A bill to be entitled
An act relating to K-12 education enhancements;
amending s. 1011.62, F.S.; creating the mental health assistance allocation and providing the purpose of the allocation; providing for the allocation of funds; requiring each entity that receives funds to annually submit a plan for the use of such funds to the district school board or other governing body which must include certain elements; requiring districts to submit approved plans to the Commissioner of Education by a specified date; requiring an annual final report to the commissioner by a specified date; conforming cross-references; amending s. 1011.71, F.S.; increasing the amount that a school district may expend from a specified millage levy for certain expenses; amending s. 1013.62, F.S.; prohibiting a charter school from being eligible for capital outlay funds unless the chair of the governing board and the chief administrative officer of the charter school annually certify certain information; revising the Department of Education’s calculation methodology for a school district’s distribution of discretionary millage to its eligible charter schools; providing an effective date.

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

Section 1. Present subsections (16) and (17) of section 1011.62, Florida Statutes, are redesignated as subsections (17)
and (18), respectively, a new subsection (16) is added to that section, and subsection (14) of that section is amended, to read:

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

(14) QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 unweighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per unweighted FTE student which shall include the adjusted FTE dollars as provided in subsection (17) (16), quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per unweighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection (17) (16) and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per unweighted FTE to prior year funds per unweighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per unweighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each
(16) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health assistance allocation is created to provide supplemental funding to assist school districts in establishing or expanding comprehensive school-based mental health programs that increase awareness of mental health issues among children and school-age youth; train educators and other school staff in detecting and responding to mental health issues; and connect children, youth, and families who may experience behavioral health issues with appropriate services. These funds shall be allocated annually to each eligible school district and developmental research school based on each entity’s proportionate share of Florida Education Finance Program base funding. The district funding allocation must include a minimum amount as specified in the General Appropriations Act. Upon submission and approval of a plan that includes the elements specified in paragraph (b), charter schools are also entitled to a proportionate share of district funding for this program. The allocated funds may not supplant funds that are provided from other operating funds for this purpose and may not be used to increase salaries or provide bonuses.

(a) To be eligible for the allocation:

1. The district must annually develop and submit a detailed plan outlining the local program and planned expenditures to the district school board for approval.

2. A charter school must annually develop and submit a detailed plan outlining the local program and planned expenditures of the funds in the plan to its governing body for
approval. After the plan is approved by the governing body, it must be provided to its school district for submission to the commissioner.

(b) A plan required under paragraph (a) must include, at a minimum, all of the following elements:

1. A collaborative effort or partnership between the school district and at least one local community program or agency involved in mental health to provide or to improve prevention, diagnosis, and treatment services for students;

2. Programs to assist students in dealing with bullying, trauma, and violence;

3. Strategies or programs to reduce the likelihood of at-risk students developing social, emotional, or behavioral health problems or substance use disorders;

4. Strategies to improve the early identification of social, emotional, or behavioral problems or substance use disorders and to improve the provision of early intervention services;

5. Strategies to enhance the availability of school-based crisis intervention services and appropriate referrals for students in need of mental health services; and

6. Training opportunities for school personnel in the techniques and supports needed to identify students who have trauma histories and who have or are at risk of having a mental illness, and in the use of referral mechanisms that effectively link such students to appropriate treatment and intervention services in the school and in the community.

(c) The districts shall submit approved plans to the commissioner by August 1 of each fiscal year.
(d) Beginning September 30, 2019, and by each September 30 thereafter, each entity that receives an allocation under this subsection shall submit to the commissioner a final report, in a format prescribed by the department, on its program outcomes and its expenditures for each element of the program.

Section 2. Subsection (5) of section 1011.71, Florida Statutes, is amended to read:

1011.71 District school tax.—

(5) Effective July 1, 2008, A school district may expend, subject to the provisions of s. 200.065, up to $150 $100 per unweighted full-time equivalent student from the revenue generated by the millage levy authorized by subsection (2) to fund, in addition to expenditures authorized in paragraphs (2)(a)-(j), expenses for the following:

(a) The purchase, lease-purchase, or lease of driver’s education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or distributing materials and equipment.

(b) Payment of the cost of premiums, as defined in s. 627.403, for property and casualty insurance necessary to insure school district educational and ancillary plants. As used in this paragraph, casualty insurance has the same meaning as in s. 624.605(1)(d), (f), (g), (h), and (m). Operating revenues that are made available through the payment of property and casualty insurance premiums from revenues generated under this subsection may be expended only for nonrecurring operational expenditures of the school district.

Section 3. Paragraph (b) of subsection (1) and subsection
(3) of section 1013.62, Florida Statutes, are amended to read:

1013.62 Charter schools capital outlay funding.—

(1) Charter school capital outlay funding shall consist of revenue resulting from the discretionary millage authorized in s. 1011.71(2) and state funds when such funds are appropriated in the General Appropriations Act.

(b) A charter school is not eligible to receive capital outlay funds if:

1. It was created by the conversion of a public school and operates in facilities provided by the charter school’s sponsor for a nominal fee, or at no charge, or if it is directly or indirectly operated by the school district; or

2. The chair of the governing board and the chief administrative officer of the charter school do not annually certify under oath that the funds will be used solely and exclusively for constructing, renovating, or improving charter school facilities that are:

   a. Owned by a school district, a political subdivision of the state, a municipality, a Florida College System institution, or a state university; or

   b. Owned by an organization that is qualified as an exempt organization under s. 501(c)(3) of the Internal Revenue Code whose articles of incorporation specify that, upon the organization’s dissolution, the subject property will be transferred to a school district, a political subdivision of the state, a municipality, a Florida College System institution, or a state university.

(3) If the school board levies the discretionary millage authorized in s. 1011.71(2), the department shall use the
following calculation methodology to determine the amount of revenue that a school district must distribute to each eligible charter school:

(a) Reduce the total discretionary millage revenue by the school district’s annual debt service obligation incurred as of March 1, 2017, and any amount of participation requirement pursuant to s. 1013.64(2)(a)8. that is being satisfied by revenues raised by the discretionary millage.

(b) Divide the school district’s adjusted discretionary millage revenue by the district’s total capital outlay full-time equivalent membership and the total number of unweighted full-time equivalent students of each eligible charter school to determine a capital outlay allocation per full-time equivalent student.

(c) Multiply the capital outlay allocation per full-time equivalent student by the total number of full-time equivalent students of each eligible charter school to determine the total capital outlay allocation for each district charter school.

(d) If applicable, reduce the capital outlay allocation identified in paragraph (c) by the total amount of state funds allocated pursuant to subsection (2) to all eligible charter schools within a district school in subsection (2) to determine the net total maximum calculated capital outlay allocation from local funds. If state funds are not allocated pursuant to subsection (2), the amount determined in paragraph (c) is equal to the net total calculated capital outlay allocation from local funds for each district.

(e) For each charter school within each district, the net
capital outlay amount from local funds shall be calculated in the same manner as the state funds in paragraphs (2)(a)-(d), except that the base charter school per weighted FTE allocation amount shall be determined by dividing the net total capital outlay amount from local funds by the total weighted FTE for all eligible charter schools within the district. The per weighted FTE allocation amount from local funds shall be multiplied by the weighted FTE for each charter school to determine each charter school’s capital outlay allocation from local funds.

(f) School districts shall distribute capital outlay funds to charter schools no later than February 1 of each year beginning on February 1, 2018, for the 2017-2018 fiscal year. Section 4. This act shall take effect July 1, 2018.