

## ENROLLED

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1  
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. 1001.42, F.S.;  
13 requiring that any contract or employment agreement,  
14 or renewal or renegotiation of an existing contract or  
15 employment agreement, entered into by a school  
16 district with an officer, agent, employee, or  
17 contractor which contains a provision for severance  
18 pay include provisions in s. 215.425, F.S., relating  
19 to limitations on extra compensation, bonuses, and  
20 severance pay; requiring that each district school  
21 board enter into an interlocal agreement for the  
22 purpose of establishing the School District  
23 Consortium; amending s. 1001.50, F.S.; requiring that  
24 any employment contract entered into by a district  
25 school board with a district school superintendent  
26 which contains a provision for severance pay include  
27 provisions in s. 215.425, F.S., relating to  
28 limitations on extra compensation, bonuses, and

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29 | severance pay; amending s. 1002.33, F.S.; revising  
30 | provisions relating to the calculation of the total  
31 | administrative fee for providing administrative and  
32 | educational services to charter schools; amending s.  
33 | 1002.67, F.S.; providing for Voluntary Prekindergarten  
34 | Education Program assessments; amending s. 1002.69,  
35 | F.S.; revising provisions for calculating the  
36 | kindergarten readiness rate and criteria for certain  
37 | good cause exemptions; conforming cross-references;  
38 | amending s. 1002.71, F.S.; providing requirements  
39 | relating to student enrollment reporting and funding  
40 | under the Voluntary Prekindergarten Education Program;  
41 | amending s. 1003.01, F.S.; revising the definition of  
42 | the term "juvenile justice provider"; amending s.  
43 | 1003.03, F.S.; revising provisions relating to  
44 | calculations for reducing a school district's class  
45 | size categorical allocation when class size  
46 | requirements are not met; revising a compliance plan  
47 | submission date; amending s. 1003.52, F.S.; revising  
48 | the funding of juvenile justice education programs;  
49 | repealing s. 1003.61, F.S., relating to the pilot  
50 | attendance project; amending s. 1006.40, F.S.;  
51 | revising provisions relating to the purchase of  
52 | certain current instructional materials by school  
53 | districts; amending s. 1011.61, F.S.; revising the  
54 | definition of the term "full-time equivalent student"  
55 | for full-time students enrolled in a combination of  
56 | certain programs; revising provisions relating to the

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57 funding of students in kindergarten through grade 12  
58 or exceptional children in a prekindergarten program  
59 to conform to changes made by the act; amending s.  
60 1011.62, F.S.; requiring that each school district  
61 having low-performing elementary schools use funds  
62 from the supplemental academic instruction categorical  
63 fund, along with the school district's research-based  
64 reading instruction allocation, to provide an  
65 additional hour of instruction per day for intensive  
66 reading instruction; requiring that the department  
67 monitor and track the implementation of each school  
68 district's comprehensive reading plan and report its  
69 findings to the Legislature; revising provisions  
70 relating to the total allocation of state funds to  
71 each district for current operations; amending s.  
72 1011.71, F.S.; deleting a restriction relating to the  
73 amount of capital outlay millage that may be used to  
74 fund payments for educational facilities and sites due  
75 under certain lease-purchase agreements; amending s.  
76 1013.03, F.S.; authorizing the Commissioner of  
77 Education to grant waivers to district school boards  
78 from certain requirements relating to the validation  
79 of surveys and inventory of data under certain  
80 circumstances; amending s. 1013.35, F.S.; requiring  
81 that each district school board have a financial  
82 management and performance audit conducted of the  
83 district's educational planning and construction  
84 activities; creating the K-12 Public School Facility

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85 Funding Task Force and providing duties; creating the  
 86 Digital Instructional Materials Work Group and  
 87 providing duties; requiring that the calculation  
 88 required in s. 1003.03(4)(a)4., F.S., be an amount  
 89 equal to 50 percent of the base student allocation  
 90 adjusted by the district cost differential for a  
 91 specified fiscal year; specifying the formula to be  
 92 used for the 2011-2012 fiscal year in calculating the  
 93 alternate compliance calculation amounts to the class  
 94 size operating categorical fund, notwithstanding  
 95 certain other provisions of law; requiring that the  
 96 Commissioner of Education modify payments to school  
 97 districts; providing effective dates.

98

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

100

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

103 496.404 Definitions.—As used in ss. 496.401-496.424:

104 (8) "Educational institutions" means those institutions  
 105 and organizations described in s. 212.08(7)(cc)8.a. The term  
 106 includes private nonprofit organizations, the purpose of which  
 107 is to raise funds for schools teaching grades kindergarten  
 108 through grade 12, colleges, and universities, including any  
 109 nonprofit newspaper of free or paid circulation primarily on  
 110 university or college campuses which holds a current exemption  
 111 from federal income tax under s. 501(c)(3) of the Internal  
 112 Revenue Code, any educational television ~~or radio~~ network or

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113 system established pursuant to s. 1001.25 or s. 1001.26, and any  
 114 nonprofit television or radio station that is a part of such  
 115 network or system and that holds a current exemption from  
 116 federal income tax under s. 501(c)(3) of the Internal Revenue  
 117 Code. The term also includes a nonprofit educational cable  
 118 consortium that holds a current exemption from federal income  
 119 tax under s. 501(c)(3) of the Internal Revenue Code, whose  
 120 primary purpose is the delivery of educational and instructional  
 121 cable television programming and whose members are composed  
 122 exclusively of educational organizations that hold a valid  
 123 consumer certificate of exemption and that are either an  
 124 educational institution as defined in this subsection or  
 125 qualified as a nonprofit organization pursuant to s. 501(c)(3)  
 126 of the Internal Revenue Code.

127 Section 2. Paragraph (c) of subsection (2) of section  
 128 1001.25, Florida Statutes, is amended to read:

129 1001.25 Educational television.—

130 (2) POWERS OF DEPARTMENT.—

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

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141 ~~department for educational radio~~ may be used by the department  
 142 for ~~either~~ educational television only ~~or educational radio, or~~  
 143 ~~both~~.

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

147 1001.26 Public broadcasting program system.—

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

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

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

167 (e) Provision of both statewide programming funds and  
 168 station programming support for educational television ~~and~~

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169 ~~educational radio~~ to meet statewide priorities. Priorities for  
 170 station programming need not be the same as priorities for  
 171 programming to be used statewide. Station programming may  
 172 include, but shall not be limited to, citizens' participation  
 173 programs, music and fine arts programs, coverage of public  
 174 hearings and governmental meetings, equal air time for political  
 175 candidates, and other public interest programming.

176 (2)

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

190 Section 4. Subsection (24) of section 1001.42, Florida  
 191 Statutes, is amended, subsection (25) is renumbered as  
 192 subsection (26), and a new subsection (25) is added to that  
 193 section, to read:

194 1001.42 Powers and duties of district school board.—The  
 195 district school board, acting as a board, shall exercise all  
 196 powers and perform all duties listed below:

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197           (24) EMPLOYMENT CONTRACTS.—If a school district enters  
 198 into a contract or employment agreement, or renewal or  
 199 renegotiation of an existing contract or employment agreement,  
 200 with an officer, agent, employee, or contractor which contains a  
 201 provision for severance pay, the contract or employment  
 202 agreement must include the provisions of s. 215.425. A district  
 203 school board may not enter into an employment contract that  
 204 requires the district to pay from state funds an employee an  
 205 amount in excess of 1 year of the employee's annual salary for  
 206 termination, buyout, or any other type of contract settlement.  
 207 ~~This subsection does not prohibit the payment of earned leave~~  
 208 ~~and benefits in accordance with the district's leave and~~  
 209 ~~benefits policies which were accrued by the employee before the~~  
 210 ~~contract terminates.~~

211           (25) INTERLOCAL AGREEMENTS.—Each district school board  
 212 shall enter into an interlocal agreement as provided in s.  
 213 163.01 for the purpose of establishing the School District  
 214 Consortium and maximizing the purchasing power for goods and  
 215 services. A consortium may be statewide or regional, as  
 216 appropriate to achieve the lowest cost. This subsection does not  
 217 prohibit a district school board from utilizing a state  
 218 contract.

219           ~~(26)~~(25) ADOPT RULES.—Adopt rules pursuant to ss.  
 220 120.536(1) and 120.54 to implement this section.

221           Section 5. Subsection (2) of section 1001.50, Florida  
 222 Statutes, is amended to read:

223           1001.50 Superintendents employed under Art. IX of the  
 224 State Constitution.—



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225           (2) Each ~~The~~ district school board ~~of each of such~~  
 226 ~~districts~~ shall enter into an employment contract ~~contracts of~~  
 227 ~~employment~~ with the district school superintendent and shall  
 228 adopt rules relating to his or her appointment; however, if the  
 229 employment contract contains a provision for severance pay, it  
 230 must include the provisions required by s. 215.425 ~~the district~~  
 231 ~~school board may not enter into an employment contract that~~  
 232 ~~requires the district to pay from state funds a superintendent~~  
 233 ~~an amount in excess of 1 year of the superintendent's annual~~  
 234 ~~salary for termination, buyout, or any other type of contract~~  
 235 ~~settlement. This subsection does not prohibit the payment of~~  
 236 ~~earned leave and benefits in accordance with the district's~~  
 237 ~~leave and benefits policies which were accrued by the~~  
 238 ~~superintendent before the contract terminates.~~

239           Section 6. Paragraph (a) of subsection (20) of section  
 240 1002.33, Florida Statutes, is amended to read:

241           1002.33 Charter schools.—

242           (20) SERVICES.—

243           (a)1. A sponsor shall provide certain administrative and  
 244 educational services to charter schools. These services shall  
 245 include contract management services; full-time equivalent and  
 246 data reporting services; exceptional student education  
 247 administration services; services related to eligibility and  
 248 reporting duties required to ensure that school lunch services  
 249 under the federal lunch program, consistent with the needs of  
 250 the charter school, are provided by the school district at the  
 251 request of the charter school, that any funds due to the charter  
 252 school under the federal lunch program be paid to the charter

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253 school as soon as the charter school begins serving food under  
254 the federal lunch program, and that the charter school is paid  
255 at the same time and in the same manner under the federal lunch  
256 program as other public schools serviced by the sponsor or the  
257 school district; test administration services, including payment  
258 of the costs of state-required or district-required student  
259 assessments; processing of teacher certificate data services;  
260 and information services, including equal access to student  
261 information systems that are used by public schools in the  
262 district in which the charter school is located. Student  
263 performance data for each student in a charter school,  
264 including, but not limited to, FCAT scores, standardized test  
265 scores, previous public school student report cards, and student  
266 performance measures, shall be provided by the sponsor to a  
267 charter school in the same manner provided to other public  
268 schools in the district.

269 2. A total administrative fee for the provision of such  
270 services shall be calculated based upon up to 5 percent of the  
271 available funds defined in paragraph (17)(b) for all students,  
272 except that when 75 percent or more of the students enrolled in  
273 the charter school are exceptional students as defined in s.  
274 1003.01(3), the 5 percent of those available funds shall be  
275 calculated based on unweighted full-time equivalent students.  
276 However, a sponsor may only withhold up to a 5-percent  
277 administrative fee for enrollment for up to and including 250  
278 students. For charter schools with a population of 251 or more  
279 students, the difference between the total administrative fee  
280 calculation and the amount of the administrative fee withheld

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281 may only be used for capital outlay purposes specified in s.  
 282 1013.62(2).

283 3. For high-performing charter schools, as defined in ch.  
 284 2011-232, a sponsor may withhold a total administrative fee of  
 285 up to 2 percent for enrollment up to and including 250 students  
 286 per school.

287 4. In addition, a sponsor may withhold only up to a 5-  
 288 percent administrative fee for enrollment for up to and  
 289 including 500 students within a system of charter schools which  
 290 meets all of the following:

291 a. Includes both conversion charter schools and  
 292 nonconversion charter schools;

293 b. Has all schools located in the same county;

294 c. Has a total enrollment exceeding the total enrollment  
 295 of at least one school district in the state;

296 d. Has the same governing board; and

297 e. Does not contract with a for-profit service provider  
 298 for management of school operations.

299 5. The difference between the total administrative fee  
 300 calculation and the amount of the administrative fee withheld  
 301 pursuant to subparagraph 4. may be used for instructional and  
 302 administrative purposes as well as for capital outlay purposes  
 303 specified in s. 1013.62(2).

304 6. For a high-performing charter school system that also  
 305 meets the requirements in subparagraph 4., a sponsor may  
 306 withhold a 2-percent administrative fee for enrollments up to  
 307 and including 500 students per system.

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308           7. Sponsors shall not charge charter schools any  
 309 additional fees or surcharges for administrative and educational  
 310 services in addition to the maximum 5-percent administrative fee  
 311 withheld pursuant to this paragraph.

312           8. The sponsor of a virtual charter school may withhold a  
 313 fee of up to 5 percent. The funds shall be used to cover the  
 314 cost of services provided under subparagraph 1. and for the  
 315 school district's local instructional improvement system  
 316 pursuant to s. 1006.281 or other technological tools that are  
 317 required to access electronic and digital instructional  
 318 materials.

319           Section 7. Paragraphs (a) and (c) of subsection (2) of  
 320 section 1002.67, Florida Statutes, are amended, subsection (3)  
 321 is renumbered as subsection (4), and a new subsection (3) is  
 322 added to that section, to read:

323           1002.67 Performance standards; curricula and  
 324 accountability.—

325           (2) (a) Each private prekindergarten provider and public  
 326 school may select or design the curriculum that the provider or  
 327 school uses to implement the Voluntary Prekindergarten Education  
 328 Program, except as otherwise required for a provider or school  
 329 that is placed on probation under paragraph (4) (c) ~~(3) (e)~~.

330           (c) The department shall review and approve curricula for  
 331 use by private prekindergarten providers and public schools that  
 332 are placed on probation under paragraph (4) (c) ~~(3) (e)~~. The  
 333 department shall maintain a list of the curricula approved under  
 334 this paragraph. Each approved curriculum must meet the  
 335 requirements of paragraph (b).

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336 (3) (a) Contingent upon legislative appropriation, each  
 337 private prekindergarten provider and public school in the  
 338 Voluntary Prekindergarten Education Program must implement an  
 339 evidence-based pre- and post-assessment that has been approved  
 340 by rule of the State Board of Education.

341 (b) In order to be approved, the assessment must be valid,  
 342 reliable, developmentally appropriate, and designed to measure  
 343 student progress on domains which must include, but are not  
 344 limited to, early literacy, numeracy, and language.

345 (c) The pre- and post-assessment must be administered by  
 346 individuals meeting requirements established by rule of the  
 347 State Board of Education.

348 Section 8. Subsection (5) and paragraphs (a), (c), (e),  
 349 and (f) of subsection (7) of section 1002.69, Florida Statutes,  
 350 are amended to read:

351 1002.69 Statewide kindergarten screening; kindergarten  
 352 readiness rates; state-approved prekindergarten enrollment  
 353 screening; good cause exemption.-

354 (5) The State Board of Education shall adopt procedures  
 355 for the department to annually calculate each private  
 356 prekindergarten provider's and public school's kindergarten  
 357 readiness rate, which must be expressed as the percentage of the  
 358 provider's or school's students who are assessed as ready for  
 359 kindergarten. ~~The kindergarten readiness rates must be based~~  
 360 ~~exclusively upon the results of the statewide kindergarten~~  
 361 ~~screening for students completing the Voluntary Prekindergarten~~  
 362 ~~Education Program, beginning with students completing the~~  
 363 ~~program during the 2005-2006 school year who are administered~~

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364 ~~the statewide kindergarten screening during the 2006-2007 school~~  
 365 ~~year.~~ The methodology for calculating each provider's  
 366 kindergarten readiness rate must include student learning gains  
 367 when available and the percentage of students who meet all state  
 368 readiness measures. The rates must not include students who are  
 369 not administered the statewide kindergarten screening. The state  
 370 board shall determine learning gains using a value-added measure  
 371 based on growth demonstrated by the results of the pre- and  
 372 post-assessment from at least 2 successive years of  
 373 administration of the pre- and post-assessment.

374 (7) (a) Notwithstanding s. 1002.67(4)(c)4. ~~1002.67(3)(c)4.~~,  
 375 the State Board of Education, upon the request of a private  
 376 prekindergarten provider or public school that remains on  
 377 probation for 2 consecutive years or more and subsequently fails  
 378 to meet the minimum rate adopted under subsection (6) and for  
 379 good cause shown, may grant to the provider or school an  
 380 exemption from being determined ineligible to deliver the  
 381 Voluntary Prekindergarten Education Program and receive state  
 382 funds for the program. Such exemption is valid for 1 year and,  
 383 upon the request of the private prekindergarten provider or  
 384 public school and for good cause shown, may be renewed.

385 (c) The State Board of Education shall adopt criteria for  
 386 granting good cause exemptions. Such criteria shall include, but  
 387 are not limited to:

388 1. Learning gains of children served in the Voluntary  
 389 Prekindergarten Education Program by the private prekindergarten  
 390 provider or public school. ~~A provider seeking a good cause~~  
 391 ~~exemption shall have the early learning coalition or a~~

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392 ~~department approved second party administer the state approved~~  
393 ~~prekindergarten enrollment screening to each child in the~~  
394 ~~prekindergarten provider's program within the first 30 days of~~  
395 ~~each school year for which a good cause exemption is sought, and~~  
396 ~~the provider shall administer the standardized postassessment~~  
397 ~~approved by the department to measure the student's learning~~  
398 ~~gains for the year or summer, as appropriate. All data must be~~  
399 ~~submitted to the department within 30 days after the~~  
400 ~~administration of each assessment. Each parent who enrolls his~~  
401 ~~or her child in a Voluntary Prekindergarten Education Program~~  
402 ~~offered by a provider seeking a good cause exemption must submit~~  
403 ~~the child for the state approved prekindergarten enrollment~~  
404 ~~screening.~~

405 2. Verification that local and state health and safety  
406 requirements are met.

407 (e) A private prekindergarten provider or public school  
408 granted a good cause exemption shall continue to implement its  
409 improvement plan and continue the corrective actions required  
410 under s. 1002.67(4)(c)2. ~~1002.67(3)(e)2.~~, including the use of a  
411 curriculum approved by the department, until the provider or  
412 school meets the minimum rate adopted under subsection (6).

413 (f) The State Board of Education shall notify the Office  
414 of Early Learning of any good cause exemption granted to a  
415 private prekindergarten provider under this subsection. If a  
416 good cause exemption is granted to a private prekindergarten  
417 provider who remains on probation for 2 consecutive years, the  
418 Office of Early Learning shall notify the early learning  
419 coalition of the good cause exemption and direct that the

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420 coalition, notwithstanding s. 1002.67(4)(c)4. ~~1002.67(3)(c)4.~~,  
 421 not remove the provider from eligibility to deliver the  
 422 Voluntary Prekindergarten Education Program or to receive state  
 423 funds for the program, if the provider meets all other  
 424 applicable requirements of this part.

425 Section 9. Paragraph (c) of subsection (3) of section  
 426 1002.71, Florida Statutes, is amended to read:

427 1002.71 Funding; financial and attendance reporting.—  
 428 (3)

429 (c) The initial allocation shall be based on estimated  
 430 student enrollment in each coalition service area. The Office of  
 431 Early Learning shall reallocate funds among the coalitions based  
 432 on actual full-time equivalent student enrollment in each  
 433 coalition service area. Each coalition shall report student  
 434 enrollment pursuant to subsection (2) on a monthly basis. A  
 435 student enrollment count for the prior fiscal year may not be  
 436 amended after December 31 of the subsequent fiscal year.

437 Section 10. Paragraph (b) of subsection (11) of section  
 438 1003.01, Florida Statutes, is amended to read:

439 1003.01 Definitions.—As used in this chapter, the term:  
 440 (11)

441 (b) "Juvenile justice provider" means the Department of  
 442 Juvenile Justice, the sheriff, or a private, public, or other  
 443 governmental organization under contract with the Department of  
 444 Juvenile Justice or the sheriff that provides treatment, care  
 445 and custody, or educational programs for youth in juvenile  
 446 justice intervention, detention, or commitment programs.



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447 Section 11. Paragraphs (a) and (e) of subsection (4) of  
 448 section 1003.03, Florida Statutes, are amended to read:  
 449 1003.03 Maximum class size.—  
 450 (4) ACCOUNTABILITY.—  
 451 (a) If the department determines that the number of  
 452 students assigned to any individual class exceeds the class size  
 453 maximum, as required in subsection (1), based upon the October  
 454 student membership survey, the department shall:  
 455 1. Identify, for each grade group, the number of classes  
 456 in which the number of students exceeds the maximum and the  
 457 total number of students which exceeds the maximum for all  
 458 classes.  
 459 2. Determine the number of FTE students which exceeds the  
 460 maximum for each grade group.  
 461 3. Multiply the total number of FTE students which exceeds  
 462 the maximum for each grade group by the district's FTE dollar  
 463 amount of the class size categorical allocation for that year  
 464 and calculate the total for all three grade groups.  
 465 4. Multiply the total number of FTE students which exceeds  
 466 the maximum for all classes by an amount equal to 50 percent of  
 467 the base student allocation adjusted by the district cost  
 468 differential for each of the 2010-2011 through 2013-2014 fiscal  
 469 years ~~year~~ and by an amount equal to the base student allocation  
 470 adjusted by the district cost differential ~~beginning~~ in the  
 471 2014-2015 ~~2011-2012~~ fiscal year and thereafter.  
 472 5. Reduce the district's class size categorical allocation  
 473 by an amount equal to the sum of the calculations in  
 474 subparagraphs 3. and 4.

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475 (e) Each district that has not complied with the  
 476 requirements in subsection (1) shall submit to the commissioner  
 477 by February ~~1~~ 15 a plan certified by the district school board  
 478 that describes the specific actions the district will take in  
 479 order to fully comply with the requirements in subsection (1) by  
 480 October of the following school year. If a district submits the  
 481 certified plan by the required deadline, the funds remaining  
 482 after the reallocation calculation in paragraph (d) shall be  
 483 added back to the district's class size categorical allocation  
 484 based on each qualifying district's proportion of the total  
 485 reduction for all qualifying districts for which a reduction was  
 486 calculated in paragraphs (a)-(c). However, no district shall  
 487 have an amount added back that is greater than the amount that  
 488 was reduced.

489 Section 12. Subsection (12) of section 1003.52, Florida  
 490 Statutes, is amended to read:

491 1003.52 Educational services in Department of Juvenile  
 492 Justice programs.—

493 (12) (a) Funding for eligible students enrolled in juvenile  
 494 justice education programs shall be provided through the Florida  
 495 Education Finance Program as provided in s. 1011.62 and the  
 496 General Appropriations Act. Funding shall include, at a minimum:

497 1. Weighted program funding or the basic amount for  
 498 current operation multiplied by the district cost differential  
 499 as provided in s. 1011.62(1)(r) and (2);

500 2. The supplemental allocation for juvenile justice  
 501 education as provided in s. 1011.62(10);

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502           3. A proportionate share of the district's exceptional  
 503 student education guaranteed allocation, the supplemental  
 504 academic instruction allocation, and the instructional materials  
 505 allocation;

506           4. An amount equivalent to the proportionate share of the  
 507 state average potential discretionary local effort for  
 508 operations, which shall be determined as follows:

509           a. If the district levies the maximum discretionary local  
 510 effort and the district's discretionary local effort per FTE is  
 511 less than the state average potential discretionary local effort  
 512 per FTE, the proportionate share shall include both the  
 513 discretionary local effort and the compression supplement per  
 514 FTE. If the district's discretionary local effort per FTE is  
 515 greater than the state average per FTE, the proportionate share  
 516 shall be equal to the state average; or

517           b. If the district does not levy the maximum discretionary  
 518 local effort and the district's actual discretionary local  
 519 effort per FTE is less than the state average potential  
 520 discretionary local effort per FTE, the proportionate share  
 521 shall be equal to the district's actual discretionary local  
 522 effort per FTE. If the district's actual discretionary local  
 523 effort per FTE is greater than the state average per FTE, the  
 524 proportionate share shall be equal to the state average  
 525 potential local effort per FTE; and

526           5. A proportionate share of the district's proration to  
 527 funds available, if necessary. ~~The district school board shall~~  
 528 fund the educational program in a Department of Juvenile Justice  
 529 facility at the same or higher level of funding for equivalent

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530 ~~students in the district school system based on the funds~~  
531 ~~generated by state funding through the Florida Education Finance~~  
532 ~~Program for such students. It is the intent of the Legislature~~  
533 ~~that the school district maximize its available local, state,~~  
534 ~~and federal funding to a juvenile justice program.~~

535 ~~(a) Juvenile justice educational programs shall be funded~~  
536 ~~in the appropriate FEFP program based on the educational~~  
537 ~~services needed by the student for Department of Juvenile~~  
538 ~~Justice programs in accordance with s. 1011.62.~~

539 (b) Juvenile justice educational programs to receive the  
540 appropriate FEFP funding for Department of Juvenile Justice  
541 programs shall include those operated through a contract with  
542 the Department of Juvenile Justice and which are under purview  
543 of the Department of Juvenile Justice quality assurance  
544 standards for education.

545 (c) Consistent with the rules of the State Board of  
546 Education, district school boards are required to request an  
547 alternative FTE survey for Department of Juvenile Justice  
548 programs experiencing fluctuations in student enrollment.

549 (d) FTE count periods shall be prescribed in rules of the  
550 State Board of Education and shall be the same for programs of  
551 the Department of Juvenile Justice as for other public school  
552 programs. The summer school period for students in Department of  
553 Juvenile Justice programs shall begin on the day immediately  
554 following the end of the regular school year and end on the day  
555 immediately preceding the subsequent regular school year.  
556 Students shall be funded for no more than 25 hours per week of  
557 direct instruction.

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558 (e) Each juvenile justice education program must receive  
 559 all federal funds for which the program is eligible.

560 Section 13. Section 1003.61, Florida Statutes, is  
 561 repealed.

562 Section 14. Subsection (2) of section 1006.40, Florida  
 563 Statutes, is amended to read:

564 1006.40 Use of instructional materials allocation;  
 565 instructional materials, library books, and reference books;  
 566 repair of books.—

567 (2) Each district school board must purchase current  
 568 instructional materials to provide each student with a major  
 569 tool of instruction in core courses of the subject areas of  
 570 mathematics, language arts, science, social studies, reading,  
 571 and literature for kindergarten through grade 12. Such purchase  
 572 must be made within the first 2 years after the effective date  
 573 of the adoption cycle. For the 2012-2013 mathematics adoption, a  
 574 district using a comprehensive mathematics instructional  
 575 materials program adopted in the 2009-2010 adoption shall be  
 576 deemed in compliance with this subsection if it provides each  
 577 student with such additional state-adopted materials as may be  
 578 necessary to align the previously adopted comprehensive program  
 579 to common core standards and the other criteria of the 2012-2013  
 580 mathematics adoption.

581 Section 15. Paragraph (c) of subsection (1) and subsection  
 582 (4) of section 1011.61, Florida Statutes, are amended to read:

583 1011.61 Definitions.—Notwithstanding the provisions of s.  
 584 1000.21, the following terms are defined as follows for the  
 585 purposes of the Florida Education Finance Program:

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586 (1) A "full-time equivalent student" in each program of  
 587 the district is defined in terms of full-time students and part-  
 588 time students as follows:

589 (c)1. A "full-time equivalent student" is:

590 a. A full-time student in any one of the programs listed  
 591 in s. 1011.62(1)(c); or

592 b. A combination of full-time or part-time students in any  
 593 one of the programs listed in s. 1011.62(1)(c) which is the  
 594 equivalent of one full-time student based on the following  
 595 calculations:

596 (I) A full-time student in a combination of programs  
 597 listed in s. 1011.62(1)(c) shall be a fraction of a full-time  
 598 equivalent membership in each ~~special~~ program equal to the  
 599 number of net hours per school year for which he or she is a  
 600 member, divided by the appropriate number of hours set forth in  
 601 subparagraph (a)1. or subparagraph (a)2. The sum of the  
 602 fractions for each program may not exceed the maximum value set  
 603 forth in subsection (4). ~~The difference between that fraction or~~  
 604 ~~sum of fractions and the maximum value as set forth in~~  
 605 ~~subsection (4) for each full-time student is presumed to be the~~  
 606 ~~balance of the student's time not spent in such special~~  
 607 ~~education programs and shall be recorded as time in the~~  
 608 ~~appropriate basic program.~~

609 (II) A prekindergarten handicapped student shall meet the  
 610 requirements specified for kindergarten students.

611 (III) A full-time equivalent student for students in  
 612 kindergarten through grade 5 in a virtual instruction program  
 613 under s. 1002.45 or a virtual charter school under s. 1002.33

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614 shall consist of a student who has successfully completed a  
615 basic program listed in s. 1011.62(1)(c)1.a. or b., and who is  
616 promoted to a higher grade level.

617 (IV) A full-time equivalent student for students in grades  
618 6 through 12 in a virtual instruction program under s.  
619 1002.45(1)(b)1., 2., or 3. or a virtual charter school under s.  
620 1002.33 shall consist of six full credit completions in programs  
621 listed in s. 1011.62(1)(c)1.b. or c. and 3. Credit completions  
622 may be a combination of full-credit courses or half-credit  
623 courses. Beginning in the 2014-2015 fiscal year, when s.  
624 1008.22(3)(g) is implemented, the reported full-time equivalent  
625 students and associated funding of students enrolled in courses  
626 requiring passage of an end-of-course assessment shall be  
627 adjusted after the student completes the end-of-course  
628 assessment.

629 (V) A Florida Virtual School full-time equivalent student  
630 shall consist of six full credit completions or the prescribed  
631 level of content that counts toward promotion to the next grade  
632 in the programs listed in s. 1011.62(1)(c)1.a. and b. for  
633 kindergarten through grade 8 and the programs listed in s.  
634 1011.62(1)(c)1.c. for grades 9 through 12. Credit completions  
635 may be a combination of full-credit courses or half-credit  
636 courses. Beginning in the 2014-2015 fiscal year, when s.  
637 1008.22(3)(g) is implemented, the reported full-time equivalent  
638 students and associated funding of students enrolled in courses  
639 requiring passage of an end-of-course assessment shall be  
640 adjusted after the student completes the end-of-course  
641 assessment.

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642 (VI) Each successfully completed full-credit course earned  
 643 through an online course delivered by a district other than the  
 644 one in which the student resides shall be calculated as 1/6 FTE.

645 (VII) Each successfully completed credit earned under the  
 646 alternative high school course credit requirements authorized in  
 647 s. 1002.375, which is not reported as a portion of the 900 net  
 648 hours of instruction pursuant to subparagraph (1)(a)1., shall be  
 649 calculated as 1/6 FTE.

650 2. A student in membership in a program scheduled for more  
 651 or less than 180 school days or the equivalent on an hourly  
 652 basis as specified by rules of the State Board of Education is a  
 653 fraction of a full-time equivalent membership equal to the  
 654 number of instructional hours in membership divided by the  
 655 appropriate number of hours set forth in subparagraph (a)1.;  
 656 however, for the purposes of this subparagraph, membership in  
 657 programs scheduled for more than 180 days is limited to students  
 658 enrolled in juvenile justice education programs and the Florida  
 659 Virtual School.

660  
 661 The department shall determine and implement an equitable method  
 662 of equivalent funding for experimental schools and for schools  
 663 operating under emergency conditions, which schools have been  
 664 approved by the department to operate for less than the minimum  
 665 school day.

666 (4) The maximum value for funding a student in  
 667 kindergarten through grade 12 or in a prekindergarten program  
 668 for exceptional children as provided in s. 1003.21(1)(e), ~~except~~  
 669 ~~for a student as set forth in sub-sub-subparagraph~~



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670 ~~(1)(e)1.b.(I)~~, is one full-time equivalent student membership  
671 for a school year or equivalent.

672 Section 16. Paragraph (f) of subsection (1), paragraph (b)  
673 of subsection (6), subsection (9), and paragraph (b) of  
674 subsection (13) of section 1011.62, Florida Statutes, are  
675 amended to read:

676 1011.62 Funds for operation of schools.—If the annual  
677 allocation from the Florida Education Finance Program to each  
678 district for operation of schools is not determined in the  
679 annual appropriations act or the substantive bill implementing  
680 the annual appropriations act, it shall be determined as  
681 follows:

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

686 (f) Supplemental academic instruction; categorical fund.—

687 1. There is created a categorical fund to provide  
688 supplemental academic instruction to students in kindergarten  
689 through grade 12. This paragraph may be cited as the  
690 "Supplemental Academic Instruction Categorical Fund."

691 2. Categorical funds for supplemental academic instruction  
692 shall be allocated annually to each school district in the  
693 amount provided in the General Appropriations Act. These funds  
694 shall be in addition to the funds appropriated on the basis of  
695 FTE student membership in the Florida Education Finance Program  
696 and shall be included in the total potential funds of each

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697 district. These funds shall be used to provide supplemental  
698 academic instruction to students enrolled in the K-12 program.  
699 For the 2012-2013 and 2013-2014 fiscal years, each school  
700 district that has one or more of the 100 lowest-performing  
701 elementary schools based on the state reading assessment shall  
702 use these funds, together with the funds provided in the  
703 district's research-based reading instruction allocation and  
704 other available funds, to provide an additional hour of  
705 instruction beyond the normal school day for each day of the  
706 entire school year for intensive reading instruction for the  
707 students in each of these schools. This additional hour of  
708 instruction must be provided only by teachers or reading  
709 specialists who are effective in teaching reading. Students  
710 enrolled in these schools who have level 5 assessment scores may  
711 participate in the additional hour of instruction on an optional  
712 basis. Exceptional student education centers shall not be  
713 included in the 100 schools. After this requirement has been  
714 met, supplemental instruction strategies may include, but are  
715 not limited to: modified curriculum, reading instruction, after-  
716 school instruction, tutoring, mentoring, class size reduction,  
717 extended school year, intensive skills development in summer  
718 school, and other methods for improving student achievement.  
719 Supplemental instruction may be provided to a student in any  
720 manner and at any time during or beyond the regular 180-day term  
721 identified by the school as being the most effective and  
722 efficient way to best help that student progress from grade to  
723 grade and to graduate.

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724 3. Effective with the 1999-2000 fiscal year, funding on  
725 the basis of FTE membership beyond the 180-day regular term  
726 shall be provided in the FEFP only for students enrolled in  
727 juvenile justice education programs or in education programs for  
728 juveniles placed in secure facilities or programs under s.  
729 985.19. Funding for instruction beyond the regular 180-day  
730 school year for all other K-12 students shall be provided  
731 through the supplemental academic instruction categorical fund  
732 and other state, federal, and local fund sources with ample  
733 flexibility for schools to provide supplemental instruction to  
734 assist students in progressing from grade to grade and  
735 graduating.

736 4. The Florida State University School, as a lab school,  
737 is authorized to expend from its FEFP or Lottery Enhancement  
738 Trust Fund allocation the cost to the student of remediation in  
739 reading, writing, or mathematics for any graduate who requires  
740 remediation at a postsecondary educational institution.

741 5. Beginning in the 1999-2000 school year, dropout  
742 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),  
743 (b), and (c), and 1003.54 shall be included in group 1 programs  
744 under subparagraph (d)3.

745 (6) CATEGORICAL FUNDS.—

746 (b) If a district school board finds and declares in a  
747 resolution adopted at a regular meeting of the school board that  
748 the funds received for any of the following categorical  
749 appropriations are urgently needed to maintain school board  
750 specified academic classroom instruction, the school board may  
751 consider and approve an amendment to the school district

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752 operating budget transferring the identified amount of the  
 753 categorical funds to the appropriate account for expenditure:

754 1. Funds for student transportation.  
 755 2. Funds for safe schools.  
 756 3. Funds for supplemental academic instruction if the  
 757 required additional hour of instruction beyond the normal school  
 758 day for each day of the entire school year has been provided for  
 759 the students in each low-performing elementary school in the  
 760 district pursuant to paragraph (1) (f).

761 4. Funds for research-based reading instruction if the  
 762 required additional hour of instruction beyond the normal school  
 763 day for each day of the entire school year has been provided for  
 764 the students in each low-performing elementary school in the  
 765 district pursuant to paragraph (9) (a).

766 5. Funds for instructional materials if all instructional  
 767 material purchases necessary to provide updated materials  
 768 aligned to Next Generation Sunshine State Standards and  
 769 benchmarks and that meet statutory requirements of content and  
 770 learning have been completed for that fiscal year, but no sooner  
 771 than March 1. Funds available after March 1 may be used to  
 772 purchase hardware for student instruction.

773 (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

774 (a) The research-based reading instruction allocation is  
 775 created to provide comprehensive reading instruction to students  
 776 in kindergarten through grade 12. For the 2012-2013 and 2013-  
 777 2014 fiscal years, in each school district that has one or more  
 778 of the 100 lowest-performing elementary schools based on the  
 779 state reading assessment, priority shall be given to providing

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780 an additional hour per day of intensive reading instruction  
781 beyond the normal school day for each day of the entire school  
782 year for the students in each school. Students enrolled in these  
783 schools who have level 5 assessment scores may participate in  
784 the additional hour of instruction on an optional basis.  
785 Exceptional student education centers shall not be included in  
786 the 100 schools. The intensive reading instruction delivered in  
787 this additional hour and for other students shall include:  
788 research-based reading instruction that has been proven to  
789 accelerate progress of students exhibiting a reading deficiency;  
790 differentiated instruction based on student assessment data to  
791 meet students' specific reading needs; explicit and systematic  
792 reading development in phonemic awareness, phonics, fluency,  
793 vocabulary, and comprehension, with more extensive opportunities  
794 for guided practice, error correction, and feedback; and the  
795 integration of social studies, science, and mathematics-text  
796 reading, text discussion, and writing in response to reading.  
797 For the 2012-2013 and 2013-2014 fiscal years, a school district  
798 may not hire more reading coaches than were hired during the  
799 2011-2012 fiscal year unless all students in kindergarten  
800 through grade 5 who demonstrate a reading deficiency, as  
801 determined by district and state assessments, including students  
802 scoring Level 1 or Level 2 on FCAT Reading, are provided an  
803 additional hour per day of intensive reading instruction beyond  
804 the normal school day for each day of the entire school year.

805 (b) Funds for comprehensive, research-based reading  
806 instruction shall be allocated annually to each school district  
807 in the amount provided in the General Appropriations Act. Each

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808 eligible school district shall receive the same minimum amount  
809 as specified in the General Appropriations Act, and any  
810 remaining funds shall be distributed to eligible school  
811 districts based on each school district's proportionate share of  
812 K-12 base funding.

813 (c) Funds allocated under this subsection must be used to  
814 provide a system of comprehensive reading instruction to  
815 students enrolled in the K-12 programs, which may include the  
816 following:

817 1. The provision of an additional hour per day of  
818 intensive reading instruction to students in the 100 lowest-  
819 performing elementary schools by teachers and reading  
820 specialists who are effective in teaching reading.

821 2. Kindergarten through grade 5 reading intervention  
822 teachers to provide intensive intervention during the school day  
823 and in the required extra hour for students identified as having  
824 a reading deficiency.

825 ~~3.1.~~ The provision of highly qualified reading coaches to  
826 specifically support teachers in making instructional decisions  
827 based on student data, and improve teacher delivery of effective  
828 reading instruction, intervention, and reading in the content  
829 areas based on student need.

830 ~~4.2.~~ Professional development for school district teachers  
831 in scientifically based reading instruction, including  
832 strategies to teach reading in content areas and with an  
833 emphasis on technical and informational text.

834 ~~5.3.~~ The provision of summer reading camps for all  
835 students in kindergarten through grade 2 who demonstrate a

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836 reading deficiency as determined by district and state  
837 assessments, and students in grades 3 through 5 who score at  
838 Level 1 on FCAT Reading.

839 ~~6.4.~~ The provision of supplemental instructional materials  
840 that are grounded in scientifically based reading research.

841 ~~7.5.~~ The provision of intensive interventions for ~~middle~~  
842 ~~and high school~~ students in kindergarten through grade 12 who  
843 have been identified as having a reading deficiency or who are  
844 reading below grade level as determined by the FCAT.

845 (d) Annually, by a date determined by the Department of  
846 Education but before May 1, school districts shall submit a K-12  
847 comprehensive reading plan for the specific use of the research-  
848 based reading instruction allocation in the format prescribed by  
849 the department for review and approval by the Just Read,  
850 Florida! Office created pursuant to s. 1001.215. The plan  
851 annually submitted by school districts shall be deemed approved  
852 unless the department rejects the plan on or before June 1. If a  
853 school district and the Just Read, Florida! Office cannot reach  
854 agreement on the contents of the plan, the school district may  
855 appeal to the State Board of Education for resolution. School  
856 districts shall be allowed reasonable flexibility in designing  
857 their plans and shall be encouraged to offer reading  
858 intervention ~~remediation~~ through innovative methods, including  
859 career academies. The plan format shall be developed with input  
860 from school district personnel, including teachers and  
861 principals, and shall allow courses in core, career, and  
862 alternative programs that deliver intensive reading remediation  
863 through integrated curricula, provided that the teacher is

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864 deemed highly qualified to teach reading or working toward that  
865 status. No later than July 1 annually, the department shall  
866 release the school district's allocation of appropriated funds  
867 to those districts having approved plans. A school district that  
868 spends 100 percent of this allocation on its approved plan shall  
869 be deemed to have been in compliance with the plan. The  
870 department may withhold funds upon a determination that reading  
871 instruction allocation funds are not being used to implement the  
872 approved plan. The department shall monitor and track the  
873 implementation of each district plan, including conducting site  
874 visits and collecting specific data on expenditures and reading  
875 improvement results. By February 1 of each year, the department  
876 shall report its findings to the Legislature.

877 (13) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR  
878 CURRENT OPERATION.—The total annual state allocation to each  
879 district for current operation for the FEFP shall be distributed  
880 periodically in the manner prescribed in the General  
881 Appropriations Act.

882 (b) The amount thus obtained shall be the net annual  
883 allocation to each school district. However, if it is determined  
884 that any school district received an underallocation or  
885 overallocation for any prior year because of an arithmetical  
886 error, assessment roll change required by final judicial  
887 decision, full-time equivalent student membership error, or any  
888 allocation error revealed in an audit report, the allocation to  
889 that district shall be appropriately adjusted. Beginning with  
890 audits for the 2001-2002 fiscal year, if the adjustment is the  
891 result of an audit finding in which group 2 FTE are reclassified



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892 to the basic program and the district weighted FTE are over the  
893 weighted enrollment ceiling for group 2 programs, the adjustment  
894 shall not result in a gain of state funds to the district.  
895 Beginning with the 2011-2012 fiscal year, if a special program  
896 cost factor is less than the basic program cost factor, an audit  
897 adjustment may not result in the reclassification of the special  
898 program FTE to the basic program FTE. If the Department of  
899 Education audit adjustment recommendation is based upon  
900 controverted findings of fact, the Commissioner of Education is  
901 authorized to establish the amount of the adjustment based on  
902 the best interests of the state.

903 Section 17. Paragraph (e) of subsection (2) of section  
904 1011.71, Florida Statutes, is amended to read:

905 1011.71 District school tax.—

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

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

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920 Section 18. Paragraph (a) of subsection (10) of section  
 921 1013.03, Florida Statutes, is amended to read:

922 1013.03 Functions of the department and the Board of  
 923 Governors.—The functions of the Department of Education as it  
 924 pertains to educational facilities of school districts and  
 925 Florida College System institutions and of the Board of  
 926 Governors as it pertains to educational facilities of state  
 927 universities shall include, but not be limited to, the  
 928 following:

929 (10) (a) Review and validate surveys proposed or amended by  
 930 the boards and recommend to the Commissioner of Education, or  
 931 the Chancellor of the State University System, as appropriate,  
 932 for approval, surveys that meet the requirements of this  
 933 chapter.

934 1. The term "validate" as applied to surveys by school  
 935 districts means to review inventory data as submitted to the  
 936 department by district school boards; provide for review and  
 937 inspection, where required, of student stations and aggregate  
 938 square feet of inventory changed from satisfactory to  
 939 unsatisfactory or changed from unsatisfactory to satisfactory;  
 940 compare new school inventory to allocation limits provided by  
 941 this chapter; review cost projections for conformity with cost  
 942 limits set by s. 1013.64(6); compare total capital outlay full-  
 943 time equivalent enrollment projections in the survey with the  
 944 department's projections; review facilities lists to verify that  
 945 student station and auxiliary facility space allocations do not  
 946 exceed the limits provided by this chapter and related rules;  
 947 review and confirm the application of uniform facility

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948 utilization factors, where provided by this chapter or related  
949 rules; utilize the documentation of programs offered per site,  
950 as submitted by the board, to analyze facility needs; confirm  
951 that need projections for career and adult educational programs  
952 comply with needs documented by the Department of Education; and  
953 confirm the assignment of full-time student stations to all  
954 space except auxiliary facilities, which, for purposes of  
955 exemption from student station assignment, include the  
956 following:

- 957 a. Cafeterias.
- 958 b. Multipurpose dining areas.
- 959 c. Media centers.
- 960 d. Auditoriums.
- 961 e. Administration.
- 962 f. Elementary, middle, and high school resource rooms, up  
963 to the number of such rooms recommended for the applicable  
964 occupant and space design capacity of the educational plant in  
965 the State Requirements for Educational Facilities, beyond which  
966 student stations must be assigned.
- 967 g. Elementary school skills labs, up to the number of such  
968 rooms recommended for the applicable occupant and space design  
969 capacity of the educational plant in the State Requirements for  
970 Educational Facilities, beyond which student stations must be  
971 assigned.
- 972 h. Elementary school art and music rooms.

974 The Commissioner of Education may grant a waiver from the  
975 requirements of this subparagraph if a district school board

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976 determines that such waiver will make possible a substantial  
 977 savings of funds or will be advantageous to the welfare of the  
 978 educational system. The district school board shall present a  
 979 full statement to the commissioner which sets forth the facts  
 980 that warrant the waiver. If the commissioner denies a request  
 981 for a waiver, the district school board may appeal such decision  
 982 to the State Board of Education.

983         2. The term "validate" as applied to surveys by Florida  
 984 College System institutions and universities means to review and  
 985 document the approval of each new site and official designation,  
 986 where applicable; review the inventory database as submitted by  
 987 each board to the department, including noncareer, and total  
 988 capital outlay full-time equivalent enrollment projections per  
 989 site and per college; provide for the review and inspection,  
 990 where required, of student stations and aggregate square feet of  
 991 space changed from satisfactory to unsatisfactory; utilize and  
 992 review the documentation of programs offered per site submitted  
 993 by the boards as accurate for analysis of space requirements and  
 994 needs; confirm that needs projected for career and adult  
 995 educational programs comply with needs documented by the  
 996 Department of Education; compare new facility inventory to  
 997 allocations limits as provided in this chapter; review cost  
 998 projections for conformity with state averages or limits  
 999 designated by this chapter; compare student enrollment  
 1000 projections in the survey to the department's projections;  
 1001 review facilities lists to verify that area allocations and  
 1002 space factors for generating space needs do not exceed the  
 1003 limits as provided by this chapter and related rules; confirm

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1004 the application of facility utilization factors as provided by  
 1005 this chapter and related rules; and review, as submitted,  
 1006 documentation of how survey recommendations will implement the  
 1007 detail of current campus master plans and integrate with local  
 1008 comprehensive plans and development regulations.

1009 Section 19. Paragraph (f) of subsection (2) of section  
 1010 1013.35, Florida Statutes, is amended to read:

1011 1013.35 School district educational facilities plan;  
 1012 definitions; preparation, adoption, and amendment; long-term  
 1013 work programs.—

1014 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL  
 1015 FACILITIES PLAN.—

1016 (f) ~~Commencing on October 1, 2002, and~~ Not less than once  
 1017 every 5 years ~~thereafter~~, the district school board shall have  
 1018 ~~contract with a qualified, independent third party to conduct a~~  
 1019 financial management and performance audit conducted of the  
 1020 educational planning and construction activities of the  
 1021 district. An audit conducted by the Office of Program Policy  
 1022 Analysis and Government Accountability and the Auditor General  
 1023 pursuant to s. 1008.35 satisfies this requirement.

1024 Section 20. (1) For the 2012-2013 fiscal year, there is  
 1025 established the K-12 Public School Facility Funding Task Force.  
 1026 The Department of Education shall provide staff and  
 1027 administrative support to the task force. All appointments must  
 1028 be made by July 15, 2012. The task force shall convene no later  
 1029 than July 31, 2012, for the purpose of examining all relevant  
 1030 factors in order to make recommendations to the Legislature for

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1031 more equitable facility funding for charter schools and schools  
 1032 operated by a school district, including, but not limited to:  
 1033 (a) Charter school facility funding needs.  
 1034 (b) Existing funding and revenue sources available for  
 1035 fixed capital outlay needs of charter schools and schools  
 1036 operated by a school district.  
 1037 (c) Long-term debt for school facilities.  
 1038 (d) Class size requirements and the impacts of such  
 1039 requirements on facilities funding needs.  
 1040 (e) District facilities utilization.  
 1041 (2) The task force shall be composed of the following 11  
 1042 members:  
 1043 (a) The Deputy Commissioner of Finance and Operations of  
 1044 the Department of Education or his or her designee, who shall be  
 1045 the chair of the task force.  
 1046 (b) The following members appointed by the Governor:  
 1047 1. The parent of a student attending a charter school.  
 1048 2. The parent of a student attending a school operated by  
 1049 a school district.  
 1050 (c) The following members appointed by the President of  
 1051 the Senate:  
 1052 1. The superintendent from a small to medium sized school  
 1053 district based on student population.  
 1054 2. A member of the district school board from a large  
 1055 sized school district based on student population.  
 1056 3. A member of the governing board of a charter school  
 1057 that does not operate another charter school and is a member of  
 1058 the Florida Consortium of Public Charter Schools.

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1059 4. An operator of a charter school that manages multiple  
 1060 charter schools.

1061 (d) The following members appointed by the Speaker of the  
 1062 House of Representatives:

1063 1. The superintendent from a large sized school district  
 1064 based on student population.

1065 2. A member of the district school board from a small to  
 1066 medium sized school district based on student population.

1067 3. A member of the governing board of a charter school  
 1068 that operates multiple charter schools and is a member of the  
 1069 Florida Consortium of Public Charter Schools.

1070 4. An operator of a charter school that does not manage  
 1071 more than one charter school.

1072  
 1073 Except for the Deputy Commissioner of Finance and Operations or  
 1074 his or her designee, no member of the task force may be  
 1075 qualified as a lobbyist under s. 11.045 or s. 112.3215, Florida  
 1076 Statutes.

1077 (3) The Department of Education shall coordinate with the  
 1078 task force to compile the necessary data for the task force to  
 1079 make recommendations.

1080 (4) The task force shall complete its work and submit its  
 1081 recommendations by December 1, 2012, to the chair of the Senate  
 1082 Budget Committee, the chair of the House of Representatives  
 1083 Appropriations Committee, and the Executive Office of the  
 1084 Governor.

1085 (5) The task force is abolished June 30, 2013.

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1086           Section 21. (1) The Digital Instructional Materials Work  
 1087 Group is created to plan and monitor the implementation of the  
 1088 transition to digital instructional materials as required in ss.  
 1089 1006.29(3) and 1006.40(3)(a), Florida Statutes.

1090           (2) The Commissioner of Education, or his or her designee,  
 1091 shall serve as the ex officio, nonvoting executive director of  
 1092 the work group.

1093           (3) The work group shall be comprised of the following:  
 1094 one school district instructional technology expert, one school  
 1095 district instructional content expert with experience in digital  
 1096 learning initiatives, one representative from an institution of  
 1097 postsecondary education, one high school principal with  
 1098 experience in digital learning initiatives, one middle school  
 1099 principal with experience in digital learning initiatives, one  
 1100 business representative, and one parent.

1101           (4) A member may not represent a company that has a  
 1102 business interest in education content or technology.

1103           (5) The chair shall schedule and conduct the first meeting  
 1104 of the work group by October 1, 2012. The work group shall  
 1105 conduct a majority of its meetings virtually.

1106           (6) The work group shall submit a report to the Governor,  
 1107 the President of the Senate, the Speaker of the House of  
 1108 Representatives, and State Board of Education by March 1, 2013.  
 1109 The report shall include an implementation plan for meeting the  
 1110 deadline of transition to digital instructional materials as  
 1111 provided in ss. 1006.29(3) and 1006.40(3)(a), Florida Statutes.  
 1112 The plan must specify options for the provision of access  
 1113 devices for students, options for providing content by subject

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



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1114 area, provisions for training and professional development for  
1115 preservice and inservice teachers, and a detailed review of  
1116 options for funding, including the reprioritization of existing  
1117 resources and recommendations for new funding.

1118 Section 22. Notwithstanding the amendments made by this  
1119 act to s. 1003.03(4)(a)4., Florida Statutes, for the 2011-2012  
1120 fiscal year, the calculation required by that subparagraph shall  
1121 be an amount equal to 50 percent of the base student allocation  
1122 adjusted by the district cost differential. This section shall  
1123 take effect upon this act becoming a law.

1124 Section 23. Notwithstanding the required review by the  
1125 Legislative Budget Commission pursuant to s. 1003.03(4)(c),  
1126 Florida Statutes, and s. 41 of chapter 2011-55, Laws of Florida,  
1127 for the 2011-2012 fiscal year, the alternate compliance  
1128 calculation amounts to the class size operating categorical fund  
1129 authorized by s. 1003.03(4)(c), Florida Statutes, shall be the  
1130 reduction calculation required by s. 1003.03(4), Florida  
1131 Statutes. The Commissioner of Education shall modify payments to  
1132 districts as required by s. 1003.03(4), Florida Statutes, for  
1133 the 2011-2012 fiscal year. This section shall take effect upon  
1134 this act becoming a law.

1135 Section 24. Except as otherwise expressly provided in this  
1136 act and except for this section, which shall take effect upon  
1137 this act becoming a law, this act shall take effect July 1,  
1138 2012.