistribution of the sparsity supplement to all eligible districts.

Required Local Effort

The required local effort (RLE) for all school districts is an aggregate amount set in the GAA each year. The calculation of each district's RLE is prescribed in statute to be based on 95 percent of the school taxable property value for each school district.⁴⁸ There is also established an RLE equalization factor that is based on the level of assessment for the prior year and is also determined using 95 percent of

⁴⁶ s. 1011.62(1)(m-p), F.S.

⁴⁷ s. 1011.62(7), F.S.

⁴⁸ s. 1011.62(4)(a), F.S.

the school taxable value for each school district.⁴⁹ Local governments are authorized to give credits to tax payers for early payment of taxes that cannot exceed more than four percent.⁵⁰ Because the current authorization for tax credits is only four percent, school districts, in practice, are currently collecting more on average than the calculated amount for RLE which is based on a five percent credit amount. The bill changes the percent of school taxable value to be used in the calculation of the RLE and the RLE equalization factor to 96 percent.

Total Allocation of State Funds for Current Operation

Current Florida law establishes the basic amount for current operation for the FEFP to equal the base student allocation multiplied by district cost differential factor, plus the amounts provided for categorical components within the FEFP, plus the discretionary millage compression supplement, the sparsity supplement, the declining enrollment supplement, the research-based reading allocation, the DJJ supplemental allocation, the student transportation allocation, the teachers lead allocation, the instructional materials allocation, and the minimum guarantee, minus the required local effort.⁵¹ The bill adds a limitation on FEFP calculations after the conference report that no calculation shall result in negative state funds for any district.

Student Transportation Allocation Methodology

Student Transportation funds are allocated to school districts based on each district's average bus occupancy, county-by-county differences in the cost of living, the extent of rural population in the district, and the increased costs associated with transporting students with disabilities.⁵² The bill authorizes the per student cost designated for the base transportation dollar allocation for disabled students to be designated in the GAA each year.

School District Discretionary Non-voted Capital Improvement Millage

Section 1011.71(3)(b), Florida Statutes, provides school boards with the flexibility to levy an additional discretionary 0.25 millage for critical operation needs or fixed capital outlay. The measure must be approved by a supermajority of the school board and put before the voters in a referendum at the next general election. The bill clarifies that in order for school districts to continue additional millage after the 2010-2011 fiscal year the voters must approve the referendum at the 2010 general election and if the measure fails, it cannot be put before the voters again for a full year. The bill also clarifies that the millage will have to be reauthorized by the voters every two years.

Special Facility Construction Account (PECO)

Section 1013.64, F.S., establishes the Special Facility Construction Account to be funded from available revenue in the Public Education Capital Outlay and Debt Service Trust Fund (PECO) and provide necessary construction funds to school districts which have urgent construction needs but lack sufficient resources and do not anticipate sufficient resources within the next three years. No district shall receive funding for more than one approved project in any three-year period. The bill requires DOE to conduct and approve the survey of facilities for a district project to be eligible for an appropriation under the Special Facilities Construction Account and modifies the composition of the Special Facility Construction Committee to only allow appointments of members by district superintendents and school boards from districts that do not currently qualify for an appropriation from the Special Facilities Construction Account.

B. SECTION DIRECTORY:

⁴⁹ s. 1011.62(4)(b), F.S.

⁵⁰ s. 200.069(8), F.S.

⁵¹ s. 1011.62(12)(a), F.S.

⁵² s. 1011.68, F.S.

Section 1: Amends s. 212.055, F.S., repealing the requirement for school districts to freeze noncapital local school property taxes when the district levies a capital outlay surtax.

Section 2: Amends s. 216.292, F.S., repealing the authorization for the EOG to transfer funds from the appropriation for public school operations to a fixed capital outlay appropriation for class size reduction.

Section 3: Amends s. 1001.451, F.S., authorizing that the amount paid to each eligible members of the Regional Consortium Service Organizations shall be prorated equally among all eligible members based on the amount provided in the General Appropriations Act.

Section 4: Amends s. 1002.32, F.S., changing the percent of school taxable value to be used in the calculation of funding for the lab schools to 96 percent.

Section 5: Amends s. 1002.33, F.S., reducing the number of students in a charter school that can be charged the administrative fee by its sponsor from 500 students to 250 students.

Section 6: Amends s. 1002.37, F.S., changing the percent of school taxable value to be used in the calculation of funding for the Florida Virtual School to 96 percent.

Section 7: Amends s. 1002.39, F.S., clarifying that a student is not eligible for a quarterly payment for the McKay Scholarship Program if the private school misses the 30 day deadline for verification of student participation.

Section 8: Amends s. 1002.55, F.S., changing the maximum number of students per prekindergarten class in a private school-year VPK program from 18 to 24 and increasing the teacher credential requirements to at least two CDAs in each classroom with more than 13 students.

Section 9: Amends s. 1002.63, F.S., changing the maximum number of students per prekindergarten class in a public school-year VPK program from 18 to 24 and increasing the teacher credential requirements to at least two CDAs in each classroom with more than 13 students.

Section 10: Requiring school districts to develop plans for complying with class size requirements.

Section 11: Amends s. 1003.03, F.S., providing implementing provisions if HJR 7039 is adopted by the voters at the 2010 general election.

Section 12: Amends s. 1003.03, F.S., providing implementing provisions if HJR 7039 is not adopted by the voters at the 2010 general election.

Section 13: Creates s. 1003.572, F.S., requiring district school board reporting of gifted classification, services, and performance data; requiring the DOE to develop data elements for district reporting; and requiring rulemaking.

Section 14: Creates s. 1006.281, F.S., providing guidelines and instructions to implementation of electronic learning management systems.

Section 15: Amends s. 1006.29, F.S., adding "electronic textbooks" to the definition of "adequate instructional materials" that serve as the basis for instruction and requiring publishers or manufacturers of instructional materials as single bundles to also make available those instructional materials as unbundled items that are priced individually.

Section 16: Amends s. 1006.33, F.S., requiring instructional materials adopted after 2012-2013 to be adopted in an electronic format; requiring all samples submitted by bidders to the DOE be in electronic format; and requiring superintendents to request samples in addition to the electronic samples through the DOE.

Section 17: Amends s. 1006.40, F.S., adding "electronic textbooks" to the definition of "adequate instructional materials" and authorizing the use of instructional materials funding to purchase materials not on the state-adopted list including computer hardware that is used for the sole purpose of delivering instructional materials content in an electronic format.

Section 18: Amends s. 1007.27, F.S., requiring secondary students enrolled in acceleration courses or programs such as advanced placement, early admission, dual enrollment, the Advanced International Certificate of Education Program and the International Baccalaureate Program be provided access to the electronic library resources provided by the Florida colleges and state universities.

Section 19: Amends s. 1011.62, F.S., reducing the bonus from 0.3 FTE to 0.16 FTE for students earning industry certification; limiting the funding in the FEFP to \$8 million in total for all bonus FTE earning industry certification; changing the percent of school taxable value to be used in the calculation of the RLE and the RLE equalization factor to 96 percent; extending school districts the flexibility to use the instructional materials categorical for technological equipment to support student learning after March 1, 2011; and clarifying the funds included in the total allocation of state funds to each district for current operation.

Section 20: Amends s. 1011.67, F.S., repealing the requirement for early release schedule of instructional materials funding.

Section 21: Amends s. 1011.68, F.S., authorizing the per student cost designated for the base transportation dollar allocation for disabled students to be designated in the GAA each year.

Section 22: Amends s. 1011.71, F.S., clarifying that in order for school districts to continue additional millage after the 2010-2011 fiscal year the voters must approve the referendum at the 2010 general election and if the measure fails, it cannot be put before the voters again for a full year and clarifying that the millage will have to be reauthorized by the voters every two years.

Section 23: Amends s. 1011.73, F.S., correcting a cross reference.

Section 24: Amends s. 1013.64, F.S., requiring DOE to conduct and approve the survey of facilities for a district project to be eligible for an appropriation under the Special Facilities Construction Account and modifying the composition of the Special Facility Construction Committee to only allow appointments of members by district superintendents and school boards from districts that do not currently qualify for an appropriation from the Special Facilities Construction Account.

Section 25: Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

See FISCAL COMMENTS section.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill clarifies that in order for school districts to continue to levy the 0.25 mill additional levy for critical operating needs after the 2010-2011 fiscal year the voters must approve the referendum at the

2010 general election and if the measure fails, it cannot be put before the voters again for a full year. The bill also clarifies that the millage will have to be reauthorized by the voters every two years.

2. Expenditures:

See FISCAL COMMENTS section.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill does not appear to have a direct fiscal impact on the private sector.

D. FISCAL COMMENTS:

The bill conforms the statutes to the K-12 public schools budget. The bill provides school districts additional fiscal flexibility by giving priority to funding for the core mission of teaching and learning and less emphasis on funding noncore functions. In addition, the bill makes a series of adjustments and reductions to special allocations in the FEFP funding formula to maximize funding in the base allocation for all districts. The bill also provides fiscal efficiencies and limits unnecessary spending.

The bill changes the maximum number of students per voluntary prekindergarten (VPK) school-year program classroom from 18 to 24. Allowing more students per classroom results in total program savings of \$57.7 million, when including workload funding for approximately 9,825 new students for the 2010-2011 program year, but increases the amount of funding per class room by \$530 in a classroom with 12 students and \$6,210 in a classroom with 24 students.⁵³

The bill requires each school district in its annual financial report to the DOE to separately identify the following amounts that it expends from the Exceptional Student Education Guaranteed Allocation: (a) the amount expended for students identified as exceptional who do not have a matrix of services; and (b) the amount expended for gifted students in grades K-12 according to grade level.

The cost to school districts to add three new data elements to capture data regarding direct instruction to gifted student classes only, differentiated instruction to gifted students in classes with non-gifted students and non-instructional services, and the number of hours per week for each service per student served and to determine whether the service was provided by a teacher with gifted endorsement will range from \$1,080,000 - \$1,512,000. School districts will absorb these costs within the allocation of FEFP funding. The table below illustrates how the costs were derived.⁵⁴

Number of School Districts: (67 school districts, 5 developmental research schools, and Florida Virtual School)	72
Number of Data Elements Needed	3
Cost per School District: (based on the size of the district)	\$5,000 - \$7,000
TOTAL	\$1,080,000 - \$1,512,000

The bill provides school districts with the flexibility to purchase computer hardware with funding provided for instructional materials, but only beginning in the 2012-2013 year and after the district has purchased the necessary materials to comply with the increased standards for math and science.⁵⁵ Allowing this flexibility will help school districts meet technology needs while maintaining quality instructional materials in the classroom.

⁵³ Specific Appropriation 74, § 2, ch. 2009-81, L.O.F., sets the summer program BSA at \$2,190 and the school-year program BSA at \$2,575 for FY 2009-2010. Section 1002.61(7), F.S., sets the maximum number of students in a summer VPK program at 12 per teacher. $\$2,575 \times 10 = \$25,750$; $\$2,190 \times 12 = \$26,280$; $\$26,280 - \$25,570 = \$530$. $\$2,575 \times 18 = \$46,350$; $\$2,190 \times 24 = \$52,560$; $\$52,560 - 46,350 = \$6,210$

⁵⁴ Florida Department of Education. Analysis of 2009 HB 835, March 5, 2009.

⁵⁵ See s. 1003.41, F.S.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to: require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax sharing with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill provides the Department of Education rule making authority to establish rules in order to implement the requirements for school districts to report expenditures and services provided for gifted students. The bill also provides the Department of Education the authority to establish guidelines for school districts to use when purchasing technological equipment from categorical funds within the FEFP.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to prekindergarten through grade 12
 3 education funding; amending s. 212.055, F.S.; deleting the
 4 requirement that a district school board imposing the
 5 school capital outlay surtax implement a freeze on
 6 noncapital local school property taxes; amending s.
 7 216.292, F.S.; deleting provisions relating to the
 8 transfer of certain funds for class size reduction;
 9 amending s. 1001.451, F.S.; revising provisions relating
 10 to the appropriation of funds for regional consortium
 11 service organizations; amending s. 1002.32, F.S.; revising
 12 and correcting a calculation relating to funding for lab
 13 school operating purposes; amending s. 1002.33, F.S.;
 14 revising provisions relating to the withholding of an
 15 administrative fee for provision of services by the
 16 sponsor of a charter school; amending s. 1002.37, F.S.;
 17 revising and correcting a calculation relating to funding
 18 for Florida Virtual School operating purposes; amending s.
 19 1002.39, F.S.; revising provisions relating to private
 20 school documentation for quarterly scholarship payments
 21 under the John M. McKay Scholarships for Students with
 22 Disabilities Program; amending ss. 1002.55 and 1002.63,
 23 F.S.; increasing the maximum number of students and
 24 revising the qualifications of prekindergarten instructors
 25 in a school-year prekindergarten program class; requiring
 26 district school boards to develop plans for meeting class
 27 size requirements; requiring public hearings; amending s.
 28 1003.03, F.S., contingent on voter approval of a joint

29 resolution that provides that the current limits on the
 30 maximum number of students assigned to each teacher in
 31 public school classrooms would become limits on the
 32 average number of students assigned per class to each
 33 teacher by specified grade grouping in each public school
 34 beginning with the 2010-2011 school year; conforming
 35 requirements for maximum class size to the joint
 36 resolution; providing for Department of Education
 37 calculations for implementation; providing an additional
 38 implementation option; providing for a reduction in a
 39 school district's class-size-reduction operating
 40 categorical allocation if a school district's class size
 41 exceeds the class size maximums; providing for contingent
 42 and retroactive effect; amending s. 1003.03, F.S.,
 43 contingent on the voters not approving a joint resolution
 44 that provides that the current limits on the maximum
 45 number of students assigned to each teacher in public
 46 school classrooms would become limits on the average
 47 number of students assigned per class to each teacher by
 48 specified grade grouping in each public school beginning
 49 with the 2010-2011 school year; providing for Department
 50 of Education calculations for implementation; providing an
 51 additional implementation option; providing for a
 52 reduction in a school district's class-size-reduction
 53 operating categorical allocation if a school district's
 54 class size exceeds the class size maximums; providing for
 55 contingent and retroactive effect; creating s. 1003.572,
 56 F.S.; requiring each district school board to annually

57 report information relating to gifted students and the
 58 education services provided to such students; requiring
 59 the State Board of Education to adopt rules; creating s.
 60 1006.281, F.S.; encouraging school districts to have
 61 access to electronic learning management systems with
 62 certain functionality; amending s. 1006.29, F.S.; revising
 63 items considered instructional materials for purposes of
 64 state adoption; providing that certain instructional
 65 materials shall be available as separate and unbundled
 66 items; amending s. 1006.33, F.S.; requiring that certain
 67 instructional materials shall primarily be adopted and
 68 delivered in electronic format; providing for electronic
 69 samples of instructional materials; amending s. 1006.40,
 70 F.S.; revising provisions relating to the use of
 71 allocations for instructional materials; amending s.
 72 1007.27, F.S.; providing that certain students shall be
 73 deemed authorized users of specified state-funded
 74 electronic library resources; requiring the State Board of
 75 Education and the Board of Governors to adopt rules;
 76 amending s. 1011.62, F.S.; revising the calculation of and
 77 appropriation for additional full-time equivalent
 78 membership for students who complete an industry-certified
 79 career and professional academy program; revising
 80 calculations for school district required local effort;
 81 revising provisions relating to the transfer of
 82 categorical funds for certain purposes; providing
 83 requirements for the use of categorical funds for the
 84 purchase of technological equipment; revising the

85 calculation for determination of the sparsity supplement;
 86 providing a restriction on certain calculations for
 87 allocation of state funds to a school district for current
 88 operation; amending s. 1011.67, F.S.; deleting certain
 89 requirements for distribution of funds for instructional
 90 materials to school districts; amending s. 1011.68, F.S.;
 91 revising a calculation for allocation of funds for student
 92 transportation to school districts; amending s. 1011.71,
 93 F.S.; requiring that the levy of certain school district
 94 millage must be approved by voters at specified elections;
 95 providing restrictions; amending s. 1011.73, F.S.;
 96 correcting a cross-reference; amending s. 1013.64, F.S.;
 97 revising criteria that must be met for a school district
 98 request for funding from the Special Facility Construction
 99 Account; revising the composition of the Special Facility
 100 Construction Committee; providing effective dates.

101
 102 Be It Enacted by the Legislature of the State of Florida:

103
 104 Section 1. Paragraphs (d) and (e) of subsection (6) of
 105 section 212.055, Florida Statutes, are amended to read:
 106 212.055 Discretionary sales surtaxes; legislative intent;
 107 authorization and use of proceeds.—It is the legislative intent
 108 that any authorization for imposition of a discretionary sales
 109 surtax shall be published in the Florida Statutes as a
 110 subsection of this section, irrespective of the duration of the
 111 levy. Each enactment shall specify the types of counties
 112 authorized to levy; the rate or rates which may be imposed; the

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113 maximum length of time the surtax may be imposed, if any; the
 114 procedure which must be followed to secure voter approval, if
 115 required; the purpose for which the proceeds may be expended;
 116 and such other requirements as the Legislature may provide.
 117 Taxable transactions and administrative procedures shall be as
 118 provided in s. 212.054.

119 (6) SCHOOL CAPITAL OUTLAY SURTAX.-

120 ~~(d) Any school board imposing the surtax shall implement a~~
 121 ~~freeze on noncapital local school property taxes, at the millage~~
 122 ~~rate imposed in the year prior to the implementation of the~~
 123 ~~surtax, for a period of at least 3 years from the date of~~
 124 ~~imposition of the surtax. This provision shall not apply to~~
 125 ~~existing debt service or taxes authorized in the General~~
 126 ~~Appropriations Act.~~

127 (d) ~~(e)~~ Surtax revenues collected by the Department of
 128 Revenue pursuant to this subsection shall be distributed to the
 129 school board imposing the surtax in accordance with law.

130 Section 2. Paragraph (d) of subsection (2) of section
 131 216.292, Florida Statutes, is amended to read:

132 216.292 Appropriations nontransferable; exceptions.-

133 (2) The following transfers are authorized to be made by
 134 the head of each department or the Chief Justice of the Supreme
 135 Court whenever it is deemed necessary by reason of changed
 136 conditions:

137 ~~(d) The transfer of funds by the Executive Office of the~~
 138 ~~Governor from appropriations for public school operations to a~~
 139 ~~fixed capital outlay appropriation for class size reduction~~
 140 ~~based on recommendations of the Florida Education Finance~~

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141 ~~Program Appropriation Allocation Conference or the Legislative~~
 142 ~~Budget Commission pursuant to s. 1003.03(4) (a). Actions by the~~
 143 ~~Governor under this subsection are subject to the notice and~~
 144 ~~review provisions of s. 216.177.~~

145 Section 3. Paragraph (c) of subsection (2) of section
 146 1001.451, Florida Statutes, is amended to read:

147 1001.451 Regional consortium service organizations.—In
 148 order to provide a full range of programs to larger numbers of
 149 students, minimize duplication of services, and encourage the
 150 development of new programs and services:

151 (2)

152 (c) Notwithstanding paragraph (a), ~~the appropriation for~~
 153 ~~the 2009-2010 fiscal year may be less than \$50,000 per school~~
 154 ~~district and eligible member.~~ if the amount appropriated is
 155 insufficient to provide \$50,000, the funds available must be
 156 prorated among all eligible districts and members. ~~This~~
 157 ~~paragraph expires July 1, 2010.~~

158 Section 4. Paragraphs (d) and (e) of subsection (9) of
 159 section 1002.32, Florida Statutes, are amended to read:

160 1002.32 Developmental research (laboratory) schools.—

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

163 (d) Each lab school shall receive funds for operating
 164 purposes in an amount determined as follows: multiply the
 165 maximum allowable nonvoted discretionary millage for operations
 166 pursuant to s. 1011.71(1) and (3) by the value of 96 ~~95~~ percent
 167 of the current year's taxable value for school purposes for the
 168 district in which each lab school is located; divide the result

169 by the total full-time equivalent membership of the district;
 170 and multiply the result by the full-time equivalent membership
 171 of the lab school. The amount thus obtained shall be
 172 discretionary operating funds and shall be appropriated from
 173 state funds in the General Appropriations Act to the Lab School
 174 Trust Fund.

175 (e) Each lab school shall receive funds for capital
 176 improvement purposes in an amount determined as follows:
 177 multiply the maximum allowable nonvoted discretionary millage
 178 for capital improvements pursuant to s. 1011.71(2) by the value
 179 of 96 ~~95~~ percent of the current year's taxable value for school
 180 purposes for the district in which each lab school is located;
 181 divide the result by the total full-time equivalent membership
 182 of the district; and multiply the result by the full-time
 183 equivalent membership of the lab school. The amount thus
 184 obtained shall be discretionary capital improvement funds and
 185 shall be appropriated from state funds in the General
 186 Appropriations Act to the Lab School Educational Facility Trust
 187 Fund.

188 Section 5. Paragraph (a) of subsection (20) of section
 189 1002.33, Florida Statutes, is amended to read:

190 1002.33 Charter schools.—

191 (20) SERVICES.—

192 (a) A sponsor shall provide certain administrative and
 193 educational services to charter schools. These services shall
 194 include contract management services; full-time equivalent and
 195 data reporting services; exceptional student education
 196 administration services; services related to eligibility and

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197 reporting duties required to ensure that school lunch services
 198 under the federal lunch program, consistent with the needs of
 199 the charter school, are provided by the school district at the
 200 request of the charter school, that any funds due to the charter
 201 school under the federal lunch program be paid to the charter
 202 school as soon as the charter school begins serving food under
 203 the federal lunch program, and that the charter school is paid
 204 at the same time and in the same manner under the federal lunch
 205 program as other public schools serviced by the sponsor or the
 206 school district; test administration services, including payment
 207 of the costs of state-required or district-required student
 208 assessments; processing of teacher certificate data services;
 209 and information services, including equal access to student
 210 information systems that are used by public schools in the
 211 district in which the charter school is located. Student
 212 performance data for each student in a charter school,
 213 including, but not limited to, FCAT scores, standardized test
 214 scores, previous public school student report cards, and student
 215 performance measures, shall be provided by the sponsor to a
 216 charter school in the same manner provided to other public
 217 schools in the district. A total administrative fee for the
 218 provision of such services shall be calculated based upon up to
 219 5 percent of the available funds defined in paragraph (17)(b)
 220 for all students. However, a sponsor may only withhold up to a
 221 5-percent administrative fee for enrollment for up to and
 222 including 250 ~~500~~ students. For charter schools with a
 223 population of 251 ~~501~~ or more students, the difference between
 224 the total administrative fee calculation and the amount of the

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225 administrative fee withheld may only be used for capital outlay
 226 purposes specified in s. 1013.62(2). Each charter school shall
 227 receive 100 percent of the funds awarded to that school pursuant
 228 to s. 1012.225. Sponsors shall not charge charter schools any
 229 additional fees or surcharges for administrative and educational
 230 services in addition to the maximum 5-percent administrative fee
 231 withheld pursuant to this paragraph.

232 Section 6. Paragraph (f) of subsection (3) of section
 233 1002.37, Florida Statutes, is amended to read:

234 1002.37 The Florida Virtual School.—

235 (3) Funding for the Florida Virtual School shall be
 236 provided as follows:

237 (f) The Florida Virtual School shall receive funds for
 238 operating purposes in an amount determined as follows: multiply
 239 the maximum allowable nonvoted discretionary millage for
 240 operations pursuant to s. 1011.71(1) and (3) by the value of 96
 241 95 percent of the current year's taxable value for school
 242 purposes for the state; divide the result by the total full-time
 243 equivalent membership of the state; and multiply the result by
 244 the full-time equivalent membership of the school. The amount
 245 thus obtained shall be discretionary operating funds and shall
 246 be appropriated from state funds in the General Appropriations
 247 Act.

248 Section 7. Paragraph (b) of subsection (8) of section
 249 1002.39, Florida Statutes, is amended to read:

250 1002.39 The John M. McKay Scholarships for Students with
 251 Disabilities Program.—There is established a program that is
 252 separate and distinct from the Opportunity Scholarship Program

253 and is named the John M. McKay Scholarships for Students with
 254 Disabilities Program.

255 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be
 256 eligible to participate in the John M. McKay Scholarships for
 257 Students with Disabilities Program, a private school may be
 258 sectarian or nonsectarian and must:

259 (b) Provide to the department all documentation required
 260 for a student's participation, including the private school's
 261 and student's fee schedules, at least 30 days before any ~~the~~
 262 ~~first~~ quarterly scholarship payment is made for the student
 263 pursuant to paragraph (10) (e). A student is not eligible to
 264 receive a quarterly scholarship payment if the private school
 265 fails to meet this deadline.

266
 267 The inability of a private school to meet the requirements of
 268 this subsection shall constitute a basis for the ineligibility
 269 of the private school to participate in the scholarship program
 270 as determined by the department.

271 Section 8. Paragraph (f) of subsection (3) of section
 272 1002.55, Florida Statutes, is amended to read:

273 1002.55 School-year prekindergarten program delivered by
 274 private prekindergarten providers.—

275 (3) To be eligible to deliver the prekindergarten program,
 276 a private prekindergarten provider must meet each of the
 277 following requirements:

278 (f) Each of the private prekindergarten provider's
 279 prekindergarten classes must be composed of at least 4 students
 280 but may not exceed 24 ~~18~~ students. In order to protect the

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281 health and safety of students, each private prekindergarten
 282 provider must also provide appropriate adult supervision for
 283 students at all times and, for each prekindergarten class
 284 composed of 13 ~~11~~ or more students, must have, ~~in addition to a~~
 285 ~~prekindergarten instructor who meets the requirements of~~
 286 ~~paragraph (e)~~, at least two ~~one adult~~ prekindergarten
 287 instructors ~~instructor who is not required to meet the~~ those
 288 requirements ~~but who must meet each requirement~~ of paragraph (c)
 289 ~~(d)~~. This paragraph does not supersede any requirement imposed
 290 on a provider under ss. 402.301-402.319.

291 Section 9. Subsection (7) of section 1002.63, Florida
 292 Statutes, is amended to read:

293 1002.63 School-year prekindergarten program delivered by
 294 public schools.-

295 (7) Each prekindergarten class in a public school
 296 delivering the school-year prekindergarten program must be
 297 composed of at least 4 students but may not exceed 24 ~~18~~
 298 students. In order to protect the health and safety of students,
 299 each school must also provide appropriate adult supervision for
 300 students at all times and, for each prekindergarten class
 301 composed of 13 ~~11~~ or more students, must have at least two, ~~in~~
 302 ~~addition to a prekindergarten~~ instructors ~~instructor who meet~~
 303 ~~meets the requirements of s. 1002.55(3)(c)~~, ~~at least one adult~~
 304 ~~prekindergarten instructor who is not required to meet those~~
 305 ~~requirements but who must meet each requirement of subsection~~
 306 ~~(5)~~.

307 Section 10. School district planning for meeting class
 308 size requirements.-

309 (1) For school year 2010-2011, each district school board
 310 shall develop the following two plans:

311 (a) A plan based on the current requirements of s. 1, Art.
 312 IX of the State Constitution to be implemented at the beginning
 313 of the school year and continued if Senate Joint Resolution 2 or
 314 House Joint Resolution 7039, amending s. 1, Art. IX of the State
 315 Constitution, is not approved at the 2010 general election.

316 (b) A contingency plan based on the requirements of Senate
 317 Joint Resolution 2 or House Joint Resolution 7039, amending s.
 318 1, Art. IX of the State Constitution, to be implemented at the
 319 discretion of the district school board if Senate Joint
 320 Resolution 2 or House Joint Resolution 7039 is approved at the
 321 2010 general election.

322 (2) Prior to the adoption of the district school budget
 323 for 2010-2011, each district school board shall hold public
 324 hearings and provide information to parents on the district's
 325 website, and through any other means by which the district
 326 provides information to parents and the public, on the
 327 district's plans required in subsection (1), including, but not
 328 limited to:

329 (a) A review of school attendance zones in order to ensure
 330 maximum use of facilities while minimizing the additional use of
 331 transportation in order to comply with the class size
 332 requirements.

333 (b) The impact on the district's budget for the district
 334 to comply with the class size requirements.

335 (c) The potential impact on the district's budget if the
 336 district fails to comply with the class size requirements.

337 (3) School districts that are in compliance with the class
 338 size requirements in s. 1, Art. IX of the State Constitution as
 339 of the 2009-2010 school year are exempt from the requirements of
 340 this section.

341 Section 11. Upon approval by the electors of Senate Joint
 342 Resolution 2 or House Joint Resolution 7039 in the 2010 general
 343 election and retroactive to the beginning of the 2010-2011
 344 school year, subsections (1) through (4) of section 1003.03,
 345 Florida Statutes, are amended to read:

346 1003.03 Maximum class size.—

347 (1) CONSTITUTIONAL CLASS SIZE MAXIMUMS.—Pursuant to s. 1,
 348 Art. IX of the State Constitution, beginning in the 2010-2011
 349 school year:

350 (a) The average number of students at the school level
 351 assigned to each teacher who is teaching core-curricula courses
 352 in public school classrooms for prekindergarten through grade 3
 353 may not exceed 18 students and the maximum number of students
 354 assigned to a teacher in an individual classroom may not exceed
 355 21 students.

356 (b) The average number of students at the school level
 357 assigned to each teacher who is teaching core-curricula courses
 358 in public school classrooms for grades 4 through 8 may not
 359 exceed 22 students and the maximum number of students assigned
 360 to a teacher in an individual classroom may not exceed 27
 361 students.

362 (c) The average number of students at the school level
 363 assigned to each teacher who is teaching core-curricula courses
 364 in public school classrooms for grades 9 through 12 may not

365 exceed 25 students and the maximum number of students assigned
 366 to a teacher in an individual classroom may not exceed 30
 367 students.

368 ~~(a) The maximum number of students assigned to each~~
 369 ~~teacher who is teaching core curricula courses in public school~~
 370 ~~classrooms for prekindergarten through grade 3 may not exceed 18~~
 371 ~~students.~~

372 ~~(b) The maximum number of students assigned to each~~
 373 ~~teacher who is teaching core curricula courses in public school~~
 374 ~~classrooms for grades 4 through 8 may not exceed 22 students.~~

375 ~~(c) The maximum number of students assigned to each~~
 376 ~~teacher who is teaching core curricula courses in public school~~
 377 ~~classrooms for grades 9 through 12 may not exceed 25 students.~~

378 (2) IMPLEMENTATION.-

379 (a) The Department of Education shall calculate the 2010-
 380 2011 class size as described in subsection (1) based upon the
 381 February 2011 student membership survey. The calculation for
 382 compliance for each of the three grade groupings shall be the
 383 number of students assigned to each teacher in an individual
 384 classroom. Each teacher assigned to an individual classroom
 385 shall be included in the calculation for compliance.

386 (b) Effective with the beginning of the 2011-2012 school
 387 year, and annually thereafter, the Department of Education shall
 388 calculate class size as described in subsection (1) based on the
 389 October student membership survey. The calculation for
 390 compliance for each of the three grade groupings shall be the
 391 number of students assigned to each teacher in an individual
 392 classroom. Each teacher assigned to an individual classroom

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393 shall be included in the calculation for compliance.

394 ~~(a) Beginning with the 2003-2004 fiscal year, each school~~
 395 ~~district that is not in compliance with the maximums in~~
 396 ~~subsection (1) shall reduce the average number of students per~~
 397 ~~classroom in each of the following grade groupings:~~
 398 ~~prekindergarten through grade 3, grade 4 through grade 8, and~~
 399 ~~grade 9 through grade 12, by at least two students each year.~~

400 ~~(b) Determination of the number of students per classroom~~
 401 ~~in paragraph (a) shall be calculated as follows:~~

402 ~~1. For fiscal years 2003-2004 through 2005-2006, the~~
 403 ~~calculation for compliance for each of the 3 grade groupings~~
 404 ~~shall be the average at the district level.~~

405 ~~2. For fiscal years 2006-2007 through 2009-2010, the~~
 406 ~~calculation for compliance for each of the 3 grade groupings~~
 407 ~~shall be the average at the school level.~~

408 ~~3. For fiscal year 2010-2011 and thereafter, the~~
 409 ~~calculation for compliance shall be at the individual classroom~~
 410 ~~level.~~

411 ~~4. For fiscal years 2006-2007 through 2009-2010 and~~
 412 ~~thereafter, each teacher assigned to any classroom shall be~~
 413 ~~included in the calculation for compliance.~~

414 ~~(c) The Department of Education shall annually calculate~~
 415 ~~each of the three average class size measures defined in~~
 416 ~~paragraphs (a) and (b) based upon the October student membership~~
 417 ~~survey. For purposes of determining the baseline from which each~~
 418 ~~district's average class size must be reduced for the 2003-2004~~
 419 ~~school year, the department shall use data from the February~~
 420 ~~2003 student membership survey updated to include classroom~~

421 ~~identification numbers as required by the department.~~

422 ~~(d) Prior to the adoption of the district school budget~~
 423 ~~for 2004-2005, each district school board shall hold public~~
 424 ~~hearings to review school attendance zones in order to ensure~~
 425 ~~maximum use of facilities while minimizing the additional use of~~
 426 ~~transportation in order to comply with the two student per year~~
 427 ~~reduction required in paragraph (a). School districts that meet~~
 428 ~~the constitutional class size maximums described in subsection~~
 429 ~~(1) are exempt from this requirement.~~

430 (3) IMPLEMENTATION OPTIONS.—District school boards must
 431 consider, but are not limited to, implementing the following
 432 items in order to meet the constitutional class size maximums
 433 described in subsection (1) ~~and the two student per year~~
 434 ~~reduction required in subsection (2):~~

435 (a) Adopt policies to encourage qualified students to take
 436 dual enrollment courses.

437 (b) Adopt policies to encourage students to take courses
 438 from the Florida Virtual School or participate in the school
 439 district virtual instruction program.

440 (c)1. Repeal district school board policies that require
 441 students to have more than 24 credits to graduate from high
 442 school.

443 2. Adopt policies to allow students to graduate from high
 444 school as soon as they pass the grade 10 FCAT and complete the
 445 courses required for high school graduation.

446 (d) Use methods to maximize use of instructional staff,
 447 such as changing required teaching loads and scheduling of
 448 planning periods, deploying district employees that have

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449 professional certification to the classroom, using adjunct
450 educators, or any other method not prohibited by law.

451 (e) Use innovative methods to reduce the cost of school
452 construction by using prototype school designs, using SMART
453 Schools designs, participating in the School Infrastructure
454 Thrift Program, or any other method not prohibited by law.

455 (f) Use joint-use facilities through partnerships with
456 community colleges, state universities, and private colleges and
457 universities. Joint-use facilities available for use as K-12
458 classrooms that do not meet the K-12 State Regulations for
459 Educational Facilities in the Florida Building Code may be used
460 at the discretion of the district school board provided that
461 such facilities meet all other health, life, safety, and fire
462 codes.

463 (g) Adopt alternative methods of class scheduling, such as
464 block scheduling.

465 (h) Redraw school attendance zones to maximize use of
466 facilities while minimizing the additional use of
467 transportation.

468 (i) Operate schools beyond the normal operating hours to
469 provide classes in the evening or operate more than one session
470 of school during the day.

471 (j) Use year-round schools and other nontraditional
472 calendars that do not adversely impact annual assessment of
473 student achievement.

474 (k) Review and consider amending any collective bargaining
475 contracts that hinder the implementation of class size
476 reduction.

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477 (1) Use any other approach not prohibited by law.

478 (4) ACCOUNTABILITY.—

479 (a) For the 2010-2011 school year, if at the time of the
 480 February 2011 student membership survey the school district's
 481 class size exceeds the maximums as described in subsection (1),
 482 the department shall:

483 1. Identify, for each grade group, the number of full-time
 484 equivalent students that exceeds the maximum number of students
 485 assigned to any teacher in an individual class.

486 2. Multiply the total number of full-time equivalent
 487 students that exceeds the maximum class size for each grade
 488 group by the district's full-time equivalent student dollar
 489 amount of the class-size-reduction operating categorical
 490 allocation for that year and calculate the total for all three
 491 grade groups.

492 3. Reduce the district's class-size-reduction operating
 493 categorical allocation by an amount equal to the calculation in
 494 subparagraph 2.

495 (b) For the 2011-2012 school year and annually thereafter,
 496 if at the time of the third Florida Education Finance Program
 497 calculation a school district's class size exceeds the maximums
 498 as described in subsection (1), the department shall reduce the
 499 district's class-size-reduction operating categorical allocation
 500 as calculated according to subparagraphs (a)1.-3.

501 ~~(a)1. Beginning in the 2003-2004 fiscal year, if the~~
 502 ~~department determines for any year that a school district has~~
 503 ~~not reduced average class size as required in subsection (2) at~~
 504 ~~the time of the third FEFP calculation, the department shall~~

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505 ~~calculate an amount from the class size reduction operating~~
 506 ~~ategorical which is proportionate to the amount of class size~~
 507 ~~reduction not accomplished. Upon verification of the~~
 508 ~~department's calculation by the Florida Education Finance~~
 509 ~~Program Appropriation Allocation Conference and not later than~~
 510 ~~March 1 of each year, the Executive Office of the Governor shall~~
 511 ~~transfer undistributed funds equivalent to the calculated amount~~
 512 ~~from the district's class size reduction operating categorical~~
 513 ~~to an approved fixed capital outlay appropriation for class size~~
 514 ~~reduction in the affected district pursuant to s. 216.292(2)(d).~~
 515 ~~The amount of funds transferred shall be the lesser of the~~
 516 ~~amount verified by the Florida Education Finance Program~~
 517 ~~Appropriation Allocation Conference or the undistributed balance~~
 518 ~~of the district's class size reduction operating categorical.~~

519 ~~2. In lieu of the transfer required by subparagraph 1.,~~
 520 ~~the Commissioner of Education may recommend a budget amendment,~~
 521 ~~subject to approval by the Legislative Budget Commission, to~~
 522 ~~transfer an alternative amount of funds from the district's~~
 523 ~~class size reduction operating categorical to its approved fixed~~
 524 ~~capital outlay account for class size reduction if the~~
 525 ~~commissioner finds that the State Board of Education has~~
 526 ~~reviewed evidence indicating that a district has been unable to~~
 527 ~~meet class size reduction requirements despite appropriate~~
 528 ~~effort to do so. The commissioner's budget amendment must be~~
 529 ~~submitted to the Legislative Budget Commission by February 15 of~~
 530 ~~each year.~~

531 ~~(c)3. For the 2007-2008 fiscal year and thereafter, If in~~
 532 ~~any fiscal year funds from a district's class size operating~~

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533 | categorical are required to be reduced in accordance with
 534 | paragraph (a) or paragraph (b) ~~transferred to its fixed capital~~
 535 | ~~outlay fund~~ and the district's class size operating categorical
 536 | allocation in the General Appropriations Act for that fiscal
 537 | year has been reduced by a subsequent appropriation, the
 538 | Commissioner of Education may recommend a 50-percent reduction
 539 | in the amount calculated in accordance with paragraph (a) or
 540 | paragraph (b) ~~of the transfer.~~

541 | ~~(b) Beginning in the 2010-2011 fiscal year and each year~~
 542 | ~~thereafter, if the department determines that the number of~~
 543 | ~~students assigned to any individual class exceeds the class size~~
 544 | ~~maximum, as required in subsection (2), at the time of the third~~
 545 | ~~FEFP calculation, the department shall:~~

546 | 1. ~~Identify, for each grade group, the number of classes~~
 547 | ~~in which the enrollment exceeds the maximum, the number of~~
 548 | ~~students which exceeds the maximum for each class, and the total~~
 549 | ~~number of students which exceeds the maximum for all classes.~~

550 | 2. ~~Determine the number of full-time equivalent students~~
 551 | ~~which exceeds the maximum class size for each grade group.~~

552 | 3. ~~Multiply the total number of FTE students which exceeds~~
 553 | ~~the maximum class size for each grade group by the district's~~
 554 | ~~FTE dollar amount of the class-size-reduction allocation for~~
 555 | ~~that year and calculate the total for all three grade groups.~~

556 | 4. ~~Reduce the district's class-size-reduction operating~~
 557 | ~~categorical allocation by an amount equal to the sum of the~~
 558 | ~~calculation in subparagraph 3.~~

559 | ~~(d)-(e)~~ Upon verification of the department's calculation
 560 | by the Florida Education Finance Program Appropriation

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561 Allocation Conference and no later than March 1 of each year,
 562 the Executive Office of the Governor shall place these funds in
 563 reserve, and the undistributed funds shall revert to the General
 564 Revenue Fund unallocated at the end of the fiscal year. The
 565 amount of funds reduced shall be the lesser of the amount
 566 verified by the Florida Education Finance Program Appropriation
 567 Allocation Conference or the undistributed balance of the
 568 district's class-size-reduction operating categorical
 569 allocation.

570 (e)-(d) In lieu of the reduction calculation in paragraph
 571 (a) or paragraph (b), if the Commissioner of Education has
 572 evidence that a district has been unable to meet the class size
 573 requirements, despite the appropriate efforts of the district,
 574 due to an extreme emergency or other causes beyond the control
 575 of the district, he or she may recommend a budget amendment,
 576 subject to approval of the Legislative Budget Commission, to
 577 reduce an alternative amount of funds from the district's class-
 578 size-reduction operating categorical allocation. The
 579 commissioner's budget amendment must be submitted to the
 580 Legislative Budget Commission by February 15 of each year.

581 ~~(e) In addition to the calculation required in paragraph~~
 582 ~~(a), at the time of the third FEFP calculation for the 2009-2010~~
 583 ~~fiscal year, the department shall also prepare a simulated~~
 584 ~~calculation based on the requirements in paragraphs (b) and (c).~~
 585 ~~This simulated calculation shall be provided to the school~~
 586 ~~districts and the Legislature.~~

587 Section 12. If the electors do not approve Senate Joint
 588 Resolution 2 or House Joint Resolution 7039 in the 2010 general

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589 election, subsections (2) through (4) of section 1003.03,
 590 Florida Statutes, are amended, retroactive to July 1, 2010, to
 591 read:

592 1003.03 Maximum class size.—

593 (1) CONSTITUTIONAL CLASS SIZE MAXIMUMS.—Pursuant to s. 1,
 594 Art. IX of the State Constitution, beginning in the 2010-2011
 595 school year:

596 (a) The maximum number of students assigned to each
 597 teacher who is teaching core-curricula courses in public school
 598 classrooms for prekindergarten through grade 3 may not exceed 18
 599 students.

600 (b) The maximum number of students assigned to each
 601 teacher who is teaching core-curricula courses in public school
 602 classrooms for grades 4 through 8 may not exceed 22 students.

603 (c) The maximum number of students assigned to each
 604 teacher who is teaching core-curricula courses in public school
 605 classrooms for grades 9 through 12 may not exceed 25 students.

606 (2) IMPLEMENTATION.—

607 (a) The Department of Education shall calculate the 2010-
 608 2011 class size as described in subsection (1) based upon the
 609 February 2011 student membership survey. The calculation for
 610 compliance for each of the three grade groupings shall be the
 611 number of students assigned to each teacher in an individual
 612 classroom. Each teacher assigned to an individual classroom
 613 shall be included in the calculation for compliance.

614 (b) Effective with the beginning of the 2011-2012 school
 615 year, and annually thereafter, the Department of Education shall
 616 calculate class size as described in subsection (1) based on the

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617 October student membership survey. The calculation for
 618 compliance for each of the three grade groupings shall be the
 619 number of students assigned to each teacher in an individual
 620 classroom. Each teacher assigned to an individual classroom
 621 shall be included in the calculation for compliance.

622 ~~(a) Beginning with the 2003-2004 fiscal year, each school~~
 623 ~~district that is not in compliance with the maximums in~~
 624 ~~subsection (1) shall reduce the average number of students per~~
 625 ~~classroom in each of the following grade groupings:~~
 626 ~~prekindergarten through grade 3, grade 4 through grade 8, and~~
 627 ~~grade 9 through grade 12, by at least two students each year.~~

628 ~~(b) Determination of the number of students per classroom~~
 629 ~~in paragraph (a) shall be calculated as follows:~~

630 ~~1. For fiscal years 2003-2004 through 2005-2006, the~~
 631 ~~calculation for compliance for each of the 3 grade groupings~~
 632 ~~shall be the average at the district level.~~

633 ~~2. For fiscal years 2006-2007 through 2009-2010, the~~
 634 ~~calculation for compliance for each of the 3 grade groupings~~
 635 ~~shall be the average at the school level.~~

636 ~~3. For fiscal year 2010-2011 and thereafter, the~~
 637 ~~calculation for compliance shall be at the individual classroom~~
 638 ~~level.~~

639 ~~4. For fiscal years 2006-2007 through 2009-2010 and~~
 640 ~~thereafter, each teacher assigned to any classroom shall be~~
 641 ~~included in the calculation for compliance.~~

642 ~~(c) The Department of Education shall annually calculate~~
 643 ~~each of the three average class size measures defined in~~
 644 ~~paragraphs (a) and (b) based upon the October student membership~~

645 ~~survey. For purposes of determining the baseline from which each~~
 646 ~~district's average class size must be reduced for the 2003-2004~~
 647 ~~school year, the department shall use data from the February~~
 648 ~~2003 student membership survey updated to include classroom~~
 649 ~~identification numbers as required by the department.~~

650 ~~(d) Prior to the adoption of the district school budget~~
 651 ~~for 2004-2005, each district school board shall hold public~~
 652 ~~hearings to review school attendance zones in order to ensure~~
 653 ~~maximum use of facilities while minimizing the additional use of~~
 654 ~~transportation in order to comply with the two-student-per-year~~
 655 ~~reduction required in paragraph (a). School districts that meet~~
 656 ~~the constitutional class size maximums described in subsection~~
 657 ~~(1) are exempt from this requirement.~~

658 (3) IMPLEMENTATION OPTIONS.—District school boards must
 659 consider, but are not limited to, implementing the following
 660 items in order to meet the constitutional class size maximums
 661 described in subsection (1) and ~~the two-student-per-year~~
 662 ~~reduction required in subsection (2):~~

663 (a) Adopt policies to encourage qualified students to take
 664 dual enrollment courses.

665 (b) Adopt policies to encourage students to take courses
 666 from the Florida Virtual School or participate in the school
 667 district virtual instruction program.

668 (c)1. Repeal district school board policies that require
 669 students to have more than 24 credits to graduate from high
 670 school.

671 2. Adopt policies to allow students to graduate from high
 672 school as soon as they pass the grade 10 FCAT and complete the

673 courses required for high school graduation.

674 (d) Use methods to maximize use of instructional staff,
 675 such as changing required teaching loads and scheduling of
 676 planning periods, deploying district employees that have
 677 professional certification to the classroom, using adjunct
 678 educators, or any other method not prohibited by law.

679 (e) Use innovative methods to reduce the cost of school
 680 construction by using prototype school designs, using SMART
 681 Schools designs, participating in the School Infrastructure
 682 Thrift Program, or any other method not prohibited by law.

683 (f) Use joint-use facilities through partnerships with
 684 community colleges, state universities, and private colleges and
 685 universities. Joint-use facilities available for use as K-12
 686 classrooms that do not meet the K-12 State Regulations for
 687 Educational Facilities in the Florida Building Code may be used
 688 at the discretion of the district school board provided that
 689 such facilities meet all other health, life, safety, and fire
 690 codes.

691 (g) Adopt alternative methods of class scheduling, such as
 692 block scheduling.

693 (h) Redraw school attendance zones to maximize use of
 694 facilities while minimizing the additional use of
 695 transportation.

696 (i) Operate schools beyond the normal operating hours to
 697 provide classes in the evening or operate more than one session
 698 of school during the day.

699 (j) Use year-round schools and other nontraditional
 700 calendars that do not adversely impact annual assessment of

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701 student achievement.

702 (k) Review and consider amending any collective bargaining
703 contracts that hinder the implementation of class size
704 reduction.

705 (l) Use any other approach not prohibited by law.

706 (4) ACCOUNTABILITY.-

707 (a) For the 2010-2011 school year, if at the time of the
708 February 2011 student membership survey the school district's
709 class size exceeds the maximums as described in subsection (1),
710 the department shall:

711 1. Identify, for each grade group, the number of full-time
712 equivalent students that exceeds the maximum number of students
713 assigned to any teacher in an individual class.

714 2. Multiply the total number of full-time equivalent
715 students that exceeds the maximum class size for each grade
716 group by the district's full-time equivalent student dollar
717 amount of the class-size-reduction operating categorical
718 allocation for that year and calculate the total for all three
719 grade groups.

720 3. Reduce the district's class-size-reduction operating
721 categorical allocation by an amount equal to the calculation in
722 subparagraph 2.

723 (b) For the 2011-2012 school year and annually thereafter,
724 if at the time of the third Florida Education Finance Program
725 calculation a school district's class size exceeds the maximums
726 as described in subsection (1), the department shall reduce the
727 district's class-size-reduction operating categorical allocation
728 as calculated according to subparagraphs (a)1.-3.

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729 ~~(a)1. Beginning in the 2003-2004 fiscal year, if the~~
 730 ~~department determines for any year that a school district has~~
 731 ~~not reduced average class size as required in subsection (2) at~~
 732 ~~the time of the third FEFP calculation, the department shall~~
 733 ~~calculate an amount from the class size reduction operating~~
 734 ~~categorical which is proportionate to the amount of class size~~
 735 ~~reduction not accomplished. Upon verification of the~~
 736 ~~department's calculation by the Florida Education Finance~~
 737 ~~Program Appropriation Allocation Conference and not later than~~
 738 ~~March 1 of each year, the Executive Office of the Governor shall~~
 739 ~~transfer undistributed funds equivalent to the calculated amount~~
 740 ~~from the district's class size reduction operating categorical~~
 741 ~~to an approved fixed capital outlay appropriation for class size~~
 742 ~~reduction in the affected district pursuant to s. 216.292(2)(d).~~
 743 ~~The amount of funds transferred shall be the lesser of the~~
 744 ~~amount verified by the Florida Education Finance Program~~
 745 ~~Appropriation Allocation Conference or the undistributed balance~~
 746 ~~of the district's class size reduction operating categorical.~~
 747 ~~2. In lieu of the transfer required by subparagraph 1.,~~
 748 ~~the Commissioner of Education may recommend a budget amendment,~~
 749 ~~subject to approval by the Legislative Budget Commission, to~~
 750 ~~transfer an alternative amount of funds from the district's~~
 751 ~~class size reduction operating categorical to its approved fixed~~
 752 ~~capital outlay account for class size reduction if the~~
 753 ~~commissioner finds that the State Board of Education has~~
 754 ~~reviewed evidence indicating that a district has been unable to~~
 755 ~~meet class size reduction requirements despite appropriate~~
 756 ~~effort to do so. The commissioner's budget amendment must be~~

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757 ~~submitted to the Legislative Budget Commission by February 15 of~~
 758 ~~each year.~~

759 ~~(c)3. For the 2007-2008 fiscal year and thereafter, If in~~
 760 ~~any fiscal year funds from a district's class size operating~~
 761 ~~categorical are required to be reduced in accordance with~~
 762 ~~paragraph (a) or paragraph (b) transferred to its fixed capital~~
 763 ~~outlay fund and the district's class size operating categorical~~
 764 ~~allocation in the General Appropriations Act for that fiscal~~
 765 ~~year has been reduced by a subsequent appropriation, the~~
 766 ~~Commissioner of Education may recommend a 50-percent reduction~~
 767 ~~in the amount calculated in accordance with paragraph (a) or~~
 768 ~~paragraph (b) of the transfer.~~

769 ~~(b) Beginning in the 2010-2011 fiscal year and each year~~
 770 ~~thereafter, if the department determines that the number of~~
 771 ~~students assigned to any individual class exceeds the class size~~
 772 ~~maximum, as required in subsection (2), at the time of the third~~
 773 ~~FEEP calculation, the department shall:~~

774 ~~1. Identify, for each grade group, the number of classes~~
 775 ~~in which the enrollment exceeds the maximum, the number of~~
 776 ~~students which exceeds the maximum for each class, and the total~~
 777 ~~number of students which exceeds the maximum for all classes.~~

778 ~~2. Determine the number of full-time equivalent students~~
 779 ~~which exceeds the maximum class size for each grade group.~~

780 ~~3. Multiply the total number of FTE students which exceeds~~
 781 ~~the maximum class size for each grade group by the district's~~
 782 ~~FTE dollar amount of the class size reduction allocation for~~
 783 ~~that year and calculate the total for all three grade groups.~~

784 ~~4. Reduce the district's class size reduction operating~~

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785 ~~categorical allocation by an amount equal to the sum of the~~
 786 ~~calculation in subparagraph 3.~~

787 (d)~~(e)~~ Upon verification of the department's calculation
 788 by the Florida Education Finance Program Appropriation
 789 Allocation Conference and no later than March 1 of each year,
 790 the Executive Office of the Governor shall place these funds in
 791 reserve, and the undistributed funds shall revert to the General
 792 Revenue Fund unallocated at the end of the fiscal year. The
 793 amount of funds reduced shall be the lesser of the amount
 794 verified by the Florida Education Finance Program Appropriation
 795 Allocation Conference or the undistributed balance of the
 796 district's class-size-reduction operating categorical
 797 allocation.

798 (e)~~(d)~~ In lieu of the reduction calculation in paragraph
 799 (a) or paragraph (b), if the Commissioner of Education has
 800 evidence that a district has been unable to meet the class size
 801 requirements, despite the appropriate efforts of the district,
 802 due to an extreme emergency or other causes beyond the control
 803 of the district, he or she may recommend a budget amendment,
 804 subject to approval of the Legislative Budget Commission, to
 805 reduce an alternative amount of funds from the district's class-
 806 size-reduction operating categorical allocation. The
 807 commissioner's budget amendment must be submitted to the
 808 Legislative Budget Commission by February 15 of each year.

809 ~~(e) In addition to the calculation required in paragraph~~
 810 ~~(a), at the time of the third FEFP calculation for the 2009-2010~~
 811 ~~fiscal year, the department shall also prepare a simulated~~
 812 ~~calculation based on the requirements in paragraphs (b) and (c).~~

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813 ~~This simulated calculation shall be provided to the school~~
 814 ~~districts and the Legislature.~~

815 Section 13. Section 1003.572, Florida Statutes, is created
 816 to read:

817 1003.572 Gifted student education.-

818 (1) For students in kindergarten through grade 12, each
 819 district school board shall annually report to the department by
 820 school and grade level:

821 (a) The number of students classified as gifted. Such
 822 reporting shall separately identify the number of students
 823 classified as gifted under generally applicable criteria set
 824 forth in State Board of Education rule and under a department-
 825 approved school district plan for increasing the participation
 826 of underrepresented groups.

827 (b) The types of gifted student education services that it
 828 provides and the number of students receiving each service. Such
 829 reporting shall:

830 1. Separately identify gifted student education services
 831 that provide: direct instruction to a class consisting only of
 832 gifted students; differentiated instruction for gifted students
 833 within a class that also includes students who are not gifted;
 834 and noninstructional consultation services.

835 2. Indicate the number of hours per week that each service
 836 identified under subparagraph 1. is provided to each gifted
 837 student and if the service is provided by a teacher who has
 838 received the gifted endorsement under State Board of Education
 839 rule.

840 (c) Performance data for students receiving gifted student
 841 education services.

842 (2) When reporting the number of students under subsection
 843 (1), district school boards shall classify students according to
 844 race, ethnicity, limited English proficient status, and free or
 845 reduced-price lunch eligibility status under the National School
 846 Lunch Act.

847 (3) The department shall develop data elements to
 848 facilitate district school board reporting under subsection (1).

849 (4) The State Board of Education shall adopt rules
 850 pursuant to ss. 120.536(1) and 120.54 to implement this section.

851 Section 14. Section 1006.281, Florida Statutes, is created
 852 to read:

853 1006.281 Electronic learning management systems.—

854 (1) To ensure that all school districts have equitable
 855 access to digitally rich instructional materials, districts are
 856 encouraged to have access to an electronic learning management
 857 system that allows teachers, staff, students, and parents to
 858 access, organize, and utilize electronically available
 859 instructional materials and teaching and learning tools and
 860 resources and enables teachers to manage, assess, and track
 861 student learning.

862 (2) To the extent fiscally and technologically feasible, a
 863 school district's electronic learning management system should
 864 allow for a single, authenticated sign-on that includes the
 865 following functionality:

866 (a) Vertically searches for, gathers, and organizes
 867 specific standards-based instructional materials.

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868 (b) Enables teachers to prepare lessons, individualize
 869 student instruction, and utilize best practices for providing
 870 instruction.

871 (c) Provides communication, including access to up-to-date
 872 student performance data, to help teachers and parents better
 873 serve the needs of students.

874 (d) Provides access for administrators to ensure quality
 875 of instruction in every classroom.

876 (3) The Department of Education shall provide assistance
 877 as requested by school districts in the deployment of a district
 878 electronic learning management system.

879 Section 15. Subsection (4) of section 1006.29, Florida
 880 Statutes, is amended to read:

881 1006.29 State instructional materials committees.—

882 (4) For purposes of state adoption, "instructional
 883 materials" means items having intellectual content that by
 884 design serve as a major tool for assisting in the instruction of
 885 a subject or course. These items may be available in bound,
 886 unbound, kit, or package form and may consist of hardbacked, ~~or~~
 887 softbacked, or electronic textbooks, consumables, learning
 888 laboratories, manipulatives, electronic media, and computer
 889 courseware or software. A publisher or manufacturer providing
 890 instructional materials as a single bundle shall also make the
 891 instructional materials available as separate and unbundled
 892 items, each priced individually. ~~The term does not include~~
 893 ~~electronic or computer hardware even if such hardware is bundled~~
 894 ~~with software or other electronic media, nor does it include~~
 895 ~~equipment or supplies.~~

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896 Section 16. Paragraphs (a) and (b) of subsection (1) of
 897 section 1006.33, Florida Statutes, are amended to read:

898 1006.33 Bids or proposals; advertisement and its
 899 contents.—

900 (1)(a) Beginning on or before May 15 of any year in which
 901 an instructional materials adoption is to be initiated, the
 902 department shall advertise in the Florida Administrative Weekly
 903 4 weeks preceding the date on which the bids shall be received,
 904 that at a certain designated time, not later than June 15,
 905 sealed bids or proposals to be deposited with the department
 906 will be received from publishers or manufacturers for the
 907 furnishing of instructional materials proposed to be adopted as
 908 listed in the advertisement beginning April 1 following the
 909 adoption. Instructional materials adopted after 2012-2013 for
 910 students in grades 9 through 12 shall primarily be adopted and
 911 delivered in electronic format.

912 (b) Beginning in the 2010-2011 fiscal year, the
 913 advertisement shall state that each bidder shall furnish
 914 electronic specimen copies of all instructional materials
 915 submitted, at a time designated by the department, which
 916 specimen copies shall be identical with the copies approved and
 917 accepted by the members of the state instructional materials
 918 committee, as prescribed in this section, and with the copies
 919 furnished to the department and district school superintendents,
 920 as provided in this part. Any district school superintendent who
 921 requires samples in addition to samples in electronic format
 922 must request those samples through the department.

923 Section 17. Subsection (4) of section 1006.40, Florida

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924 Statutes, is amended to read:

925 1006.40 Use of instructional materials allocation;
 926 instructional materials, library books, and reference books;
 927 repair of books.-

928 (4) The funds described in subsection (3) which district
 929 school boards may use to purchase materials not on the state-
 930 adopted list shall be used for the purchase of instructional
 931 materials or other items having intellectual content which
 932 assist in the instruction of a subject or course. These items
 933 may be available in bound, unbound, kit, or package form and may
 934 consist of hardbacked, ~~or~~ softbacked, or electronic textbooks,
 935 replacements for items which were part of previously purchased
 936 instructional materials, consumables, learning laboratories,
 937 manipulatives, electronic media, computer courseware or
 938 software, and other commonly accepted instructional tools as
 939 prescribed by district school board rule. Beginning with the
 940 2012-2013 fiscal year, the funds available to district school
 941 boards for the purchase of materials not on the state-adopted
 942 list may ~~not~~ be used to purchase electronic or computer hardware
 943 ~~even~~ if such hardware is provided for the sole purpose of
 944 delivering instructional materials content in an electronic
 945 format. The funds provided for instructional materials bundled
 946 ~~with software or other electronic media, nor may not such funds~~
 947 be used to purchase equipment or supplies. However, when
 948 authorized to do so in the General Appropriations Act, a school
 949 or district school board may use a portion of the funds
 950 available to it for the purchase of materials not on the state-
 951 adopted list to purchase science laboratory materials and

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952 | supplies.

953 | Section 18. Subsection (1) of section 1007.27, Florida
954 | Statutes, is amended to read:

955 | 1007.27 Articulated acceleration mechanisms.—

956 | (1) It is the intent of the Legislature that a variety of
957 | articulated acceleration mechanisms be available for secondary
958 | and postsecondary students attending public educational
959 | institutions. It is intended that articulated acceleration serve
960 | to shorten the time necessary for a student to complete the
961 | requirements associated with the conference of a high school
962 | diploma and a postsecondary degree, broaden the scope of
963 | curricular options available to students, or increase the depth
964 | of study available for a particular subject. Articulated
965 | acceleration mechanisms shall include, but not be limited to,
966 | dual enrollment as provided for in s. 1007.271, early admission,
967 | advanced placement, credit by examination, the International
968 | Baccalaureate Program, and the Advanced International
969 | Certificate of Education Program. Credit earned through the
970 | Florida Virtual School shall provide additional opportunities
971 | for early graduation and acceleration. Students in public
972 | secondary schools enrolled in courses pursuant to this
973 | subsection shall be deemed authorized users of the state-funded
974 | electronic library resources provided by Florida colleges and
975 | state universities pursuant to s. 1006.72. Verification of
976 | eligibility shall be in accordance with rules established by the
977 | State Board of Education and the Board of Governors and
978 | processes implemented by Florida colleges and state
979 | universities.

980 Section 19. Paragraph (p) of subsection (1), paragraphs
 981 (a) and (b) of subsection (4), subsection (6), paragraph (d) of
 982 subsection (7), and paragraph (a) of subsection (12) of section
 983 1011.62, Florida Statutes, are amended to read:

984 1011.62 Funds for operation of schools.—If the annual
 985 allocation from the Florida Education Finance Program to each
 986 district for operation of schools is not determined in the
 987 annual appropriations act or the substantive bill implementing
 988 the annual appropriations act, it shall be determined as
 989 follows:

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

994 (p) Calculation of additional full-time equivalent
 995 membership based on certification of successful completion of
 996 industry-certified career and professional academy programs
 997 pursuant to ss. 1003.491, 1003.492, and 1003.493 and identified
 998 in the Industry Certification ~~Certified~~ Funding List pursuant to
 999 rules adopted by the State Board of Education.—A value of 0.16
 1000 ~~0.3~~ full-time equivalent student membership shall be calculated
 1001 for each student who completes an industry-certified career and
 1002 professional academy program under ss. 1003.491, 1003.492, and
 1003 1003.493 and who is issued the highest level of industry
 1004 certification identified annually in the Industry Certification
 1005 Funding List approved under rules adopted by the State Board of
 1006 Education and a high school diploma. Such value shall be added
 1007 to the total full-time equivalent student membership in

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1008 secondary career education programs for grades 9 through 12 in
 1009 the subsequent year for courses that were not funded through
 1010 dual enrollment. The additional full-time equivalent membership
 1011 authorized under this paragraph may not exceed 0.16 ~~0.3~~ per
 1012 student. Unless a different amount is specified in the General
 1013 Appropriations Act, the appropriation for this calculation is
 1014 limited to \$8 ~~\$15~~ million annually. If the appropriation is
 1015 insufficient to fully fund the total calculation, the
 1016 appropriation shall be prorated.

1017 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The
 1018 Legislature shall prescribe the aggregate required local effort
 1019 for all school districts collectively as an item in the General
 1020 Appropriations Act for each fiscal year. The amount that each
 1021 district shall provide annually toward the cost of the Florida
 1022 Education Finance Program for kindergarten through grade 12
 1023 programs shall be calculated as follows:

1024 (a) Estimated taxable value calculations.—

1025 1.a. Not later than 2 working days prior to July 19, the
 1026 Department of Revenue shall certify to the Commissioner of
 1027 Education its most recent estimate of the taxable value for
 1028 school purposes in each school district and the total for all
 1029 school districts in the state for the current calendar year
 1030 based on the latest available data obtained from the local
 1031 property appraisers. The value certified shall be the taxable
 1032 value for school purposes for that year, and no further
 1033 adjustments shall be made, except those made pursuant to
 1034 paragraphs (c) and (d), or an assessment roll change required by
 1035 final judicial decisions as specified in paragraph (12)(b). Not

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1036 later than July 19, the Commissioner of Education shall compute
1037 a millage rate, rounded to the next highest one one-thousandth
1038 of a mill, which, when applied to 96 ~~95~~ percent of the estimated
1039 state total taxable value for school purposes, would generate
1040 the prescribed aggregate required local effort for that year for
1041 all districts. The Commissioner of Education shall certify to
1042 each district school board the millage rate, computed as
1043 prescribed in this subparagraph, as the minimum millage rate
1044 necessary to provide the district required local effort for that
1045 year.

1046 b. The General Appropriations Act shall direct the
1047 computation of the statewide adjusted aggregate amount for
1048 required local effort for all school districts collectively from
1049 ad valorem taxes to ensure that no school district's revenue
1050 from required local effort millage will produce more than 90
1051 percent of the district's total Florida Education Finance
1052 Program calculation as calculated and adopted by the
1053 Legislature, and the adjustment of the required local effort
1054 millage rate of each district that produces more than 90 percent
1055 of its total Florida Education Finance Program entitlement to a
1056 level that will produce only 90 percent of its total Florida
1057 Education Finance Program entitlement in the July calculation.

1058 2. On the same date as the certification in sub-
1059 subparagraph 1.a., the Department of Revenue shall certify to
1060 the Commissioner of Education for each district:

1061 a. Each year for which the property appraiser has
1062 certified the taxable value pursuant to s. 193.122(2) or (3), if
1063 applicable, since the prior certification under sub-subparagraph

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1064 1.a.

1065 b. For each year identified in sub-subparagraph a., the
 1066 taxable value certified by the appraiser pursuant to s.
 1067 193.122(2) or (3), if applicable, since the prior certification
 1068 under sub-subparagraph 1.a. This is the certification that
 1069 reflects all final administrative actions of the value
 1070 adjustment board.

1071 (b) Equalization of required local effort.—

1072 1. The Department of Revenue shall include with its
 1073 certifications provided pursuant to paragraph (a) its most
 1074 recent determination of the assessment level of the prior year's
 1075 assessment roll for each county and for the state as a whole.

1076 2. The Commissioner of Education shall adjust the required
 1077 local effort millage of each district for the current year,
 1078 computed pursuant to paragraph (a), as follows:

1079 a. The equalization factor for the prior year's assessment
 1080 roll of each district shall be multiplied by 96 ~~95~~ percent of
 1081 the taxable value for school purposes shown on that roll and by
 1082 the prior year's required local-effort millage, exclusive of any
 1083 equalization adjustment made pursuant to this paragraph. The
 1084 dollar amount so computed shall be the additional required local
 1085 effort for equalization for the current year.

1086 b. Such equalization factor shall be computed as the
 1087 quotient of the prior year's assessment level of the state as a
 1088 whole divided by the prior year's assessment level of the
 1089 county, from which quotient shall be subtracted 1.

1090 c. The dollar amount of additional required local effort
 1091 for equalization for each district shall be converted to a

1092 millage rate, based on 96 95 percent of the current year's
 1093 taxable value for that district, and added to the required local
 1094 effort millage determined pursuant to paragraph (a).

1095 3. Notwithstanding the limitations imposed pursuant to s.
 1096 1011.71(1), the total required local-effort millage, including
 1097 additional required local effort for equalization, shall be an
 1098 amount not to exceed 10 minus the maximum millage allowed as
 1099 nonvoted discretionary millage, exclusive of millage authorized
 1100 pursuant to s. 1011.71(2). Nothing herein shall be construed to
 1101 allow a millage in excess of that authorized in s. 9, Art. VII
 1102 of the State Constitution.

1103 4. For the purposes of this chapter, the term "assessment
 1104 level" means the value-weighted mean assessment ratio for the
 1105 county or state as a whole, as determined pursuant to s.
 1106 195.096, or as subsequently adjusted. However, for those parcels
 1107 studied pursuant to s. 195.096(3)(a)1. which are receiving the
 1108 assessment limitation set forth in s. 193.155, and for which the
 1109 assessed value is less than the just value, the department shall
 1110 use the assessed value in the numerator and the denominator of
 1111 such assessment ratio. In the event a court has adjudicated that
 1112 the department failed to establish an accurate estimate of an
 1113 assessment level of a county and recomputation resulting in an
 1114 accurate estimate based upon the evidence before the court was
 1115 not possible, that county shall be presumed to have an
 1116 assessment level equal to that of the state as a whole.

1117 5. If, in the prior year, taxes were levied against an
 1118 interim assessment roll pursuant to s. 193.1145, the assessment
 1119 level and prior year's nonexempt assessed valuation used for the

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1120 purposes of this paragraph shall be those of the interim
 1121 assessment roll.

1122 (6) CATEGORICAL FUNDS.—

1123 (a) In addition to the basic amount for current operations
 1124 for the FEEP as determined in subsection (1), the Legislature
 1125 may appropriate categorical funding for specified programs,
 1126 activities, or purposes.

1127 (b) If a district school board finds and declares in a
 1128 resolution adopted at a regular meeting of the school board that
 1129 the funds received for any of the following categorical
 1130 appropriations are urgently needed to maintain school board
 1131 specified academic classroom instruction or to provide
 1132 technological equipment that supports student learning, the
 1133 school board may consider and approve an amendment to the school
 1134 district operating budget transferring the identified amount of
 1135 the categorical funds to the appropriate account for
 1136 expenditure:

- 1137 1. Funds for student transportation.
- 1138 2. Funds for safe schools.
- 1139 3. Funds for supplemental academic instruction.
- 1140 4. Funds for research-based reading instruction.
- 1141 5. Funds for instructional materials if all instructional
 1142 material purchases necessary to provide updated materials
 1143 aligned to the Next Generation Sunshine State Standards and
 1144 benchmarks pursuant to ss. 1006.28(1) and 1006.40(2) (a) have
 1145 been completed for that fiscal year, but no sooner than March 1,
 1146 2011 2010.

1147 (c) As used in this subsection, the term "technological

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1148 equipment" is limited to hardware, devices, or equipment
 1149 necessary for:
 1150 1. Gaining access to or enhancing the use of an electronic
 1151 textbook and other types of digitally rich instructional
 1152 materials; or
 1153 2. Facilitating access to and the use of a school
 1154 district's electronic learning and data management systems that
 1155 allow teachers, staff, students, and parents to have access to
 1156 electronically available instructional materials and teaching
 1157 and learning tools and resources.
 1158
 1159 Technological equipment purchased from categorical funds
 1160 pursuant to this subsection must meet performance standards
 1161 related to interactive functionality, capacity, and reliability
 1162 as determined by the department. The department is encouraged to
 1163 negotiate enterprise agreements with interested technological
 1164 equipment vendors and service providers. By February 1, 2011,
 1165 the department shall publish a list of recommended vendors and
 1166 service providers. Districts choosing devices or services from
 1167 vendors or providers not on the department's list may seek a
 1168 waiver from the Commissioner of Education if their proposed
 1169 purchases represent better value for the district.
 1170 (d)-(e) Each district school board shall include in its
 1171 annual financial report to the Department of Education the
 1172 amount of funds the school board transferred from each of the
 1173 categorical funds identified in this subsection and the specific
 1174 academic classroom instruction for which the transferred funds
 1175 were expended. The Department of Education shall provide

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1176 instructions and specify the format to be used in submitting
 1177 this required information as a part of the district annual
 1178 financial report. The Department of Education shall submit a
 1179 report to the Legislature that identifies by district and by
 1180 categorical fund the amount transferred and the specific
 1181 academic classroom activity for which the funds were expended.

1182 (e)~~(d)~~ If a district school board transfers funds from its
 1183 research-based reading instruction allocation, the board must
 1184 also submit to the Department of Education an amendment
 1185 describing the changes that the district is making to its
 1186 reading plan approved pursuant to paragraph (9) (d).

1187 (7) DETERMINATION OF SPARSITY SUPPLEMENT.—

1188 (d) Each district's allocation of sparsity supplement
 1189 funds shall be adjusted in the following manner:

1190 1. A maximum discretionary levy per FTE value for each
 1191 district shall be calculated by dividing the value of each
 1192 district's maximum discretionary levy by its FTE student count.

1193 2. A state average discretionary levy value per FTE shall
 1194 be calculated by dividing the total maximum discretionary levy
 1195 value for all districts by the state total FTE student count.

1196 3. A total potential funds per FTE for each district shall
 1197 be calculated by dividing the total potential funds, not
 1198 including Florida School Recognition Program funds, Merit Award
 1199 Program funds, and the minimum guarantee funds, for each
 1200 district by its FTE student count.

1201 4. A state average total potential funds per FTE shall be
 1202 calculated by dividing the total potential funds, not including
 1203 Florida School Recognition Program funds, Merit Award Program

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1204 funds, and the minimum guarantee funds, for all districts by the
 1205 state total FTE student count.

1206 5. For districts that have a levy value per FTE as
 1207 calculated in subparagraph 1. higher than the state average
 1208 calculated in subparagraph 2., a sparsity wealth adjustment
 1209 shall be calculated as the product of the difference between the
 1210 state average levy value per FTE calculated in subparagraph 2.
 1211 and the district's levy value per FTE calculated in subparagraph
 1212 1. and the district's FTE student count and -1. However, no
 1213 district shall have a sparsity wealth adjustment that, when
 1214 applied to the total potential funds calculated in subparagraph
 1215 3., would cause the district's total potential funds per FTE to
 1216 be less than the state average calculated in subparagraph 4.

1217 6. Each district's sparsity supplement allocation shall be
 1218 calculated by adding the amount calculated as specified in
 1219 paragraphs (a) and (b) and the wealth adjustment amount
 1220 calculated in this paragraph.

1221 (12) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR
 1222 CURRENT OPERATION.—The total annual state allocation to each
 1223 district for current operation for the FEFP shall be distributed
 1224 periodically in the manner prescribed in the General
 1225 Appropriations Act.

1226 (a) If the funds appropriated for current operation of the
 1227 FEFP are not sufficient to pay the state requirement in full,
 1228 the department shall prorate the available state funds to each
 1229 district in the following manner:

1230 1. Determine the percentage of proration by dividing the
 1231 sum of the total amount for current operation, as provided in

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1232 | this paragraph for all districts collectively, and the total
 1233 | district required local effort into the sum of the state funds
 1234 | available for current operation and the total district required
 1235 | local effort.

1236 | 2. Multiply the percentage so determined by the sum of the
 1237 | total amount for current operation as provided in this paragraph
 1238 | and the required local effort for each individual district.

1239 | 3. From the product of such multiplication, subtract the
 1240 | required local effort of each district; and the remainder shall
 1241 | be the amount of state funds allocated to the district for
 1242 | current operation provided that no calculation subsequent to the
 1243 | appropriation shall result in negative state funds for any
 1244 | district.

1245 | Section 20. Subsection (1) of section 1011.67, Florida
 1246 | Statutes, is amended to read:

1247 | 1011.67 Funds for instructional materials.—

1248 | (1) The department is authorized to allocate and
 1249 | distribute to each district an amount as prescribed annually by
 1250 | the Legislature for instructional materials for student
 1251 | membership in basic and special programs in grades K-12, which
 1252 | will provide for growth and maintenance needs. For purposes of
 1253 | this subsection, unweighted full-time equivalent students
 1254 | enrolled in the lab schools in state universities are to be
 1255 | included as school district students and reported as such to the
 1256 | department. ~~These funds shall be distributed to school districts~~
 1257 | ~~as follows: 50 percent on or about July 10; 35 percent on or~~
 1258 | ~~about October 10; 10 percent on or about January 10; and 5~~
 1259 | ~~percent on or about June 10.~~ The annual allocation shall be

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1260 determined as follows:

1261 (a) The growth allocation for each school district shall
 1262 be calculated as follows:

1263 1. Subtract from that district's projected full-time
 1264 equivalent membership of students in basic and special programs
 1265 in grades K-12 used in determining the initial allocation of the
 1266 Florida Education Finance Program, the prior year's full-time
 1267 equivalent membership of students in basic and special programs
 1268 in grades K-12 for that district.

1269 2. Multiply any such increase in full-time equivalent
 1270 student membership by the allocation for a set of instructional
 1271 materials, as determined by the department, or as provided for
 1272 in the General Appropriations Act.

1273 3. The amount thus determined shall be that district's
 1274 initial allocation for growth for the school year. However, the
 1275 department shall recompute and adjust the initial allocation
 1276 based on actual full-time equivalent student membership data for
 1277 that year.

1278 (b) The maintenance of the instructional materials
 1279 allocation for each school district shall be calculated by
 1280 multiplying each district's prior year full-time equivalent
 1281 membership of students in basic and special programs in grades
 1282 K-12 by the allocation for maintenance of a set of instructional
 1283 materials as provided for in the General Appropriations Act. The
 1284 amount thus determined shall be that district's initial
 1285 allocation for maintenance for the school year; however, the
 1286 department shall recompute and adjust the initial allocation
 1287 based on such actual full-time equivalent student membership

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1288 data for that year.

1289 (c) In the event the funds appropriated are not sufficient
 1290 for the purpose of implementing this subsection in full, the
 1291 department shall prorate the funds available for instructional
 1292 materials after first funding in full each district's growth
 1293 allocation.

1294 Section 21. Subsection (2) of section 1011.68, Florida
 1295 Statutes, is amended to read:

1296 1011.68 Funds for student transportation.—The annual
 1297 allocation to each district for transportation to public school
 1298 programs, including charter schools as provided in s.
 1299 1002.33(17)(b), of students in membership in kindergarten
 1300 through grade 12 and in migrant and exceptional student programs
 1301 below kindergarten shall be determined as follows:

1302 (2) The allocation for each district shall be calculated
 1303 annually in accordance with the following formula:
 1304 $T = B + EX$. The elements of this formula are defined as follows:
 1305 T is the total dollar allocation for transportation. B is the
 1306 base transportation dollar allocation prorated by an adjusted
 1307 student membership count. The adjusted membership count shall be
 1308 derived from a multiplicative index function in which the base
 1309 student membership is adjusted by multiplying it by index
 1310 numbers that individually account for the impact of the price
 1311 level index, average bus occupancy, and the extent of rural
 1312 population in the district. EX is the base transportation dollar
 1313 allocation for disabled students prorated by an adjusted
 1314 disabled student membership count. The base transportation
 1315 dollar allocation for disabled students is the total state base

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1316 disabled student membership count weighted for increased costs
 1317 associated with transporting disabled students and multiplying
 1318 it by a ~~the~~ prior year's average per student cost for
 1319 transportation as determined by the Legislature. The adjusted
 1320 disabled student membership count shall be derived from a
 1321 multiplicative index function in which the weighted base
 1322 disabled student membership is adjusted by multiplying it by
 1323 index numbers that individually account for the impact of the
 1324 price level index, average bus occupancy, and the extent of
 1325 rural population in the district. Each adjustment factor shall
 1326 be designed to affect the base allocation by no more or less
 1327 than 10 percent.

1328 Section 22. Paragraph (b) of subsection (3) of section
 1329 1011.71, Florida Statutes, is amended to read:

1330 1011.71 District school tax.—

1331 (3)

1332 (b) In addition to the millage authorized in this section,
 1333 each district school board may, by a super majority vote, levy
 1334 an additional 0.25 mills for critical capital outlay needs or
 1335 for critical operating needs. If levied for capital outlay,
 1336 expenditures shall be subject to the requirements of this
 1337 section. If levied for operations, expenditures shall be
 1338 consistent with the requirements for operating funds received
 1339 pursuant to s. 1011.62. If the district levies this additional
 1340 0.25 mills for operations, the compression adjustment pursuant
 1341 to s. 1011.62(5) shall be calculated and added to the district's
 1342 FEFP allocation. Millage levied pursuant to this paragraph is
 1343 subject to the provisions of s. 200.065. In order to be

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1344 continued after the 2010-2011 fiscal year, millage levied
 1345 pursuant to this paragraph must be approved by the voters of the
 1346 district at the 2010 ~~next~~ general election or at a subsequent
 1347 election held at any time, except that not more than one such
 1348 election shall be held during any 12-month period. Any millage
 1349 so authorized shall be levied for a period not in excess of 2
 1350 years or until changed by another millage election, whichever is
 1351 earlier. If any such election is invalidated by a court of
 1352 competent jurisdiction, such invalidated election shall be
 1353 considered not to have been held.

1354 Section 23. Subsection (2) of section 1011.73, Florida
 1355 Statutes, is amended to read:

1356 1011.73 District millage elections.-

1357 (2) MILLAGE AUTHORIZED NOT TO EXCEED 4 YEARS.-The district
 1358 school board, pursuant to resolution adopted at a regular
 1359 meeting, shall direct the county commissioners to call an
 1360 election at which the electors within the school district may
 1361 approve an ad valorem tax millage as authorized under s.
 1362 1011.71(9)~~(8)~~. Such election may be held at any time, except
 1363 that not more than one such election shall be held during any
 1364 12-month period. Any millage so authorized shall be levied for a
 1365 period not in excess of 4 years or until changed by another
 1366 millage election, whichever is earlier. If any such election is
 1367 invalidated by a court of competent jurisdiction, such
 1368 invalidated election shall be considered not to have been held.

1369 Section 24. Paragraphs (a) and (b) of subsection (2) of
 1370 section 1013.64, Florida Statutes, are amended to read:

1371 1013.64 Funds for comprehensive educational plant needs;

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1372 construction cost maximums for school district capital
 1373 projects.—Allocations from the Public Education Capital Outlay
 1374 and Debt Service Trust Fund to the various boards for capital
 1375 outlay projects shall be determined as follows:

1376 (2) (a) The department shall establish, as a part of the
 1377 Public Education Capital Outlay and Debt Service Trust Fund, a
 1378 separate account, in an amount determined by the Legislature, to
 1379 be known as the "Special Facility Construction Account." The
 1380 Special Facility Construction Account shall be used to provide
 1381 necessary construction funds to school districts which have
 1382 urgent construction needs but which lack sufficient resources at
 1383 present, and cannot reasonably anticipate sufficient resources
 1384 within the period of the next 3 years, for these purposes from
 1385 currently authorized sources of capital outlay revenue. A school
 1386 district requesting funding from the Special Facility
 1387 Construction Account shall submit one specific construction
 1388 project, not to exceed one complete educational plant, to the
 1389 Special Facility Construction Committee. No district shall
 1390 receive funding for more than one approved project in any 3-year
 1391 period. The first year of the 3-year period shall be the first
 1392 year a district receives an appropriation. The department shall
 1393 encourage a construction program that reduces the average size
 1394 of schools in the district. The request must meet the following
 1395 criteria to be considered by the committee:

1396 1. The project must be deemed a critical need and must be
 1397 recommended for funding by the Special Facility Construction
 1398 Committee. Prior to developing plans for the proposed facility,
 1399 the district school board must request a preapplication review

1400 by the Special Facility Construction Committee or a project
 1401 review subcommittee convened by the committee to include two
 1402 representatives of the department and two staff from school
 1403 districts not eligible to participate in the program. Within 60
 1404 days after receiving the preapplication review request, the
 1405 committee or subcommittee must meet in the school district to
 1406 review the project proposal and existing facilities. To
 1407 determine whether the proposed project is a critical need, the
 1408 committee or subcommittee shall consider, at a minimum, the
 1409 capacity of all existing facilities within the district as
 1410 determined by the Florida Inventory of School Houses; the
 1411 district's pattern of student growth; the district's existing
 1412 and projected capital outlay full-time equivalent student
 1413 enrollment as determined by the department; the district's
 1414 existing satisfactory student stations; the use of all existing
 1415 district property and facilities; grade level configurations;
 1416 and any other information that may affect the need for the
 1417 proposed project.

1418 2. The construction project must be recommended in the
 1419 most recent survey or surveys conducted and approved by the
 1420 Office of Educational Facilities with the assistance of ~~by~~ the
 1421 district under the rules of the State Board of Education.

1422 3. The construction project must appear on the district's
 1423 approved project priority list under the rules of the State
 1424 Board of Education.

1425 4. The district must have selected and had approved a site
 1426 for the construction project in compliance with s. 1013.36 and
 1427 the rules of the State Board of Education.

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1428 5. With the assistance of the Office of Educational
 1429 Facilities, the district shall have developed a district school
 1430 board adopted list of facilities that do not exceed the norm for
 1431 net square feet occupancy requirements under the State
 1432 Requirements for Educational Facilities, using all possible
 1433 programmatic combinations for multiple use of space to obtain
 1434 maximum daily use of all spaces within the facility under
 1435 consideration.

1436 6. Upon construction, the total cost per student station,
 1437 including change orders, must not exceed the cost per student
 1438 station as provided in subsection (6). The total project may not
 1439 exceed the cost estimate approved by the Special Facility
 1440 Construction Committee, and additional funding may not be added
 1441 except for providential causes.

1442 7. There shall be an agreement signed by the district
 1443 school board stating that it will advertise for bids within 30
 1444 days of receipt of its encumbrance authorization from the
 1445 department.

1446 8. The district shall, at the time of the request and for
 1447 a continuing period of 3 years, levy the maximum millage against
 1448 their nonexempt assessed property value as allowed in s.
 1449 1011.71(2) or shall raise an equivalent amount of revenue from
 1450 the school capital outlay surtax authorized under s. 212.055(6).
 1451 Any district with a new or active project, funded under the
 1452 provisions of this subsection, shall be required to budget no
 1453 more than the value of 1.5 mills per year to the project to
 1454 satisfy the annual participation requirement in the Special
 1455 Facility Construction Account.

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1456 9. If a contract has not been signed 90 days after the
 1457 advertising of bids, the funding for the specific project shall
 1458 revert to the Special Facility New Construction Account to be
 1459 reallocated to other projects on the list. However, an
 1460 additional 90 days may be granted by the commissioner.

1461 10. The department shall certify the inability of the
 1462 district to fund the survey-recommended project over a
 1463 continuous 3-year period using projected capital outlay revenue
 1464 derived from s. 9(d), Art. XII of the State Constitution, as
 1465 amended, paragraph (3)(a) of this section, and s. 1011.71(2).

1466 11. The district shall have on file with the department an
 1467 adopted resolution acknowledging its 3-year commitment of all
 1468 unencumbered and future revenue acquired from s. 9(d), Art. XII
 1469 of the State Constitution, as amended, paragraph (3)(a) of this
 1470 section, and s. 1011.71(2).

1471 12. Final phase III plans must be certified by the board
 1472 as complete and in compliance with the building and life safety
 1473 codes, and reviewed and approved by the Office of Educational
 1474 Facilities, prior to August 1.

1475 (b) The Special Facility Construction Committee shall be
 1476 composed of the following: two representatives of the Department
 1477 of Education, a representative from the Governor's office, and
 1478 two representatives of school districts. The school district
 1479 representatives must be from districts that do not currently
 1480 qualify for appropriations from the Special Facility
 1481 Construction Account and shall be a representative selected
 1482 annually, one by the district school boards, and one a
 1483 ~~representative selected annually by the superintendents.~~

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1484 | Section 25. Except as otherwise expressly provided in this
1485 | act, this act shall take effect July 1, 2010.