

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; requiring
24 school districts that meet certain criteria to submit
25 documentation to the Auditor General to certify an
26 operational deficit; requiring a plan for resolving
27 the deficit to be submitted to the Legislative Budget
28 Commission; placing restrictions on a school district

29 meeting the criteria and requirements; providing an
 30 effective date.

31

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

33

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

36 496.404 Definitions.—As used in ss. 496.401-496.424:

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

57 | educational institution as defined in this subsection or
 58 | qualified as a nonprofit organization pursuant to s. 501(c)(3)
 59 | of the Internal Revenue Code.

60 | Section 2. Paragraph (c) of subsection (2) of section
 61 | 1001.25, Florida Statutes, is amended to read:

62 | 1001.25 Educational television.—

63 | (2) POWERS OF DEPARTMENT.—

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

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

80 | 1001.26 Public broadcasting program system.—

81 | (1) There is created a public broadcasting program system
 82 | for the state. The department shall administer this program
 83 | system pursuant to rules adopted by the State Board of
 84 | Education. This program system must complement and share

85 resources with the instructional programming service of the
86 Department of Education and educational UHF, VHF, EBS ~~TTFS~~, and
87 FM stations in the state. The program system must include:

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

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

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

109 (2)

110 (c) The department is authorized to provide equipment,
111 funds, and other services to extend and update both the existing
112 and the proposed educational television ~~and radio~~ systems of

113 tax-supported and nonprofit, corporate-owned facilities. All
114 stations funded must be qualified by the Corporation for Public
115 Broadcasting. New stations eligible for funding shall provide a
116 first service to an audience that is not currently receiving a
117 broadcast signal or provide a significant new program service as
118 defined by State Board of Education rules. Funds appropriated to
119 the department for educational television ~~and funds appropriated~~
120 ~~to the department for educational radio~~ may be used by the
121 department for ~~either~~ educational television only ~~or educational~~
122 ~~radio, or for both.~~

123 Section 4. Paragraph (c) of subsection (3) of section
124 1002.71, Florida Statutes, is amended to read:

125 1002.71 Funding; financial and attendance reporting.—

126 (3)

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

134 Section 5. Paragraph (a) of subsection (4) of section
135 1003.03, Florida Statutes, is amended to read:

136 1003.03 Maximum class size.—

137 (4) ACCOUNTABILITY.—

138 (a) If the department determines that the number of
139 students assigned to any individual class exceeds the class size
140 maximum, as required in subsection (1), based upon the October

141 student membership survey, the department shall:

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

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

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

152 4. Multiply the total number of FTE students which exceeds
153 the maximum for all classes by an amount equal to 50 percent of
154 the base student allocation adjusted by the district cost
155 differential for each of the 2010-2011 through 2013-2014 fiscal
156 years ~~year~~ and by an amount equal to the base student allocation
157 adjusted by the district cost differential ~~beginning~~ in the
158 2014-2015 ~~2011-2012~~ fiscal year and thereafter.

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

162 Section 6. Paragraph (e) of subsection (2) of section
163 1011.71, Florida Statutes, is amended, and subsection (10) is
164 added to that section, to read:

165 1011.71 District school tax.—

166 (2) In addition to the maximum millage levy as provided in
167 subsection (1), each school board may levy not more than 1.5
168 mills against the taxable value for school purposes for district

169 schools, including charter schools at the discretion of the
170 school board, to fund:

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

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

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