

HB 5101

2012

1 A bill to be entitled
2 An act relating to prekindergarten through grade 12
3 education funding; amending s. 496.404, F.S.;
4 conforming provisions to changes made by the act;
5 amending s. 1001.25, F.S.; deleting provisions that
6 authorize the Department of Education to provide
7 equipment, funds, and other services to extend and
8 update existing and proposed educational radio
9 systems; amending s. 1001.26, F.S.; deleting
10 provisions that authorize department support and
11 funding for public broadcasting program system
12 educational radio stations; amending s. 1002.71, F.S.;
13 providing requirements relating to student enrollment
14 reporting and funding under the Voluntary
15 Prekindergarten Education Program; amending s.
16 1003.03, F.S.; revising provisions relating to
17 calculations for reducing a school district's class
18 size categorical allocation when class size
19 requirements are not met; amending s. 1011.71, F.S.;
20 deleting a restriction relating to the amount of
21 capital outlay millage that may be used to fund
22 payments for educational facilities and sites due
23 under certain lease-purchase agreements; providing an
24 effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:
27

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

30 496.404 Definitions.—As used in ss. 496.401-496.424:

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

54 Section 2. Paragraph (c) of subsection (2) of section
55 1001.25, Florida Statutes, is amended to read:

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56 | 1001.25 Educational television.—

57 | (2) POWERS OF DEPARTMENT.—

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

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

74 | 1001.26 Public broadcasting program system.—

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

82 | (a) Support for existing Corporation for Public
 83 | Broadcasting qualified program system educational ~~radio and~~

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84 television stations and new stations meeting Corporation for
85 Public Broadcasting qualifications and providing a first service
86 to an audience that does not currently receive a broadcast
87 signal or providing a significant new program service as defined
88 by rule by the State Board of Education.

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

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

103 (2)

104 (c) The department is authorized to provide equipment,
105 funds, and other services to extend and update both the existing
106 and the proposed educational television ~~and radio~~ systems of
107 tax-supported and nonprofit, corporate-owned facilities. All
108 stations funded must be qualified by the Corporation for Public
109 Broadcasting. New stations eligible for funding shall provide a
110 first service to an audience that is not currently receiving a
111 broadcast signal or provide a significant new program service as

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112 defined by State Board of Education rules. Funds appropriated to
 113 the department for educational television ~~and funds appropriated~~
 114 ~~to the department for educational radio~~ may be used by the
 115 department for ~~either~~ educational television only ~~or educational~~
 116 ~~radio, or for both.~~

117 Section 4. Paragraph (c) of subsection (3) of section
 118 1002.71, Florida Statutes, is amended to read:

119 1002.71 Funding; financial and attendance reporting.—

120 (3)

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

128 Section 5. Paragraph (a) of subsection (4) of section
 129 1003.03, Florida Statutes, is amended to read:

130 1003.03 Maximum class size.—

131 (4) ACCOUNTABILITY.—

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

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

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

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

146 4. Multiply the total number of FTE students which exceeds
147 the maximum for all classes by an amount equal to 50 percent of
148 the base student allocation adjusted by the district cost
149 differential for each of the 2010-2011 through 2013-2014 fiscal
150 years ~~year~~ and by an amount equal to the base student allocation
151 adjusted by the district cost differential ~~beginning~~ in the
152 2014-2015 ~~2011-2012~~ fiscal year and thereafter.

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

156 Section 6. Paragraph (e) of subsection (2) of section
157 1011.71, Florida Statutes, is amended to read:

158 1011.71 District school tax.—

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

164 (e) Payments for educational facilities and sites due
165 under a lease-purchase agreement entered into by a district
166 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
167 exceeding, in the aggregate, an amount equal to three-fourths of

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168 | the proceeds from the millage levied by a district school board
169 | pursuant to this subsection. ~~For the 2009-2010 fiscal year,~~ The
170 | three-fourths limit is waived for lease-purchase agreements
171 | entered into before June 30, 2009, by a district school board
172 | pursuant to this paragraph.

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