A bill to be entitled
An act relating to prekindergarten through grade 12 education funding; amending s. 496.404, F.S.; conforming provisions to changes made by the act; amending s. 1001.25, F.S.; deleting provisions that authorize the Department of Education to provide equipment, funds, and other services to extend and update existing and proposed educational radio systems; amending s. 1001.26, F.S.; deleting provisions that authorize department support and funding for public broadcasting program system educational radio stations; amending s. 1002.71, F.S.; providing requirements relating to student enrollment reporting and funding under the Voluntary Prekindergarten Education Program; amending s. 1003.03, F.S.; revising provisions relating to calculations for reducing a school district's class size categorical allocation when class size requirements are not met; amending s. 1011.71, F.S.; deleting a restriction relating to the amount of capital outlay millage that may be used to fund payments for educational facilities and sites due under certain lease-purchase agreements; requiring school districts that meet certain criteria to submit documentation to the Auditor General to certify an operational deficit; requiring a plan for resolving the deficit to be submitted to the Legislative Budget Commission; placing restrictions on a school district
Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (8) of section 496.404, Florida Statutes, is amended to read:

496.404 Definitions.—As used in ss. 496.401-496.424:

(8) "Educational institutions" means those institutions and organizations described in s. 212.08(7)(cc)8.a. The term includes private nonprofit organizations, the purpose of which is to raise funds for schools teaching grades kindergarten through grade 12, colleges, and universities, including any nonprofit newspaper of free or paid circulation primarily on university or college campuses which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code, any educational television or radio network or system established pursuant to s. 1001.25 or s. 1001.26, and any nonprofit television or radio station that is a part of such network or system and that holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code. The term also includes a nonprofit educational cable consortium that holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code, whose primary purpose is the delivery of educational and instructional cable television programming and whose members are composed exclusively of educational organizations that hold a valid consumer certificate of exemption and that are either an
educational institution as defined in this subsection or qualified as a nonprofit organization pursuant to s. 501(c)(3) of the Internal Revenue Code.

Section 2. Paragraph (c) of subsection (2) of section 1001.25, Florida Statutes, is amended to read:

1001.25  Educational television.—
(2) POWERS OF DEPARTMENT.—
(c) The department may provide equipment, funds, and other services to extend and update both the existing and the proposed educational television and radio systems of tax-supported and nonprofit, corporate-owned facilities. All stations funded must be qualified by the Corporation for Public Broadcasting. New stations eligible for funding shall provide a first service to an audience that is not currently receiving a broadcast signal or provide a significant new program service as defined by State Board of Education rules. Funds appropriated to the department for educational television and funds appropriated to the department for educational radio may be used by the department for either educational television only or educational radio, or both.

Section 3. Paragraphs (a), (d), and (e) of subsection (1) and paragraph (c) of subsection (2) of section 1001.26, Florida Statutes, are amended to read:

1001.26  Public broadcasting program system.—
(1) There is created a public broadcasting program system for the state. The department shall administer this program system pursuant to rules adopted by the State Board of Education. This program system must complement and share
resources with the instructional programming service of the Department of Education and educational UHF, VHF, EBS ITFS, and FM stations in the state. The program system must include:

(a) Support for existing Corporation for Public Broadcasting qualified program system educational radio and television stations and new stations meeting Corporation for Public Broadcasting qualifications and providing a first service to an audience that does not currently receive a broadcast signal or providing a significant new program service as defined by rule by the State Board of Education.

(d) Establishment and maintenance of a capability for statewide program distribution with facilities and staff, provided such facilities and staff complement and strengthen existing or future educational television and radio stations in accordance with paragraph (a) and s. 1001.25(2)(c).

(e) Provision of both statewide programming funds and station programming support for educational television and educational radio to meet statewide priorities. Priorities for station programming need not be the same as priorities for programming to be used statewide. Station programming may include, but shall not be limited to, citizens' participation programs, music and fine arts programs, coverage of public hearings and governmental meetings, equal air time for political candidates, and other public interest programming.

(2)

(c) The department is authorized to provide equipment, funds, and other services to extend and update both the existing and the proposed educational television and radio systems of
tax-supported and nonprofit, corporate-owned facilities. All
stations funded must be qualified by the Corporation for Public
Broadcasting. New stations eligible for funding shall provide a
first service to an audience that is not currently receiving a
broadcast signal or provide a significant new program service as
defined by State Board of Education rules. Funds appropriated to
the department for educational television and funds appropriated
to the department for educational radio may be used by the
department for either educational television only or educational
radio, or for both.

Section 4. Paragraph (c) of subsection (3) of section
1002.71, Florida Statutes, is amended to read:

1002.71  Funding; financial and attendance reporting.—
(3)

(c) The initial allocation shall be based on estimated
student enrollment in each coalition service area. The Office of
Early Learning shall reallocate funds among the coalitions based
on actual full-time equivalent student enrollment in each
coalition service area. Each coalition shall report student
enrollment pursuant to subsection (2) on a monthly basis. A
student enrollment count may not be amended after December 31.

Section 5. Paragraph (a) of subsection (4) of section
1003.03, Florida Statutes, is amended to read:

1003.03  Maximum class size.—
(4) ACCOUNTABILITY.—

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

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

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

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

4. Multiply the total number of FTE students which exceeds the maximum for all classes by an amount equal to 50 percent of the base student allocation adjusted by the district cost differential for each of the 2010-2011 through 2013-2014 fiscal years and by an amount equal to the base student allocation adjusted by the district cost differential beginning in the 2014-2015 fiscal year and thereafter.

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

Section 6. Paragraph (e) of subsection (2) of section 1011.71, Florida Statutes, is amended, and subsection (10) is added to that section, to read:

1011.71 District school tax.—

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

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

(10) For the 2012-2013 school year, any school district that built new facilities in 2010 despite at least 3 prior consecutive years of declining enrollment and a failed referendum for a sales tax increase for the purposes of capital outlay and school construction must submit all necessary documentation to have any operational deficit certified by the Auditor General. Any plan for resolving the deficit must be submitted to the Legislative Budget Commission. Such district may not close schools, effect across-the-board teacher pay reductions, or eliminate art, athletics, music, or other student options such as magnet schools without having first documented that it has accomplished districtwide rezoning and reduced all administrative salaries over $100,000 by a minimum of 25 percent.

Section 7. This act shall take effect July 1, 2012.