

CHAPTER 97-307

Committee Substitute for Committee Substitute for Senate Bill Nos. 1688, 792, 1334, and 2254

An act relating to education; providing for a task force on workforce development and prescribing its composition and duties; allowing school districts and community colleges to allocate specified funds using locally determined performance measures; creating s. 239.116, F.S.; providing for cost-accounting and reporting with respect to expenditures by school districts and community colleges for workforce education and providing for a database to be developed for specified purposes; requiring the State Board of Community Colleges and the Board of Regents to submit a report concerning the expenditure of funds from the Public Education Capital Outlay and Debt Service Trust Fund; reallocating positions and funding within the Department of Education; amending s. 229.551, F.S.; requiring expansion of the common course designation and numbering system; requiring the development of specified guidelines; providing for standard program lengths for postsecondary vocational programs; amending ss. 20.15, 215.16, F.S.; changing the names and responsibilities of the Division of Public Schools and the Division of Applied Technology and Adult Education within the Department of Education; amending s. 228.041, F.S.; amending the definition of "career education"; amending ss. 231.614, 233.056, 233.0561, 235.15, 235.199, 235.435, F.S.; conforming provisions; amending s. 239.105, F.S.; amending definitions to conform; removing certain programs from the category of adult general education; conforming provisions; amending s. 239.113, F.S.; conforming provisions; creating s. 239.115, F.S.; creating the workforce development education fund; providing definitions; authorizing funding for a program for disabled adults; requiring cost categories, output measures, and outcome measures; providing for certain student fees; providing state funding entitlements for workforce development program categories; delaying the implementation date for the workforce development performance based funding formula; amending s. 239.117, F.S.; conforming provisions; amending certain requirements regarding fee schedules for workforce development education; authorizing a higher fee for certain courses within a program; amending s. 239.201, F.S.; deleting a requirement for delivery of certain programs; conforming provisions; amending s. 239.229, F.S.; deleting a requirement regarding supplemental vocational programs; conforming provisions; amending s. 239.249, F.S.; conforming provisions; amending s. 239.301, F.S.; deleting restrictions on the authority to provide certain programs; changing the funding category for college preparatory instruction; conforming provisions; amending ss. 240.118, 240.147, F.S.; conforming provisions; amending s. 240.301, F.S.; amending the mission of community colleges; deleting restrictions; conforming provisions; amending s. 240.345, F.S.; revising certain requirements for fund sources; amending s. 240.35, F.S.; revising requirements for student fees at community colleges to

conform; amending s. 240.359, F.S.; conforming provisions relating to fund sources; amending ss. 240.61, 242.3305, 242.331, 242.337; 288.047, 446.011, 446.041, 446.052, 616.21, F.S.; conforming provisions; repealing s. 229.8075(3), F.S., relating to a reporting requirement of the Florida Education and Training Placement Information Program; repealing s. 239.109, F.S., relating to interinstitutional articulation agreements; repealing sections 15 and 16 of ch. 94-232, Laws of Florida, relating to a direction to the Division of Statutory Revision to change certain terms relating to vocational education; providing purposes; providing for a revised funding model for exceptional student education programs and specifying use of a matrix of services; providing for review of delivery of services; providing for rules; providing funding requirements; amending s. 236.078, F.S.; conforming provisions; amending s. 236.081, F.S., relating to funds for operation of schools; requiring the Commissioner of Education to specify a matrix of services and intensity levels for exceptional student education; revising program categories; revising provisions relating to calculation and funding of each school district's student enrollment; revising provisions relating to calculation and funding of students enrolled in vocational dual enrollment; providing for payment of costs for enrollment in certain adult secondary education courses; deleting provisions relating to instruction in supplemental vocational courses and adult basic and secondary courses; deleting provisions relating to required adult fees and the adult basic skills adjustment; revising the caps adjustment supplement; conforming provisions; amending s. 236.083, F.S.; authorizing the transfer of certain funds for student transportation; conforming a cross-reference; amending s. 237.34, F.S.; revising provisions relating to cost accounting and reporting and program expenditure requirements; amending ss. 230.2305, 236.25, and 236.602, F.S.; conforming cross-references and conforming and clarifying provisions; providing an effective date.

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

Section 1. It is the intent of the Legislature that state funding for adult and postsecondary vocational education be based on performance outcomes related to the placement and successful continued employment of program graduates, particularly within programs identified by the Occupational Forecasting Conference. It is also the intent of the Legislature that the integrity of vocational certificates and degree programs is maintained, vocational program lengths are standardized, issues involving accreditation and the transfer of credit are addressed, and cost considerations involving the Associate in Science and the Associate in Applied Technology degree programs are analyzed. To assist the Legislature in accomplishing this task, the Commissioner of Education is directed to convene a Task Force on Workforce Development to investigate issues related to Florida's job training and workforce development activities. After analyzing data and information related to the responsibilities outlined in this section, the task force shall report to the Commissioner of Education on or before October 1, 1997, on action necessary to effect timely implementation of workforce development

funding. Based on the task force report and in consultation with the Executive Director of the Postsecondary Education Planning Commission and the Executive Director of the State Board of Community Colleges, the Commissioner of Education shall report to the Legislature on or before November 1, 1997, a summary of the conclusions of the task force and recommended funding and substantive statutory changes if necessary. By January 1, 1998, the Commissioner of Education shall report to the Legislature a plan to implement the workforce development funding.

(1) The task force shall consist of members appointed by the Commissioner of Education who represent school districts and community colleges, and other members deemed appropriate by the commissioner, with a majority of the membership consisting of practitioners within the field. Task force members shall have working knowledge and expertise appropriate to the specific areas being investigated and must be at an appropriate level of decisionmaking authority related to programmatic concerns.

(2) The task force shall recommend an implementation plan that must include, but is not limited to, the assignment of appropriate funding mechanisms and weighting schemes, the identification of key elements of productivity for funding, and simulations of funding designs. Recommendations must be consistent with the performance measure requirements and the elements of productivity in the Workforce Florida Act of 1996. Necessary components in the plan include:

(a) Assessing and recommending to the Legislature a design for a unified student database consisting of a student data reporting system for the workforce development education system, including hardware, software, and protocol aspects within resources provided in the General Appropriations Act. The design must include new data analysis reports to analyze program performance, allow for program review, and determine how to allocate funds. For purposes of this section, a unified database means a single system that provides information for both school districts and community colleges, with common definitions and reporting formats and sequences. The task force may contract for system design services, as authorized in the appropriations act.

(b) In consultation with the Articulation Coordinating Committee, recommending any necessary modifications to curriculum frameworks to facilitate articulation and to assure maximum appropriate transferability of coursework. The modifications must be designed to create a uniform system of courses and common course numbers by redefining postsecondary vocational programs and standardizing program lengths.

(c) Providing a detailed vocational and adult general education program cost study to determine relative costs of the vocational and adult general programs in the community college and school district delivery systems.

(d) Conducting a program of staff development to disseminate information about changes and developments to staff of school districts, community colleges, the Department of Education, and the Legislature.

(e) Recommending administrative procedures and mechanisms to pay out, track, and account for funds assigned to the Workforce Education Development Fund. These procedures must include reports of expenditures, costs, disbursements, and audits.

(f) Recommending revised definitions, including, but not limited to, definitions of adult education, vocational education, career education, certificate programs, degree programs, workforce development education, occupational completion point, and workforce development programs.

(g) Assessing the merits of vocational education and its impact on students, business, and industry.

(h) Recommending student fee structures for adult and vocational programs provided by the community college and public school systems, if necessary.

(i) Recommending implementation procedures for adult and vocational education programs in conjunction with the repeal of the interinstitutional articulation agreements pursuant to section 239.109, Florida Statutes.

(j) Assessing the feasibility of consolidation of existing performance-based funding programs.

(k) Assessing the Associate in Applied Technology degree. Such assessment must include a report identifying those states with similar programs, and shall include, where practical, a comparative analysis of employment rates, employment retention rates, occupational areas, and salary ranges of graduates with similar degrees. A companion assessment will also report similar data for the Associate in Arts, Associate in Science, or comparative degrees, in those respective states.

(l) Providing a cost analysis of the Associate in Arts and the Associate in Science degrees.

(3) By January 1, 1998, the Commissioner of Education shall submit to the Legislature and the Governor an implementation plan containing:

(a) The products that implement the components described in subsection (2).

(b) A description of activities in progress and due dates for any other activities necessary for timely implementation.

(c) An identification of any additional action that would facilitate the effective and timely implementation of proposed recommendations.

(d) Recommended statutory and funding changes, based on data collected by the task force, if necessary. Such recommendations should consider any problematic components of the funding formula established for workforce development programs.

(4) The Department of Education, the State Board of Community Colleges, the 28 community colleges, and the 67 school districts shall provide

staff assistance and resources to assist the task force in preparing recommendations.

Section 2. For 1997-1998, a school district or community college is authorized to allocate funds provided in Specific Appropriation 144-G using locally determined performance measures.

Section 3. Section 239.116, Florida Statutes, is created to read:

239.116 Cost accounting and reporting for workforce education.—

(1) Each school district and each community college shall account for expenditures of all state, local, federal, and other funds in the manner prescribed by the Department of Education.

(2) Each school district and each community college shall report expenditures for workforce education in accordance with requirements prescribed by the Department of Education.

(3) The Department of Education, in cooperation with school districts and community colleges, shall develop and maintain a database of valid comparable information on workforce education which will meet both state and local needs.

Section 4. The Legislature hereby finds that the costs of building higher education facilities is excessive and unreasonable. The construction costs for some college facilities have been documented in excess of \$190 per square foot. It is the intent of the Legislature that the community colleges and state universities use due diligence and sound business practices in constructing their authorized facilities. The Legislature directs the State Board of Community Colleges and the Board of Regents to analyze the expenditure of funds from the Public Education Capital Outlay and Debt Service Trust Fund by the community colleges and state universities with the intention of reducing excessive costs, in total and on a per-square-foot basis. In addition, the boards shall develop cost standards that are reasonable and promote efficiency in construction, with a goal of achieving a maximum square-foot construction cost in the range of \$95 for classroom and similar facilities. By January 1, 1998, the findings of the analysis and the standards shall be reported to the Executive Office of the Governor, the Speaker of the House of Representatives, the President of the Senate, and the Minority Leaders of the House of Representatives and the Senate.

Section 5. Effective July 1, 1997, 4 full-time equivalent positions and \$221,980 from the General Revenue Fund are transferred within the Department of Education from the Division of Workforce Development to the Division of Community Colleges.

Section 6. Present paragraph (g) of subsection (1) of section 229.551, Florida Statutes, 1996 Supplement, is redesignated as paragraph (h) and a new paragraph (g) is added to that subsection to read:

229.551 Educational management.—

(1) The department is directed to identify all functions which under the provisions of this act contribute to, or comprise a part of, the state system of educational accountability and to establish within the department the necessary organizational structure, policies, and procedures for effectively coordinating such functions. Such policies and procedures shall clearly fix and delineate responsibilities for various aspects of the system and for overall coordination of the total system. The commissioner shall perform the following duties and functions:

(g) Expansion of the common course designation and numbering system to include the numbering and designation of college-credit postsecondary vocational courses and facilitate the transfer of credits between public schools and community colleges. The Articulation Coordinating Committee shall:

1. Adopt guidelines for the participation of public school districts and community colleges in offering college-credit courses that may be transferred to a certificate or degree program. These guidelines shall establish standards addressing faculty qualifications, admissions, program curricula, participation in the common course designation and numbering system, and other issues identified by the Task Force on Workforce Development and the Commissioner of Education. Guidelines should also address the role of accreditation in the designation of courses as transferable college credit. Such guidelines must not jeopardize the accreditation status of educational institutions and must be based on data related to the history of credit transfer among institutions in this state and others.

2. Conduct a study identifying postsecondary vocational programs offered by community colleges and public school districts. The study shall also identify postsecondary vocational courses designated as college-credit courses applicable toward a vocational degree. Such college-credit courses must be identified within the common course numbering and designation system.

3. Appoint faculty committees representing both community college and public school faculties to recommend a standard program length and appropriate occupational completion points for each postsecondary vocational certificate program and degree. A course designated as college-credit may be offered by a public school district or community college, provided the standards established in subparagraph 1. are met.

Section 7. Paragraph (a) of subsection (2) and paragraphs (a), (b), and (c) of subsection (4) of section 20.15, Florida Statutes, are amended to read:

20.15 Department of Education.—There is created a Department of Education.

(2)(a) The following divisions of the Department of Education are established:

1. Division of Community Colleges.
2. Division of Public Schools and Community Education.

3. Division of Universities.

4. Division of Workforce Development ~~Applied Technology and Adult Education~~.

5. Division of Human Resource Development.

(4) The State Board of Education and the Commissioner of Education:

(a) Shall assign to the Division of Public Schools and Community Education such powers, duties, responsibilities, and functions as are necessary to ensure the greatest possible coordination, efficiency, and effectiveness of education for students in prekindergarten through 12th grade, for secondary school vocational education, and for community education ~~kindergarten through 12th grade education~~.

(b) Shall assign to the Division of Workforce Development ~~Applied Technology and Adult Education~~ such powers, duties, responsibilities, and functions as are necessary to ensure the greatest possible coordination, efficiency, and effectiveness of workforce development ~~career and continuing~~ education.

(c) Shall assign to the State Board of Community Colleges such powers, duties, responsibilities, and functions as are necessary to ensure the coordination, efficiency, and effectiveness of community colleges, except those duties specifically assigned to the Commissioner of Education in ss. 229.512 and 229.551, ~~and the duties concerning physical facilities in chapter 235, and the duties assigned to the Division of Workforce Development in chapter 239.~~

Section 8. Subsection (2) of section 215.16, Florida Statutes, is amended to read:

215.16 Appropriations from General Revenue Fund for public schools, state institutions of higher learning, and community colleges; reduction.—

(2) If the state appropriations from the General Revenue Fund for the benefit of the uniform system of public free schools, state institutions of higher learning, and community colleges cannot be paid in full during any given year, they shall be diminished only in the same proportion that appropriations for all other purposes from the General Revenue Fund are diminished during such year. Additionally, any funding reductions to public free schools, state institutions of higher learning, and community colleges shall be diminished in proportions identical to one another. For the purpose of implementing this section, general revenue funds provided for public free schools, state institutions of higher learning, and community colleges shall be restricted to general revenue funds appropriated for the Division of Public Schools and Community Education, the Division of Workforce Development, the Division of Universities, excluding the general office of the Board of Regents, and the Division of Community Colleges, excluding the division office.

Section 9. Subsection (22) of section 228.041, Florida Statutes, 1996 Supplement, is amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(22) CAREER EDUCATION.—

(a) “Career education” is vocational education that provides instruction for the following purposes:

(a) At the elementary, middle, and secondary school levels, exploratory courses designed to give students initial exposure to a broad range of occupations to assist them in preparing their academic and occupational plans, and practical arts courses that provide generic skills that may apply to many occupations but are not designed to prepare students for entry into a specific occupation. Vocational and career instruction provided before high school completion must be designed to enhance both vocational and academic skills through integration with academic instruction.

(b) At the secondary school level, job-preparatory instruction in the competencies that prepare students for effective entry into an occupation, including diversified cooperative education, work experience, and job-entry programs that coordinate directed study and on-the-job training.

(c) At the postsecondary education level, courses of study that provide vocational competencies needed for entry into specific occupations or for advancement within an occupation. defined as meaning that instruction not necessarily leading to a baccalaureate degree, either graded or ungraded, listed below:

1.— Job-preparatory instruction in the minimum competencies necessary for effective entry into an occupation, including diversified cooperative education, work experience, and job-entry programs which coordinate directed study and on-the-job training;

2.— Exploratory courses designed to give students initial exposure to the skills and aptitudes associated with a broad range of occupations in order to assist them in making informed decisions regarding their future academic and occupational goals;

3.— Supplemental programs designed to enable persons who are or have been employed in an occupation to upgrade their competencies in order to reenter or maintain employment or advance within their current occupation;

4.— Practical arts courses designed to teach students practical generic skills which, though applicable to some occupations, are not designed to prepare students for entry into a specific occupation. Such courses may include, but may not be limited to, typing, industrial arts, and home economics; or

5.— Instruction which integrates the basic academic skills and vocational skills.

(b) —“Career education” programs:

1. —Should have social and economic value for every student by leading to a successful career.
2. —Should assist students in establishing life goals, making decisions about their future, and beginning the process of implementing such goals.
3. —Should enhance productivity and student earnings.
4. —Are essential for economic development and for producing better prepared students for a changing workforce.
5. —Shall provide equal access for exceptional students and for students who have limited English proficiency, or who are educationally or economically disadvantaged.

Section 10. Paragraph (a) of subsection (2) of section 231.614, Florida Statutes, is amended to read:

231.614 Inservice master plan for vocational educators; task force.—

(2)(a) The department shall coordinate the delivery of inservice education for vocational educators employed in school districts and community colleges in conjunction with the state universities, community colleges, and teacher education centers. A vocational inservice education task force shall be established for the purposes of this subsection. Such task force shall consist of 15 members who are jointly appointed by the Director of the Division of Workforce Development Applied Technology and Adult Education and the Director of the Division of Community Colleges. Membership on the task force shall consist of:

1. The Director of the Division of Workforce Development Applied Technology and Adult Education, or the director’s designee.
2. The Director of the Division of Community Colleges, or the director’s designee.
3. A vocational educator employed in a school district.
4. A vocational educator employed in a community college.
5. An adult educator employed in a school district.
6. An adult educator employed in a community college.
7. A teacher education center director.
8. A community college employee responsible for staff development.
9. A state university career education teacher educator.
10. A state university adult education teacher educator.
11. Five representatives of business and industry.

Section 11. Section 233.056, Florida Statutes, is amended to read:

233.056 Instructional programs for visually impaired students and deaf or hard-of-hearing students.—

(1) The Division of Public Schools and Community Education of the Department of Education is authorized to establish a coordinating unit and instructional materials center for visually impaired children and youth and deaf or hard-of-hearing children and youth to provide staff and resources for the coordination, cataloging, standardizing, producing, procuring, storing, and distributing of braille, large print, tangible apparatus, captioned films and video tapes, and other specialized educational materials needed by these students and other exceptional students. The coordinating unit shall have as its major purpose the improvement of instructional programs for visually impaired students and deaf or hard-of-hearing students and may, as a second priority, extend appropriate services to other exceptional students, consistent with provisions and criteria established, to the extent that resources are available.

(2) The unit shall be operated either directly by the Division of Public Schools and Community Education or through a contractual agreement with a local education agency, under rules adopted by the State Board of Education.

Section 12. Subsection (2) of section 233.0561, Florida Statutes, is amended to read:

233.0561 Literacy; blind persons.—

(2) LEGISLATIVE INTENT.—The Legislature recognizes that literacy is the foundation upon which students become employable, productive, and responsible citizens. The Legislature further recognizes that literacy is important for all students, regardless of their visual abilities. It is the intent of the Legislature that the provisions of this section be broadly construed to apply to elementary and secondary students, as well as adult basic, adult secondary, and ~~supplemental~~ vocational education students.

Section 13. Subsection (1) of section 235.15, Florida Statutes, is amended to read:

235.15 Educational plant survey; PECO project funding.—

(1) At least every 5 years, each board, including the Board of Regents, shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. Before educational plant survey of a school district or community college that delivers career or adult education programs, the Division of Workforce Development Applied Technology and Adult Education shall establish documentation of the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the education plant

survey. Information used by the Division of Workforce Development Applied Technology and Adult Education to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or community college. Each survey shall be conducted by the board or an agency employed by the board. Surveys shall be reviewed and approved by the board, and a file copy shall be submitted to the commissioner. The survey report shall include at least an inventory of existing educational and ancillary plants; recommendations for existing educational and ancillary plants; recommendations for new educational or ancillary plants, including the general location of each in coordination with the land use plan; campus master plan update and detail for community colleges; the utilization of school plants based on an extended school day or year-round operation; and such other information as may be required by the rules of the State Board of Education. This report may be amended, if conditions warrant, at the request of the board or commissioner. Relocatables shall be included in the school district inventory of facilities and must be rated at 100 percent of actual student capacity for purposes of the inventory. For future needs determination, relocatables shall not be counted. However, an adjustment shall be made for deficiencies in core space because of the use of portables. When required by the State Constitution, the department shall review the surveys and any amendments thereto for compliance with the requirements of this chapter and shall recommend those in compliance for approval by the State Board of Education.

Section 14. Paragraphs (c), (d), and (f) of subsection (1) and subsection (2) of section 235.199, Florida Statutes, are amended to read:

235.199 Cooperative funding of vocational educational facilities.—

(1) Each district school board operating a designated area technical center may submit, prior to August 1 of each year, a request to the commissioner for funds from the Public Education Capital Outlay and Debt Service Trust Fund to plan, construct, and equip a career educational facility identified as being critical to the economic development and the workforce needs of the school district. Prior to submitting a request, each school district shall:

(c) Certify to the Division of Workforce Development Applied Technology and Adult Education that the project has been survey recommended.

(d) Certify to the Division of Workforce Development Applied Technology and Adult Education that final phase III construction documents comply with applicable building codes and life safety codes.

(f) If a construction contract has not been signed 90 days after the advertising of bids, certify to the Division of Workforce Development Applied Technology and Adult Education and the department the cause for delay. Upon request, an additional 90 days may be granted by the commissioner.

(2) The Division of Workforce Development Applied Technology and Adult Education shall establish the need for additional career education programs and the continuation of existing programs before facility construction or renovation related to career education can be included in the educational plant survey. Information used by the Division of Workforce Develop-

~~ment Applied Technology and Adult Education~~ to establish facility needs shall include, but not be limited to, labor market needs analysis and information submitted by the school districts.

Section 15. Paragraph (a) of subsection (3) of section 235.435, Florida Statutes, is amended to read:

235.435 Funds for comprehensive educational plant needs.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(3)(a) Each district school board shall receive an amount from the Public Education Capital Outlay and Debt Service Trust Fund to be calculated by computing the capital outlay full-time equivalent membership as determined by the department. Such membership must include, but is not limited to:

1. K-12 students, except hospital and homebound part-time students; and

2. Students who are workforce development education certificate career education students, adult supplemental vocational students, adult basic students, adult secondary students, and adult disabled students and who are enrolled in school district technical adult career or adult general education centers. The capital outlay full-time equivalent membership shall be determined for kindergarten through the 12th grade and for vocational-technical centers by averaging the unweighted full-time equivalent student membership for the second and third surveys and comparing the results on a school-by-school basis with the Florida Inventory for School Houses. The capital outlay full-time equivalent membership by grade level organization shall be used in making the following calculations: The capital outlay full-time equivalent membership by grade level organization for the 1981-1982 fiscal year shall be computed as the base year. The capital outlay full-time equivalent membership by grade level organization for the 1984-1985 fiscal year shall be computed with the positive increase over the base year constituting growth. From the total amount appropriated by the Legislature pursuant to this subsection, 40 percent shall be allocated among the base capital outlay full-time equivalent membership and 60 percent among the growth capital outlay full-time equivalent membership. The allocation within each of these groups shall be prorated to the districts based upon each district's percentage of base and growth capital outlay full-time membership. The most recent 4-year capital outlay full-time equivalent membership data shall be used in each subsequent year's calculation for the allocation of funds pursuant to this subsection. If the growth capital outlay full-time equivalent membership for a district declines in any year used in their calculation after the initial allocation pursuant to this subsection, no allocation for growth capital outlay full-time equivalent membership shall be made for any subsequent year until the number of capital outlay full-time equivalent membership has exceeded the number for which an allocation has already been made. If a change, correction, or recomputation of data during any year results in a reduction or increase of the calculated amount previously allocated to a district, the allocation to that district shall be adjusted correspondingly. If such recomputation results in an increase or decrease of the

calculated amount, such additional or reduced amounts shall be added to or reduced from the district's future appropriations. However, no change, correction, or recomputation of data shall be made subsequent to 2 years following the initial annual allocation.

Section 16. Subsections (2), (3), (7), (13), (15), (16), (17), (18), (19), (20), (21), and (22) of section 239.105, Florida Statutes, are amended, and subsection (23) is added to that section, to read:

239.105 Definitions.—As used in this chapter, the term:

(2) “Adult general education” means a comprehensive program of adult basic education, adult secondary education, general educational development test instruction, and vocational-preparatory instruction, college-preparatory instruction, and lifelong learning programs.

(3) “Adult secondary education” means courses through which a person receives high school credit that leads to the award of a high school diploma or courses programs of instruction through which a student prepares to take the general educational development test.

(7) “Community education” means the use of a school or other public facility as a community center operated in conjunction with other public, private, and governmental organizations for the purpose of providing educational, recreational, social, cultural, health, and community services for persons in the community in accordance with the needs, interests, and concerns of that community, including lifelong learning.

(13) “Local educational agency” means a community college or school district the agency responsible for administration of adult education or career education, or both, within a vocational region. Such agency must be one or more school boards or a board of trustees of a public community college, or both.

(15) “Certificate vocational education program” means a course of study that leads to at least one occupational completion point. The program may also confer credit that may articulate with a degree career education program, if authorized by rules of the Department of Education. Any college-credit instruction designed to articulate to a degree program is subject to guidelines and standards adopted by the Articulation Coordinating Committee pursuant to s. 229.551(1)(g). The term is interchangeable with the term “certificate career education program.” “~~Certificate career education program~~” means ~~job-preparatory programs, excluding supplemental vocational instruction, through which a student receives a vocational certificate upon the completion of instruction.~~

(16) “Degree vocational education program” means a course of study that leads to an associate in applied technology degree or an associate in science degree. A degree vocational education program may contain within it one or more occupational completion points and may lead to certificates within the course of study. The term is interchangeable with the term “degree career education program.” “~~Degree career education program~~” means ~~college~~

~~credit, job-preparatory programs, excluding supplemental vocational instruction, through which a student receives an associate in science degree upon the completion of instruction.~~

(17) “Occupational completion point” means the vocational competencies that qualify a person to enter an occupation that is linked to a vocational program.

~~(18)~~⁽¹⁷⁾ “Prose literacy” means the demonstration of competence in reading and interpreting materials such as newspapers, magazines, and books.

~~(19)~~⁽¹⁸⁾ “Quantitative literacy” means the demonstration of competence in the application of arithmetic operations to materials such as loan documents, sale advertisements, order forms, and checking accounts.

~~(19) “Supplemental vocational” means courses conducted to enhance or upgrade the occupation-related skills of a person currently employed in that occupation or a person formerly employed in that occupation who seeks occupational reentry. A student who is employed, but who enrolls in a job-related component of a sequential program of studies may be considered job preparatory, rather than supplemental, if the student may be calculated as an enrollment pursuant to s. 239.233 and if the component or components in which the student enrolls have not been previously taken by that student.~~

(20) “Vocational Career education planning region” means the geographic area in which career or adult education is provided. Each vocational region is contiguous with one of the 28 community college service areas. The term may be used interchangeably with the term “career education planning region.”

(21) “Vocational-preparatory instruction” means adult general education instruction through which persons attain academic skills at the level of functional literacy or higher so that such persons may pursue certificate career education or higher-level career education.

(22) “Workforce literacy” means the basic skills necessary to perform in entry-level occupations or the skills necessary to adapt to technological advances in the workplace.

(23) “Workforce development education” means adult general education or vocational education and may consist of a single course or a course of study leading to an occupational completion point, a vocational certificate, an associate in applied technology degree, or an associate in science degree.

Section 17. Section 239.113, Florida Statutes, is amended to read:

239.113 Registration of adult students.—Each school district and community college shall maintain sufficient information for each student enrolled in workforce development education or adult, certificate career education, lifelong learning courses, or supplemental vocational programs to allow local and state administrators to locate such student upon the termination of instruction and to determine the appropriateness of student placement in specific instructional programs. The State Board for Career Education shall

adopt, in rule, specific information that must be maintained and acceptable means of maintaining that information.

Section 18. Section 239.115, Florida Statutes, is created to read:

239.115 Funds for operation of adult general education and vocational education programs.—

(1) As used in this section, the terms “workforce development education” and “workforce development program” include:

(a) Adult general education programs designed to improve the employability skills of the state’s workforce through adult basic education, adult secondary education, GED preparation, and vocational preparatory education;

(b) Certificate vocational education programs, including courses that lead to an occupational completion point within a program that terminates in either a certificate or a degree;

(c) Degree vocational education programs that lead to an associate in applied technology degree or an associate in science degree; and

(d) Apprenticeship programs as defined in s. 446.021.

(2) Any workforce development education program may be conducted by a community college or a school district, except that an associate in science degree may be awarded only by a community college. However, if an associate in science degree program contains within it an occupational completion point that confers a certificate or an associate in applied technology degree, that portion of the program may be conducted by a school district technical center. Any college-credit instruction designed to articulate to a degree program is subject to guidelines and standards adopted by the Articulation Coordinating Committee pursuant to s. 229.551(1)(g).

(3) If a program for disabled adults pursuant to s. 239.301 is a workforce development program as defined in this section or s. 239.115 it must be funded as provided in this section.

(4) The Florida Workforce Development Education Fund is created to provide performance-based funding for all workforce development programs, whether the programs are offered by a school district or a community college. Funding for all workforce development education programs must be from the Workforce Development Education Fund and must be based on cost categories, performance output measures, and performance outcome measures. This subsection takes effect July 1, 1998.

(a) The cost categories must be calculated to identify high-cost programs, medium-cost programs, and low-cost programs. The cost analysis used to calculate and assign a course of study to a cost category must include at least both direct and indirect instructional costs, consumable supplies, equipment, and optimum program length.

(b)1. The performance output measure for a vocational education course of study is student completion of a single course; a program that leads to an occupational completion point associated with a certificate; an apprenticeship program; or a program that leads to an associate in applied technology degree or an associate in science degree.

2. The performance output measure for an adult general education course of study is measurable improvement in student skills.

(c) The performance outcome measures are associated with placement of students after completion of a course of study. These measures include placement in employment that is related to the course of study; placement into employment in an occupation on the Occupational Forecasting Conference list of high-wage, high-skill occupations with sufficient openings; placement of WAGES clients or former WAGES clients; and retention in employment of former WAGES clients. Placement must be reported pursuant to ss. 229.8075 and 239.233.

(5) Initial state funding is generated by student enrollment in a course of study. When the student completes the course of study or the program, the agency may collect the remaining state funding. This subsection takes effect July 1, 1998.

(6) The total state funding entitlement for each course of study is determined by its length, the output measures, and its cost category. The district cost differential, as established annually in the General Appropriations Act, must be applied to the appropriation for the workforce development education fund.

(a)1. For a course that does not result in an occupational completion point, state funding equals 50 percent of the cost of the course, with student fees, business support, quick response training funds, or other means making up the remaining 50 percent.

2. For a program that results in an occupational completion point, an educational agency may collect 100 percent of the cost of the program, with 85 percent generated from a combination of student fees and state support during a student's enrollment, and the remaining 15 percent generated upon the student's reaching an occupational completion point or completing the program.

(b) Student output measures for adult education instruction consist of improvement in literacy skills, grade-level improvement as measured by an approved test, or attainment of a general education development diploma or an adult high school diploma.

(c) The cost category of a course that is part of a vocational program or an adult general education program is the same as that of the program. This subsection takes effect July 1, 1998.

(7) When a student reaches an occupational completion point or completes a program, the educational agency shall first collect the remainder of the total state funding entitlement and may be eligible for additional incen-

tive funds generated by student outcome measures. However, the total funding earned by an educational agency under the formula, including state funding and student fees, may not exceed 125 percent of the calculated program cost. Any funds earned in excess of program cost must be expended to improve the program. This subsection takes effect July 1, 1998.

(8) For each course of study, an educational agency that serves students in workforce education programs shall submit an enrollment count each semester, which shall replace the full-time-equivalent student enrollment used by the Florida Education Finance Program and the enrollment calculation used by the Community College Program Fund. The Division of Workforce Development shall calculate the funding entitlement for that semester by a date established by the Department of Education. This subsection takes effect July 1, 1998.

(9) A school district or a community college that provides workforce development education shall receive initial funding for each student in the semester in which the student enrolls. During each subsequent semester, a funding entitlement shall be calculated for each student by subtracting the student fee amount from the total funding amount for the course of study in its assigned cost category. The semester funding amount is 85 percent of the cost of the program, including student fees, divided by the number of semesters in the course of study. When a student reaches an occupational completion point or completes a course, the educational agency shall collect the difference between the total state funding entitlement and the amount in state funding already paid. A student may not generate funding for any semester in which the student is not enrolled. This subsection takes effect July 1, 1998.

(10) A high school student dually enrolled under s. 240.116 in a workforce development program operated by a community college or school district technical center generates the amount calculated by the Workforce Development Education Fund, including any payment of performance incentives, and the proportional share of full-time-equivalent enrollment generated through the Florida Education Finance Program for the student's enrollment in a high school. If a high school student is dually enrolled in a community college program, including a program conducted at a high school, the community college earns the funds generated through the Workforce Development Education Fund and the school district earns the proportional share of full-time-equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a technical center operated by the same district as the district in which the student attends high school, that district earns the funds generated through the Workforce Development Education Fund and also earns the proportional share of full-time-equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a workforce development program provided by a technical center operated by a different school district, the funds must be divided between the two school districts proportionally from the two funding sources. A student may not be reported for funding in a dual enrollment workforce development program unless the student has completed the basic skills assessment pursuant to s. 239.213.

(11) The Department of Education may adopt rules to administer this section.

Section 19. Section 239.117, Florida Statutes, 1996 Supplement, is amended to read:

239.117 Postsecondary student fees.—

(1) This section applies to students enrolled in workforce development programs, including programs and courses leading to an associate in applied technology degree or an associate in science degree adult basic, adult secondary, vocational-preparatory, college-preparatory, lifelong learning, certificate career education, community education, supplemental vocational, or other adult general education programs who are reported for funding through the Workforce Development Education Fund Florida Education Finance Program or Community College Program Fund.

(2) All students shall be charged fees except students who are exempt from fees or students whose fees are waived.

(3)(2) The following students are exempt from any requirement for the payment of registration, matriculation, and laboratory fees for adult basic, adult secondary, or vocational preparatory instruction:

(a) A student who does not have a high school diploma or its equivalent and who is enrolled in adult basic, adult secondary, or vocational-preparatory instruction.

(b) A student who has a high school diploma or its equivalent, who is enrolled in adult basic, adult secondary, or vocational-preparatory instruction, and who has academic skills at or below the eighth grade level pursuant to state board rule. A student is eligible for this exemption from fees if the student's skills are at or below the eighth grade level as measured by a test administered in the English language and approved by the Department of Education, even if the student has skills above that level when tested in the student's native language.

(4) The following students are exempt from the payment of registration, matriculation, and laboratory fees:

(a)(c) A student enrolled in a dual enrollment or early admission program pursuant to s. 239.241. Fee-exempt instruction provided at community colleges pursuant to this subsection generates an additional one-fourth of a full-time equivalent enrollment.

(b)(d) A student enrolled in an approved apprenticeship program, as defined in s. 446.021.

(c)(e) A student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or pursuant to parts III and V of chapter 39 for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living. Such exemption includes fees associated with enrollment in college-preparatory instruction and comple-

tion of the college-level communication and computation skills testing program.

~~(d)(f)~~ A student enrolled in an employment and training program under the WAGES Program. Such a student may receive a fee exemption only if the student applies for and does not receive student financial aid, including Job Training Partnership Act or Family Support Act funds. Schools and community colleges shall help such students apply for financial aid, but may not deny such students program participation during the financial aid application process. Such a student may not be required to incur debt within the financial aid package. ~~Fee-exempt instruction provided at community colleges pursuant to this subsection generates an additional one-fourth of a full-time equivalent enrollment.~~

~~(e)(g)~~ A student who lacks a fixed, regular, and adequate nighttime residence or whose primary nighttime residence is a public or private shelter designed to provide temporary residence for individuals intended to be institutionalized, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

~~(5)(3)~~ Fees shall be charged for students not exempted from the payment of fees in this section. School districts and community colleges may waive fees for any fee-nonexempt student. The total value of fee waivers granted by the school district or community college may not exceed the amount established annually in the General Appropriations Act. Any student whose fees are waived in excess of the authorized amount may shall not be reported included in calculations of full-time equivalent enrollments for state funding purposes. Any school district or community college that waives fees and requests state funding for a student in violation of the provisions of this section shall be penalized at a rate equal to 2 times the value of the full-time student enrollment reported. ~~Such penalty shall be charged against the following year's allocation from the Florida Education Finance Program or the Community College Program Fund.~~

~~(6)(4)(a)~~ The Commissioner of Education shall recommend to the State Board of Education no later than December 31 of each year a schedule of fees for workforce development education certificate career education, lifelong learning, and supplemental vocational courses and programs conducted by district school boards. The fee schedule shall be based on the amount of student fees necessary to produce 25 40 percent of the prior year's cost of a course of study leading to a certificate or degree and 50 percent of the prior year's cost of a course that does not lead to an occupational completion point certificate career education and vocational preparatory programs and 25 percent of the prior year's cost of supplemental vocational programs. At the discretion of a school board or a community college, this fee schedule may be implemented over a 3-year period, with full implementation in the 1999-2000 school year. In years preceding that year, if fee increases are necessary for some programs or courses, the fees shall be raised in increments designed to lessen their impact upon students already enrolled. The fee schedule for lifelong learning programs shall be based on student fees and non-state funds necessary to produce 50 percent of the prior year's cost of lifelong learning programs. State funds may not exceed 50 percent of the prior year's

cost of lifelong learning programs. The recommended annual increase in fees may not exceed 10 percent for students who are residents for tuition purposes. Fees for students who are not residents for tuition purposes must offset the full cost of instruction.

(b) The State Board of Education shall adopt a fee schedule for school districts that produces the fee revenues calculated pursuant to paragraph (a). The schedule so calculated shall take effect, unless otherwise specified in the General Appropriations Act. ~~If the Legislature enacts a calculation different than that adopted by the state board, the state board shall adopt a fee schedule that generates the same revenues as the calculation contained in the General Appropriations Act.~~

(c) The State Board of Education shall adopt, by rule, the definitions and procedures that school boards shall use in the calculation of cost borne by students. Such rule must define the cost of educational programs as the product of semester enrollment counts times the average instructional cost for the course of study, divided by the number of semesters in the course of study. ~~A course of study is a single course or a series of two or more courses leading to an occupational completion point, an associate in applied technology degree, or an associate in science degree. the base student allocation times the program cost factor times the full-time equivalent enrollment in the programs.~~ The rule shall be developed in consultation with the Legislature.

~~(7)(5)(a) Each year the State Board of Community Colleges shall review and evaluate the percentage of the cost of adult programs and certificate career education programs supported through student fees. If this review indicates that student fees generate less than the percentage targeted for the program, the State Board of Community Colleges shall adopt a schedule of fee increases by December 31 for the following fall semester. For students who are residents for tuition purposes, the schedule so adopted must produce revenues equal to 25 percent of the prior year's program cost for work-force development programs that lead to an occupational completion point and 50 percent of the prior year's cost for student enrollment in a single course of study not leading to a certificate or degree college preparatory and supplemental vocational programs and 10 percent of the prior year's program cost for certificate career education and vocational preparatory programs. The fee schedule for lifelong learning programs shall be based on student fees and nonstate funds necessary to produce 50 percent of the prior year's cost of lifelong learning programs. State funds may not exceed 50 percent of the prior year's cost of lifelong learning programs. The state board may not increase fees more than 10 percent for students who are residents for tuition purposes. Unless otherwise specified in the General Appropriations Act, the fee schedule shall take effect and the college shall expend student fees on instruction. If the Legislature enacts a calculation different than that adopted by the state board, the state board shall adopt a fee schedule that generates the same revenues as the calculation contained in the General Appropriations Act. Each community college board of trustees shall establish matriculation, tuition, and noncredit fees that may vary no more than 10 percent from the schedule approved by the State Board of~~

Education. Fees for students who are not residents for tuition purposes must offset the full cost of instruction.

~~(b) Students enrolled in college preparatory instruction shall pay fees equal to the fees charged for college credit courses. Students enrolled in the same college preparatory skill area more than two times shall pay fees at 100 percent of the direct instructional cost; however, each community college shall have the authority to review and reduce such payment on an individual basis, contingent upon a student's financial hardship, pursuant to definitions and fee levels established by the State Board of Community Colleges. Fee-nonexempt students enrolled in vocational preparatory instruction shall be charged fees equal to the fees charged for certificate career education instruction. Each community college that conducts college preparatory and vocational preparatory instruction in the same class section may charge a single fee for both types of instruction.~~

~~(6) Total fees collected annually for recreation and leisure courses must be at least equal to the full cost of providing such programs by a school district or community college. Fees collected in excess of the total cost of the recreation and leisure program may be transferred to other instructional programs.~~

~~(8)(7) Each school board and community college board of trustees may collect, for financial aid purposes, up to an additional 10 5 percent of the student fees collected for workforce development certificate career education and supplemental vocational courses and programs. All fees collected shall be deposited into the student financial aid fee trust fund of the district or community college. ~~Of the fees collected annually, a minimum of 25 percent shall be invested pursuant to the provisions of s. 18.125.~~ Any undisbursed balance remaining in the trust fund and interest income accruing to investments from the trust fund shall increase the total funds available for distribution to certificate career education and supplemental vocational students. Awards shall be based on student financial need and distributed in accordance with a nationally recognized system of need analysis approved by the State Board for Career Education. Fees collected pursuant to this subsection shall be allocated in an expeditious manner.~~

~~(9)(8) A district school board or a districts and community college board of trustees colleges may charge other fees only as authorized by rule of the State Board of Education or the State Board of Community Colleges.~~

~~(10)(9) The State Board of Education and the State Board of Community Colleges shall adopt rules to allow the deferral of registration and tuition fees for students receiving financial aid from a federal or state assistance program when such aid is delayed in being transmitted to the student through circumstances beyond the control of the student. The failure to make timely application for such aid is an insufficient reason to receive a deferral of fees. The rules must provide for the enforcement and collection or other settlement of delinquent accounts.~~

~~(11)(10) Any veteran or other eligible student who receives benefits under chapter 30, chapter 31, chapter 32, chapter 34, or chapter 35 of Title 38, U.S.C., or chapter 106 of Title 10, U.S.C., is entitled to one deferment~~

each academic year and an additional deferment each time there is a delay in the receipt of benefits.

(12)(11) Each school district and community college shall be responsible for collecting all deferred fees. If a school district or community college has not collected a deferred fee, the student may not earn state funding full-time equivalent enrollment for any course for which the student subsequently registers until the fee has been paid.

(13)(12) Any school district or community college that reports students who have not paid fees in an approved manner in calculations of full-time equivalent enrollments for state funding purposes shall be penalized at a rate equal to 2 times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the Florida Workforce Development Education Fund ~~Education Finance Program~~ or the Community College Program Fund and shall revert to the General Revenue Fund. The State Board of Education shall specify, in rule, approved methods of student fee payment. Such methods must include, but need not be limited to, student fee payment; payment through federal, state, or institutional financial aid; and employer fee payments.

(14)(13) Each school district and community college shall report only those students who have actually enrolled in instruction provided or supervised by instructional personnel under contract with the district or community college in calculations of actual full-time enrollments for state funding purposes. A student who has been exempted from taking a course or who has been granted academic or vocational credit through means other than actual coursework completed at the granting institution may not be calculated for enrollment in the course from which the student has been exempted or for which the student has been granted credit. School districts and community colleges that report enrollments in violation of this subsection shall be penalized at a rate equal to 2 times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the Workforce Development Education Fund ~~Florida Education Finance Program~~ or the ~~Community College Program Fund~~ and shall revert to the General Revenue Fund.

(15)(14) School boards and community college boards of trustees may establish scholarship funds using donations. If such funds are established, school boards and community college boards of trustees shall adopt rules that provide for the criteria and methods for awarding scholarships from the fund.

(16)(15) School boards and community college boards of trustees may establish, by rule, a consumable supply fee for postsecondary students enrolled in certificate career education or supplemental courses.

(17)(16) Each school board and community college board of trustees may establish a separate fee for capital improvements, technology enhancements, or equipping buildings which may not exceed 5 percent of the matriculation fee for resident students or 5 percent of the matriculation and tuition fee for nonresident students. Funds collected through these fees may not be bonded. The fee shall be collected as a component part of the registration and

tuition fees, paid into a separate account, and expended only to maintain, improve, equip, or enhance the certificate career education or adult education facilities of the school district or community college. Projects funded through the use of the capital improvement fee must meet the survey and construction requirements of chapter 235. Pursuant to s. 216.0158, each school board and community college board of trustees shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee. A maximum of 15 cents per credit hour may be allocated from the capital improvement fee for child care centers conducted by the school board or community college board of trustees.

Section 20. Section 239.201, Florida Statutes, is amended to read:

239.201 Career education instruction.—

~~(1) The State Board for Career Education shall adopt rules that provide for certificate career education instruction in each vocational planning region. The provisions of this section are not intended to contradict or supersede the provision of such programs pursuant to existing interinstitutional articulation agreements between school boards and community college boards of trustees or to authorize the duplication of programs currently in existence within a region. Pursuant to such rules, one or more school districts or community colleges may jointly implement the provisions of this section.~~

~~(1)(2)~~ Adult or certificate career education instruction shall be available to all persons in the region, regardless of previous academic attainment. School boards, community college boards of trustees, and local social service agencies shall cooperate to recruit unemployed and underemployed persons into such programs.

~~(2)(3)~~ The minimum support from the school district or community college for career education shall be at least in the amount of local, state, and federal funds that the career education programs earn. Local funds consist of ~~shall include, but not be limited to,~~ millage collected for the purpose of satisfying required local effort and fee revenues generated by students enrolled in workforce development programs ~~certificate career education and supplemental career education courses and programs.~~ From the funds provided pursuant to this subsection, school boards shall expend a minimum of 80 percent on aggregate school costs. Any school board that expends less than 80 percent of the required funds shall have funding withheld from the subsequent appropriation in the same amount as the total underexpenditure; however, in the subsequent year allocation, the school board shall restore the required funds to the previously underfunded programs. The school district or community college shall indicate the expenditure of such funds in an identifiable manner pursuant to rules of the State Board for Career Education.

Section 21. Paragraphs (b), (c), and (d) of subsection (2) of section 239.229, Florida Statutes, are amended to read:

239.229 Vocational standards.—

(2)

(b) School board, superintendent, and area technical center, and community college board of trustees and president accountability for certificate career education programs includes, but is not limited to:

1. Student demonstration of the academic skills necessary to enter an occupation.
2. Student preparation to enter an occupation in an entry-level position or continue postsecondary study.
3. Vocational program articulation with other corresponding postsecondary programs.
4. Employer satisfaction with the performance of students who reach occupational completion points ~~vocational program completers~~.
5. Student completion and placement rates as defined in s. 239.233.

~~(c) School board, superintendent, and area technical center, and community college board of trustees and president accountability for supplemental vocational programs includes, but is not limited to:~~

- ~~1. Student maintenance of employment.~~
- ~~2. Student satisfaction or employer satisfaction, or both, with the supplemental instruction.~~

~~(c)(d)~~ Department of Education accountability for career education includes, but is not limited to:

1. The provision of timely, accurate technical assistance to school districts and community colleges.
2. The provision of timely, accurate information to the State Board for Career Education, the Legislature, and the public.
3. The development of policies, rules, and procedures that facilitate institutional attainment of the accountability standards and coordinate the efforts of all divisions within the department.
4. Overseeing school district and community college compliance with the provisions of this chapter.

5. The educational outcomes for the technical component of the associate in science degree, the associate in applied technology degree, and secondary vocational job-preparatory programs shall be uniform and designed to provide a graduate of high quality who is capable of entering the workforce on an equally competitive basis regardless of the institution of choice.

Section 22. Subsections (2) and (3) of section 239.249, Florida Statutes, 1996 Supplement, are amended to read:

239.249 Market-driven, performance-based incentive funding for vocational and technical education programs.—

(2) The Jobs and Education Partnership shall provide oversight and advice to improve the outcomes of courses and programs designed for workforce development ~~associate in science degree education and certificate technical education~~ provided by public school districts and community colleges. Annually, the partnership shall make recommendations to the State Board of Education and the Legislature regarding grant programs and funding incentives designed to improve vocational and technical education programs.

(3) In any year in which the Legislature designates funds for performance-based incentive funding for vocational and technical education programs provided by school districts or community colleges, the Division of Workforce Development ~~Applied Technology and Adult Education and the Division of Community Colleges~~ shall provide the Jobs and Education Partnership with recommended formulae, criteria, timeframes, and mechanisms for distributing funds. The partnership shall adopt a formula and advise the Division of Community Colleges and the Division of Workforce Development ~~Applied Technology and Adult Education~~ of the expected incentive award earnings of school districts or colleges. The partnership shall base these calculations on formulae that would provide incentive awards or grants for:

(a) Programs that prepare people to enter high-wage occupations identified by the Occupational Forecasting Conference created by s. 216.136 and other programs as approved by the Jobs and Education Partnership. Local school district superintendents, community college presidents, and private industry councils shall receive the Occupational Forecasting Conference results for their respective geographic areas to assess local applicability. At a minimum, performance incentives shall be calculated for people who complete programs that lead to specified high-wage employment and their placement in that employment. Leavers with marketable skills may also be calculated for the purposes of this paragraph. Baseline information for these calculations shall be based upon institutional information compiled by the Florida Education and Training Placement Information Program for the 1992-1993 school year. The baseline information calculated for the purposes of this paragraph shall be adjusted for a 3-percent annual increase in productivity beginning in 1995-1996.

(b) Programs that successfully prepare people who are eligible for public assistance, economically disadvantaged, disabled, not proficient in English, or dislocated workers for high-wage occupations. At a minimum, performance incentives shall be calculated for the enrollment of people identified in this paragraph, completion of such people, and placement of such people upon program completion. Leavers with marketable skills may also be calculated for the purposes of this paragraph. Baseline information for these calculations shall be based upon institutional information compiled by the Florida Education and Training Placement Information Program for the 1992-1993 school year. The baseline information calculated for the purposes of this paragraph shall be adjusted for a 3-percent annual increase in productivity beginning in 1995-1996.

(c) Programs identified by the Jobs and Education Partnership as increasing the effectiveness and cost-efficiency of education.

Section 23. Subsection (4), paragraphs (a) and (c) of subsection (5), and paragraphs (a) and (d) of subsection (6) of section 239.301, Florida Statutes, 1996 Supplement, are amended to read:

239.301 Adult general education.—

~~(4) Both community colleges and school districts may conduct adult basic and secondary and vocational-preparatory courses within the same service area. Any state university in which the percentage of incoming students who require college-preparatory instruction equals or exceeds 25 percent may conduct college-preparatory instruction. Area technical centers and community colleges may contract with each other for the provision of vocational-preparatory instruction.~~

~~(5)(a) Adult basic and secondary education and, vocational-preparatory, college-preparatory, and lifelong learning courses shall be evaluated and funded as provided in s. 239.115 distinct programs. The annual allocation to finance adult education in each school district and community college shall be determined in accordance with ss. 236.081 and 240.359, respectively.~~

(c) The State Board of Education shall define, by rule, the levels and courses of instruction to be funded through the college-preparatory program. The state board shall coordinate the establishment of costs for college-preparatory courses, the establishment of statewide standards that define required levels of competence, acceptable rates of student progress, and the maximum amount of time to be allowed for completion of college-preparatory instruction. College-preparatory instruction is part of an associate-in-arts degree program and may not be funded as a workforce development education program.

(6)(a) An educational program for disabled adults may be conducted within and funded through the Workforce Development Education Fund or the Community College Program Fund ~~adult basic, adult secondary, certificate career education, supplemental vocational, and vocational-preparatory programs.~~ Each school board or community college board of trustees that has an educational program for disabled adults shall submit a plan to the commissioner which includes, at a minimum:

1. A description of the population to be served and an estimation of the number of such students.

2. A description of the courses and programs in the program, including corresponding expected student outcomes.

3. Provision for individualized educational plans and periodic student evaluation.

4. An interagency memorandum of agreement that provides for the coordination of adult education, career education, exceptional student education, the Department of Children and Family Health and Rehabilitative

Services, vocational rehabilitation, and other local organizations whose adult disabled clients participate in the program.

5. Provision for coordination of services, if both the community college and one or more school districts within the service area have approved programs for disabled adults.

6. Provision for a single administrator for adult courses and programs for the disabled.

(d) This subsection is not intended to discourage a school district or community college from providing educational services for disabled adults through classes in which nondisabled adults participate; however, in order to receive state funding designated especially for the program pursuant to s. 236.081(1)(h) or s. 240.359, a school district or community college must have an approved program for adult, disabled students, and each student reported for funding pursuant to this subsection must have been determined to be a disabled adult.

Section 24. Subsection (1) of section 240.118, Florida Statutes, is amended to read:

240.118 Postsecondary feedback of information to high schools.—

(1) ~~On or before January 1, 1994,~~ The State Board of Education shall adopt rules that require the Commissioner of Education to report to the State Board of Education, the Legislature, and the school districts on the performance of each first-time-in-postsecondary education student from each public high school in this state who is enrolled in a university, community college, or public technical center ~~degree career education school~~. Such reports must ~~shall~~ be based on information databases maintained by the Division of Universities, Division of Community Colleges, and Division of Workforce Development Applied Technology and Adult Education. In addition, the universities, community colleges, and technical centers ~~degree career education schools~~ shall provide school districts access to information on student performance in regular and preparatory courses and shall indicate students referred for remediation pursuant to s. 240.117 or s. 239.213.

Section 25. Subsection (8) of section 240.147, Florida Statutes, is amended to read:

240.147 Powers and duties of the commission.—The commission shall:

(8) Recommend to the State Board of Education and the Legislature the establishment of additional branch campuses of public postsecondary educational institutions. A ~~No~~ branch campus may not be established without a review by the commission and formal authorization by the Legislature. Any community college branch campus established to provide only exploratory, occupational proficiency, job-preparatory, and supplemental vocational and technical instruction must be reviewed and recommended again by the commission and receive specific authorization by the Legislature before expanding its instructional offerings to the college parallel program area.

Section 26. Subsection (1), paragraph (b) of subsection (3), paragraph (b) of subsection (4), and paragraph (a) of subsection (5) of section 240.301, Florida Statutes, are amended to read:

240.301 Community colleges; definition, mission, and responsibilities.—

(1) State community colleges shall consist of all public educational institutions operated by community college district boards of trustees under statutory authority and rules of the State Board of Education and the State Board of Community Colleges. A community college may ~~provide~~ provide ~~be authorized by the State Board of Education to operate a department designated as an area career education school. A community college may be authorized by the State Board of Education, or through an agreement with a local school board, to be the designated provider in the service district of adult education services, including adult basic education, adult general education, adult secondary education, and general educational development test instruction.~~ The state community colleges are locally based and governed entities with statutory and funding ties to state government. As such, the community colleges' mission reflects a commitment to be responsive to local educational needs and challenges. In achieving this mission, the colleges strive to maintain sufficient local authority and flexibility while preserving appropriate legal accountability to the state.

(3) The primary mission and responsibility of public community colleges is responding to community needs for postsecondary academic education and degree career education. This mission and responsibility includes being responsible for:

(b) Preparing students directly for vocations requiring less than baccalaureate degrees. This may include preparing for job entry, supplementing of skills and knowledge, and responding to needs in new areas of technology. Career education in the community college shall consist of certificate career education programs leading to certificates for occupational completion points, credit courses leading to associate in science degrees and associate in applied technology degrees, and other programs in fields requiring substantial academic work, background, or qualifications. A community college may offer vocational programs in fields having lesser academic or technical requirements ~~if it is designated by the State Board of Education as an area vocational school or if such programs are coordinated with the local school district through an agreement with the school board.~~

(4) A separate and secondary role for community colleges includes the offering of programs in:

(b) Adult general ~~precollege~~ education, ~~when authorized.~~

(5) Funding for community colleges shall reflect their mission as follows:

(a) Postsecondary academic and vocational ~~degree career~~ education programs and, ~~when assigned to community colleges,~~ adult general ~~precollege~~ education programs shall have first priority in community college funding.

Section 27. Subsection (1) of section 240.345, Florida Statutes, is amended to read:

240.345 Financial support of community colleges.—

(1) STATE SUPPORT OF COMMUNITY COLLEGES.—Each community college ~~that which~~ has been approved by the Department of Education and meets the requirements of law and regulations of the State Board of Education shall participate in the state community college program fund. However, funds to support workforce development programs conducted by community colleges shall be provided by the Workforce Development Education Fund pursuant to s. 239.115.

Section 28. Section 240.35, Florida Statutes, 1996 Supplement, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction leading to an associate degree, including college preparatory courses defined in s. 239.105.

(1) The State Board of Community Colleges shall establish the matriculation and tuition fees for credit instruction which ~~that~~ may be counted toward an associate ~~or higher~~ degree. This instruction includes advanced programs and, professional programs, ~~and degree career education programs.~~

(2)(a) Any student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or parts III and V of chapter 39, for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living, is exempt from the payment of all undergraduate fees, including fees associated with enrollment in college-preparatory instruction or completion of the college-level communication and computation skills testing program. Before a fee exemption can be given, the student shall have applied for and been denied financial aid, pursuant to s. 240.404, which would have provided, at a minimum, payment of all student fees.

(b) Any student qualifying for a fee exemption under this subsection shall receive such an exemption for not more than 2 consecutive years or 4 semesters, unless the student is participating in college-preparatory instruction or requires additional time to complete the college-level communication and computation skills testing program. Such a student is eligible to receive a fee exemption for a maximum of 3 consecutive years or 6 semesters.

(c) As a condition for continued fee exemption, a student shall earn a grade point average of at least 2.0 on a 4.0 scale for the previous term, maintain at least an overall 2.0 average for college work, or have an average below 2.0 for only the previous term and be eligible for continued enrollment in the institution.

(3) Students enrolled in dual enrollment and early admission programs pursuant to s. 240.116 and students enrolled ~~in employment and training programs~~ under the WAGES Program are exempt from the payment of registration, matriculation, and laboratory fees; however, such students may not be included within calculations of fee-waived enrollments. Students enrolled in programs under the WAGES Program shall be granted a fee

exemption only if they have applied for student financial aid including Job Training Partnership Act or Family Support Act funds and did not receive financial assistance. Colleges shall assist these students in applying for financial aid, and these students may not be denied participation in programs during the application process for financial aid. These students may not be required to obtain loans as a part of their financial aid package. ~~Fee-exempt instruction provided pursuant to this subsection shall generate an additional one-fourth full-time equivalent enrollment.~~

(4)(a) Fees shall be waived for certain members of the active Florida National Guard pursuant to s. 250.10(7) ~~the provisions of s. 250.10(6).~~

(b) Community colleges may waive fees for any fee-nonexempt student. A student whose fees are waived in excess of the amount authorized annually in the General Appropriations Act may not be included in calculations of full-time equivalent enrollments for state funding purposes. Any community college that waives fees and requests state funding for a student in violation of the provisions of this subsection shall be penalized at a rate equal to two times the value of the full-time equivalent student enrollment reported served. Such penalty shall be charged against the following year's allocation from the Community College Program Fund.

(5) Subject to review and final approval by the State Board of Education, the State Board of Community Colleges shall adopt by December 31 of each year a resident fee schedule for the following fall for advanced and professional, ~~degree career education, and college preparatory programs that produce~~ which produces revenues in the amount of 25 percent of the full prior year's cost of these programs. However, the board may not adopt an annual fee increase in any program for resident students which exceeds 10 percent. ~~Beginning with fiscal year 1992-1993 and~~, In the absence of a provision to the contrary in an appropriations act, the fee schedule shall take effect and the colleges shall expend the funds on instruction. If the Legislature provides for an alternative fee calculation in an appropriations act, the board shall establish a fee schedule that produces the fee revenue established in the appropriations act based on the assigned enrollment.

(6) Each community college board of trustees shall establish matriculation and tuition fees, which may vary no more than 10 percent from the fee schedule adopted by the State Board of Community Colleges.

(7) The sum of nonresident student matriculation and tuition fees must be sufficient to defray the full cost of each program. ~~Beginning with fiscal year 1992-1993,~~ The annual fee increases for nonresident students established by the board, in the absence of legislative action to the contrary in an appropriations act, may not exceed 25 percent.

(8) The State Board of Community Colleges shall adopt a rule specifying the definitions and procedures to be used in the calculation of the percentage of cost paid by students. The rule must provide for the calculation of the full cost of educational programs based on the allocation of all funds provided through the general current fund to programs of instruction, and other activities as provided in the annual expenditure analysis. The rule shall be developed in consultation with the Legislature.

(9) Each community college district board of trustees may establish a separate activity and service fee not to exceed 10 percent of the matriculation fee, according to rules of the State Board of Education. The student activity and service fee shall be collected as a component part of the registration and tuition fees. The student activity and service fees shall be paid into a student activity and service fund at the community college and shall be expended for lawful purposes to benefit the student body in general. These purposes include, but are not limited to, student publications and grants to duly recognized student organizations, the membership of which is open to all students at the community college without regard to race, sex, or religion.

(10)(a) Each community college is authorized to collect for financial aid purposes an additional amount up to, but not to exceed, 5 percent of the total student tuition or matriculation fees collected. Each community college may collect up to an additional 2 percent if the amount generated by the total financial aid fee is less than \$250,000. If the amount generated is less than \$250,000, a community college that charges tuition and matriculation fees at least equal to the average fees established by rule may transfer from the general current fund to the scholarship fund an amount equal to the difference between \$250,000 and the amount generated by the total financial aid fee assessment. No other transfer from the general current fund to the loan, endowment, or scholarship fund, by whatever name known, is authorized.

(b) All funds collected under this program shall be placed in the loan and endowment fund or scholarship fund of the college, by whatever name known. Such funds shall be disbursed to students as quickly as possible. An amount not greater than 40 percent of the fees collected in a fiscal year may be carried forward unexpended to the following fiscal year. However, funds collected prior to July 1, 1989, and placed in an endowment fund may not be considered part of the balance of funds carried forward unexpended to the following fiscal year.

(c) Up to 25 percent or \$250,000, whichever is greater, of the fees collected may be used to assist students who demonstrate academic merit, who participate in athletics, public service, cultural arts, and other extracurricular programs as determined by the institution, or who are identified as members of a targeted gender or ethnic minority population. The financial aid fee revenues allocated for athletic scholarships and fee exemptions provided pursuant to subsection (14) for athletes shall be distributed equitably as required by s. 228.2001(3)(d). A minimum of 50 percent of the balance of these funds shall be used to provide financial aid based on absolute need, and the remainder of the funds shall be used for academic merit purposes and other purposes approved by the district boards of trustees. Such other purposes shall include the payment of child care fees for students with financial need. The State Board of Community Colleges shall develop criteria for making financial aid awards. Each college shall report annually to the Department of Education on the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Community Colleges. An award for academic merit shall require a minimum overall grade point average of 3.0

on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

(d) These funds may not be used for direct or indirect administrative purposes or salaries.

(11) Any community college that reports students who have not paid fees in an approved manner in calculations of full-time equivalent enrollments for state funding purposes shall be penalized at a rate equal to two times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the Community College Program Fund and shall revert to the General Revenue Fund. The State Board of Education shall specify, as necessary, by rule, approved methods of student fee payment. Such methods shall include, but not be limited to, student fee payment; payment through federal, state, or institutional financial aid; and employer fee payments. A community college may not charge any fee except as authorized by law or rules of the State Board of Education.

(12) Each community college shall report only those students who have actually enrolled in instruction provided or supervised by instructional personnel under contract with the community college in calculations of actual full-time equivalent enrollments for state funding purposes. No student who has been exempted from taking a course or who has been granted academic or vocational credit through means other than actual coursework completed at the granting institution shall be calculated for enrollment in the course from which he or she has been exempted or granted credit. Community colleges that report enrollments in violation of this subsection shall be penalized at a rate equal to two times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the Community College Program Fund and shall revert to the General Revenue Fund.

(13) Each community college board of trustees may establish a separate fee for capital improvements or equipping student buildings which may not exceed \$1 per credit hour or credit-hour equivalent for residents and which equals or exceeds \$3 per credit hour for nonresidents. Funds collected through these fees may not be bonded. The fee shall be collected as a component part of the registration and tuition fees, paid into a separate account, and expended only to construct and equip, maintain, improve, or enhance the educational facilities of the community college. Projects funded through the use of the capital improvement fee shall meet the survey and construction requirements of chapter 235. Pursuant to s. 216.0158, each community college shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee. A maximum of 15 cents per credit hour may be allocated from the capital improvement fee for child care centers conducted by the community college.

(14) Each community college is authorized to grant student fee exemptions from all fees adopted by the State Board of Community Colleges and the community college board of trustees for up to 40 full-time equivalent students at each institution.

Section 29. Paragraphs (b) and (c) of subsection (1) of section 240.359, Florida Statutes, are amended to read:

240.359 Procedure for determining state financial support and annual apportionment of state funds to each community college district.—The procedure for determining state financial support and the annual apportionment to each community college district authorized to operate a community college under the provisions of s. 240.313 shall be as follows:

(1) DETERMINING THE AMOUNT TO BE INCLUDED IN THE STATE COMMUNITY COLLEGE PROGRAM FUND FOR THE CURRENT OPERATING PROGRAM.—

(b) The allocation of funds for community colleges shall be based on advanced and professional disciplines and on other programs for adults funded pursuant to s. 239.115, ~~vocational program areas, compensatory programs, and adult elementary and secondary programs. The vocational program areas shall be further subdivided into postsecondary, postsecondary-adult, and supplemental vocational program areas.~~

(c) The ~~funding~~ category of lifelong learning is for students enrolled pursuant to s. 239.301. A student shall also be reported as a lifelong learning student for his or her enrollment in any course that he or she has previously taken, unless it is a credit course in which the student earned a grade of D or F.

Section 30. Subsection (13) of section 240.61, Florida Statutes, 1996 Supplement, is amended to read:

240.61 College reach-out program.—

(13) By January 15 of each year, the Postsecondary Education Planning Commission shall submit to the President of the Senate, the Speaker of the House of Representatives, the Commissioner of Education, and the Governor a report that evaluates the effectiveness of the college reach-out program. The report must be based upon information provided by participating institutions, the Division of Universities, the Division of Community Colleges, and the Division of Workforce Development Applied Technology and Adult Education pursuant to subsections (7) and (12). The evaluation must include longitudinal cohort assessments of college reach-out program participants from their entry into the program to their graduation from postsecondary institutions. To the extent feasible, the performance of college reach-out program participants must be compared to the performance of comparable cohorts of students in public school and postsecondary education.

Section 31. Subsection (1) of section 242.3305, Florida Statutes, is amended to read:

242.3305 Florida School for the Deaf and the Blind; responsibilities and mission.—

(1) The Florida School for the Deaf and the Blind is a state-supported residential school for hearing-impaired and visually impaired students in

preschool through 12th grade. The school is a part of the state system of public education and shall be funded through the Division of Public Schools and Community Education of the Department of Education. The school shall provide educational programs and support services appropriate to meet the education and related evaluation and counseling needs of hearing-impaired and visually impaired students in the state who meet enrollment criteria. Education services may be provided on an outreach basis for sensory-impaired children ages 0 through 5 years and their parents. Graduates of the Florida School for the Deaf and the Blind shall be eligible for the tuition voucher program as provided in s. 240.605.

Section 32. Paragraph (d) of subsection (6) of section 242.331, Florida Statutes, is amended to read:

242.331 Florida School for the Deaf and the Blind; board of trustees.—

(6) The board of trustees shall:

(d) Seek the advice of the Bureau of Education for Exceptional Students within the Division of Public Schools and Community Education of the Department of Education.

Section 33. Subsection (1) of section 242.337, Florida Statutes, is amended to read:

242.337 Procedure for legislative budget requests for the Florida School for the Deaf and the Blind.—

(1) The legislative budget request of the Florida School for the Deaf and the Blind shall be prepared using the same format, procedures, and time-lines required for the submission of the legislative budget of the Department of Education. The Commissioner of Education shall include the Florida School for the Deaf and the Blind in the department's legislative budget request to the State Board of Education, the Governor, and the Legislature. The legislative budget request and the appropriation for the Florida School for the Deaf and the Blind shall be a separate identifiable sum in the Division of Public Schools and Community Education budget entity of the Department of Education. The annual appropriation for the school shall be distributed monthly in payments as nearly equal as possible. Appropriations for textbooks, instructional technology, and school buses may be released and distributed as necessary to serve the instructional program for the students.

Section 34. Paragraph (a) of subsection (2) of section 288.047, Florida Statutes, 1996 Supplement, is amended to read:

288.047 Quick-response training for economic development.—

(2)(a) A Quick-Response Advisory Committee, composed of the director of the Division of Workforce Development Applied Technology and Adult Education of the Department of Education; the director of the Division of Community Colleges of the Department of Education; and the director of the Division of Jobs and Benefits of the Department of Labor and Employment

Security, or their respective designees, and four private sector members, shall review training funded through this program and shall provide policy advice to Enterprise Florida, Inc., in the implementation of this program. The committee shall elect a chair from among its members. Members of the committee may receive reimbursement for per diem and travel expenses as provided in s. 112.061.

Section 35. Subsection (2) of section 446.011, Florida Statutes, is amended to read:

446.011 Declaration of legislative intent with respect to apprenticeship training.—

(2) It is the intent of the Legislature that the Division of Jobs and Benefits of the Department of Labor and Employment Security have responsibility for the development of the apprenticeship and preapprenticeship uniform minimum standards for the apprenticeable trades and that the Division of Workforce Development and the Division of Public Schools and Community Education of Applied Technology and Adult Education of the Department of Education have responsibility for assisting district school boards and community college district boards of trustees in developing preapprenticeship programs in compliance with the standards established by the Division of Jobs and Benefits.

Section 36. Subsection (8) of section 446.041, Florida Statutes, is amended to read:

446.041 Apprenticeship program, duties of division.—The Division of Jobs and Benefits shall:

(8) Cooperate with and assist the Division of Workforce Development and the Division of Public Schools and Community Education Applied Technology and Adult Education of the Department of Education and appropriate career education institutions in the development of viable apprenticeship and preapprenticeship programs.

Section 37. Subsections (2) and (3) of section 446.052, Florida Statutes, are amended to read:

446.052 Preapprenticeship program.—

(2) The Division of Public Schools and Community Education Applied Technology and Adult Education of the Department of Education, under regulations established by the State Board of Education, is authorized to administer the provisions of ss. 446.011-446.092 that relate to preapprenticeship programs in cooperation with district school boards and community college district boards of trustees. District school boards, community college district boards of trustees, and registered program sponsors shall cooperate in developing and establishing programs that include vocational instruction and general education courses required to obtain a high school diploma.

(3) The Division of Public Schools and Community Education Applied Technology and Adult Education, the district school boards, the community

college district boards of trustees, and the Division of Jobs and Benefits shall work together with existing registered apprenticeship programs so that individuals completing such preapprenticeship programs may be able to receive credit towards completing a registered apprenticeship program.

Section 38. Paragraph (a) of subsection (2) of section 616.21, Florida Statutes, is amended to read:

616.21 Agricultural and livestock exhibit buildings; conditions for expenditures; Agricultural and Livestock Fair Council.—

(2)(a) There is created in the department the Agricultural and Livestock Fair Council, which shall be composed of five members, one of whom shall be appointed chair annually by the commissioner, as follows: a representative of the Department of Education designated by the Commissioner the administrator of the Agriculture Section in the Division of Applied Technology and Adult Education of the Department of Education; a representative of the department designated by the Commissioner of Agriculture; the Dean for Extension, Institute of Food and Agricultural Sciences of the University of Florida; the president of the Florida Federation of Fairs and Livestock Shows; and the president of the Florida Farm Bureau Federation or his representative. A representative of the department shall serve as secretary to the council and shall keep a complete record of all its proceedings, which record shall show the names of the members present at each meeting and any action taken by the council.

Section 39. Subsection (3) of section 229.8075, Florida Statutes, and section 239.109, Florida Statutes, and sections 15 and 16 of chapter 94-232, Laws of Florida, are repealed.

Section 40. The Legislature intends to:

(1) Provide for implementation of the revised funding model for exceptional student education programs.

(2) Simplify the Florida Education Finance Program by reducing the number of program cost factors to provide greater flexibility at the local level in the use of funds.

(3) Provide for allocating funds for kindergarten through grade 12 and adult education programs separately.

(4) Continue to make progress in reducing the range of disparity in total potential funds available per full-time equivalent student.

Section 41. (1) The revised funding model for exceptional student education programs is designed to: be better for students than the existing funding system by encouraging school districts and schools to identify and implement educationally effective instructional delivery models; simplify funding by utilizing five weighted cost factors; provide fiscal support for exceptional students in general education classes; be outcome driven; and be revenue neutral. This funding model is designed to support both traditional and new service delivery models along the continuum of services

required for exceptional students. It is the intent of the Legislature, through the General Appropriations Act, to minimize the fiscal impact on school districts of the implementation of this funding model.

(2)(a) The revised funding model uses five Florida Education Finance Program cost factors for exceptional student education programs. Cost factors are determined by using a matrix of services to document the services that each exceptional student will receive. The nature and intensity of the services indicated on the matrix shall be consistent with the services described in each exceptional student's individual education plan.

(b) A matrix of services must be completed at least once each year by public school personnel who have received approved training. Additionally, each time an exceptional student's individual education plan, family support plan, or education plan is reviewed, the matrix of services must also be reviewed. Nothing listed in the matrix shall be construed as limiting the services a school district must provide in order to ensure that exceptional students are provided a free, appropriate public education.

(3) The Department of Education shall revise its monitoring systems for exceptional student education programs to include a review of delivery of services as indicated on the matrix of services.

(4) The Department of Education shall promulgate rules necessary to implement the revised funding model.

(5) The funding level in the 1997-1998 FEFP for exceptional student education shall be guaranteed for 3 years so that no district will have a financial uncertainty during the initial implementation of the revised funding model.

Section 42. Section 236.078, Florida Statutes, is amended to read:

236.078 Florida Education Finance Program Appropriation Allocation Conference.—Prior to the distribution of any funds appropriated in the General Appropriations Act for the K-12 Florida Education Finance Program formula and for the formula-funded categorical programs, the Commissioner of Education shall conduct an allocation conference. Conference principals shall include representatives of the Department of Education, the Executive Office of the Governor, and the Appropriations Committees of the Senate and the House of Representatives. Conference principals shall discuss and agree to all conventions, including rounding conventions, and methods of computation to be used to calculate Florida Education Finance Program and categorical entitlements of the districts for the fiscal year for which the appropriations are made. These conventions and calculation methods shall remain in effect until further agreements are reached in subsequent allocation conferences called by the commissioner for that purpose. The commissioner shall also, prior to each recalculation of Florida Education Finance Program and categorical allocations of the districts, provide conference principals with all data necessary to replicate those allocations precisely. This data shall include a matrix by district by program of all full-time equivalent changes made by the department as part of its administration of state full-time equivalent caps.

Section 43. Section 236.081, Florida Statutes, 1996 Supplement, is amended to read:

236.081 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:

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

(a) Determination of full-time equivalent membership.—During each of several school weeks, including scheduled intersessions of a year-round school program during the fiscal year, a program membership survey of each school shall be made by each district by aggregating the full-time equivalent student membership of each program by school and by district. The department shall establish the number and interval of membership calculations, except that for basic and special programs such calculations shall not exceed nine for any fiscal year. The district's full-time equivalent membership shall be computed and currently maintained in accordance with regulations of the state board.

(b) Determination of base student allocation.—The base student allocation for the Florida Education Finance Program for kindergarten through grade 12 shall be determined annually by the Legislature and shall be that amount prescribed in the current year's General Appropriations Act.

(c) Determination of programs.—~~Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act. The Commissioner of Education shall specify a matrix of services and intensity levels to be used by districts in the determination of funding support for each exceptional student. The funding support level for each exceptional student shall fund the exceptional student's total education program. However, the application of cost factors in part-time programs for exceptional students is limited to a maximum of twelve twenty-fifths of a student membership in a given program during a week. Beginning with the 1990-1991 fiscal year, the application of cost factors in part-time programs for exceptional students is limited to a maximum of 432 hours of a student full-time equivalent membership in a given program during a school year as defined in s. 228.041(16). The criteria for qualification for the special programs, including maximum case loads for part-time programs, shall be determined by rules of the state board. However, the district may apply to the department for an exemption to the maximums set above, and the department may grant such exemptions when district size or program dispersal would place an undue burden on the district. Cost factors for special programs for exceptional students shall be used to fund programs, approved by the department, as provided by law for exceptional students under the minimum age for enrollment in kindergarten. Beginning with the 1993-1994 fiscal year, the Department of Education shall conduct a program cost analysis, pursuant to State Board of Education~~

rule, as part of the program review process. Adult basic and secondary programs must also be addressed in the program cost analysis. The program cost analysis must include, but is not limited to, the cost of direct and indirect operations, instruction, faculty-to-student ratio, consumable supplies, equipment, and optimum program length. Beginning with the 1995-1996 General Appropriations Act, the Legislature shall assign each secondary career education program and certificate career education program to a program funding level based on programmatic costs derived from the program cost analysis. A minimum of five funding levels shall be established in the General Appropriations Act for the purposes of this paragraph.

1. Basic programs.—
 - a. Kindergarten and grades 1, 2, and 3.
 - b. Grades 4, 5, 6, 7, and 8.
 - c. Grades 9, 10, 11, and 12.
2. Special Programs for exceptional students.—
 - a. Support Level I.
 - b. Support Level II.
 - c. Support Level III.
 - d. Support Level IV.
 - e. Support Level V.
 - a.—~~Educable mentally handicapped.~~
 - b.—~~Trainable mentally handicapped.~~
 - c.—~~Physically handicapped.~~
 - d.—~~Physical and occupational therapy part-time.~~
 - e.—~~Speech, language, and hearing part-time.~~
 - f.—~~Speech, language, and hearing.~~
 - g.—~~Visually handicapped part-time.~~
 - h.—~~Visually handicapped.~~
 - i.—~~Emotionally handicapped part-time.~~
 - j.—~~Emotionally handicapped.~~
 - k.—~~Specific learning disability part-time.~~
 - l.—~~Specific learning disability.~~

~~m. Gifted part-time.~~

~~n. Hospital and homebound part-time.~~

~~o. Profoundly handicapped.~~

3.4. Secondary career education programs.—

~~a. Level I.~~

~~b. Level II.~~

~~c. Level III.~~

~~d. Level IV.~~

~~e. Level V.~~

4.6. Students-at-risk programs.—

~~a. Dropout prevention and teenage parents.~~

b. English for Speakers of Other Languages.

~~b. Special programs for teenage parents.~~

~~c. Kindergarten through grade 3 ESOL.~~

~~d. Grades 4 through 8 ESOL.~~

~~e. Grades 9 through 12 ESOL.~~

~~5. Certificate career education and supplemental career education programs.—~~

~~a. Level I.~~

~~b. Level II.~~

~~c. Level III.~~

~~d. Level IV.~~

~~e. Level V.~~

~~3. Adult general education programs.—~~

~~a. Adult basic education.~~

~~b. Adult secondary education.~~

~~c. Lifelong learning.~~

~~(d) Annual allocation calculation.—~~

1. The Department of Education is authorized and directed to review all district programs and enrollment projections and calculate a maximum total

weighted full-time equivalent student enrollment for each district for the K-12 FEFP.

2. Maximum enrollments calculated by the department shall be derived from enrollment estimates used by the Legislature to calculate the FEFP. If two or more districts enter into an agreement under the provisions of s. 230.23(4)(d), after the final enrollment estimate is agreed upon, the amount of FTE specified in the agreement, not to exceed the estimate for the specific program as identified in paragraph (c), may be transferred from the participating districts to the district providing the program.

3. As part of its calculation of each district's maximum total weighted full-time equivalent student enrollment, the department shall establish separate enrollment ceilings for each of three program groups. Group 1 shall be composed of grades K-3, grades 4-8, and grades 9-12. Group 2 shall be composed of students in exceptional student education. Group ~~3~~ 2 shall be composed of students-at-risk programs, all basic programs other than the programs in group 1, ~~all exceptional child programs,~~ and all vocational programs in grades 7-12. ~~Group 3 shall be composed of all adult education programs.~~

a. The weighted enrollment ceiling for group 2 and group 3 programs shall be calculated by multiplying the final enrollment conference estimate for each program by the appropriate program weight. The weighted enrollment ceiling for program groups 2 and 3 shall be the sum of the weighted enrollment ceilings for each program in the program group, plus the increase in weighted full-time equivalent student membership from the prior year for clients of the Department of Children and Family Services and the Department of Juvenile Justice Health and Rehabilitative Services.

b. If, for any calculation of the FEFP, the weighted enrollment for either program group 2 or group 3, derived by multiplying actual enrollments by appropriate program weights, exceeds the enrollment ceiling for that group, the following procedure shall be followed to reduce the weighted enrollment for that group to equal the enrollment ceiling:

(I) The weighted enrollment ceiling for each program in the program group shall be subtracted from the weighted enrollment for that program derived from actual enrollments.

(II) If the difference calculated under sub-sub-subparagraph (I) is greater than zero for any program, a reduction proportion shall be computed for the program by dividing the absolute value of the difference by the total amount by which the weighted enrollment for the program group exceeds the weighted enrollment ceiling for the program group.

(III) The reduction proportion calculated under sub-sub-subparagraph (II) shall be multiplied by the total amount of the program group's enrollment over the ceiling as calculated under sub-sub-subparagraph (I).

(IV) The prorated reduction amount calculated under sub-sub-subparagraph (III) shall be subtracted from the program's weighted enrollment. For any calculation of the FEFP, the enrollment ceiling for group 1

shall be calculated by multiplying the actual enrollment for each program in the program group by its appropriate program weight.

c. For program groups 2 and 3, the weighted enrollment ceiling shall be a number not less than the sum obtained by:

(I) Multiplying the sum of reported FTE for all programs in the program group that have a cost factor of 1.0 or more by 1.0, and

(II) By adding this number to the sum obtained by multiplying the projected FTE for all programs with a cost factor less than 1.0 by the actual cost factor.

~~(e) Visually handicapped allocation.—With respect to special programs for the visually handicapped, upon request of a school board in any district or multidistrict area in which there are five or more students receiving an appropriate program, the Department of Education may assign three unweighted full-time equivalent students for the special program until such time as more than three full-time equivalent students are generated.~~

~~(f) Exceptional mainstream allocation.—A student properly classified as an exceptional student pursuant to s. 230.23(4)(m) and eligible for a special program for exceptional students identified in subparagraph (c)2., excluding gifted part-time, may, as a condition of such student's individualized educational plan, be assigned to a basic or vocational mainstream program on a part-time basis. Physically impaired students may be assigned to a basic or vocational mainstream program on a part-time or full-time basis. The basic program cost factor or aggregated vocational program cost factor for such mainstreamed students shall be doubled for the purpose of generating weighted full-time equivalent membership for time served in the program, provided such students are furnished with required special services, aids, or equipment in accordance with their individualized educational plan. The Department of Education may promulgate rules needed to implement this paragraph.~~

~~(g) Alternative handicapped allocation.—As an alternative to a special program for hospital and homebound part-time, a school district may establish appropriate instructional groupings of certain students within any hospital when those students are eligible for a special program for the hospitalized or homebound due to physical or mental health impairments which result in reduced efficiency in school work because of temporary or chronic lack of strength, vitality, or alertness. Each full-time equivalent student in such a program shall be assigned a cost factor equal to the cost factor established for physically handicapped pursuant to subparagraph (c)2.~~

~~(e)(h) State funding for certain adult disabled students.—If an adult student has been determined to be a disabled student eligible for an approved educational program for disabled adults provided pursuant to s. 239.301 and rules of the State Board of Education and is enrolled in a class with curriculum frameworks developed for the program, state funding for that student shall be provided at a level double that of the special adult general education program cost factor for the purpose of generating weighted full-time equivalent membership for time served in the program.~~

(f)(i) Small, isolated high schools.—Districts which levy the maximum nonvoted discretionary millage, exclusive of millage for capital outlay purposes levied pursuant to s. 236.25(2), may calculate full-time equivalent students for small, isolated high schools by multiplying the number of unweighted full-time equivalent students times 2.75; provided the percentage of students at such school passing both parts of the high school competency test, as defined by law and rule, has been equal to or higher than such percentage for the state or district, whichever is greater. For the purpose of this section, the term “small, isolated high school” means any high school which is located no less than 28 miles by the shortest route from another high school; which has been serving students primarily in basic studies provided by sub-subparagraphs (c)1.b. and c. and may include subparagraph (c)6.; and which has a membership of no more than 100 students, but no fewer than 28 students, in grades 9 through 12.

(g)(i) Calculation of full-time equivalent membership with respect to instruction from community colleges or universities.—Students enrolled in community college or university dual enrollment instruction pursuant to s. 240.116 may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. Such students may also be calculated as the proportional shares of full-time equivalent enrollments they generate for the community college or university conducting the dual enrollment instruction. Early admission students shall be considered dual enrollments for funding purposes. ~~Students enrolled in dual enrollment instruction provided by a vocational-technical center located in the same district as the district in which the student attends secondary school and operated by the school board of that district shall be calculated by the school board as one full-time equivalent enrollment within the basic secondary program for state funding purposes; however, a district school board may also report such students as the proportional shares of full-time equivalent enrollments each student generates within the vocational program. Students enrolled in dual enrollment instruction provided by a vocational-technical center located in a different school district than the district in which the student attends secondary school and operated by the school board of the district in which the vocational-technical center is located may be included in calculations of full-time equivalent memberships for basic programs for grades 9 through 12 by a district school board and may be calculated as the proportional share of full-time equivalent enrollments they generate for the school board conducting the dual enrollment instruction. Students enrolled in vocational dual enrollment instruction conducted by a community college on a high school campus may be calculated by the school board as the proportional shares of full-time equivalent enrollments they generate in the basic program for grades 9 through 12 and the proportional shares of full-time equivalent enrollments they generate in the vocational programs. Students may be enrolled in dual enrollment instruction provided by an eligible independent college or university and may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. However, those provisions of law which exempt dual enrolled and early admission students from payment of instructional materials, registration, matriculation, and laboratory fees shall not apply to students who select the option of enrolling in an eligible independent institution. An~~

independent college or university which is located and chartered in Florida, is not for profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Commission of the Association of Independent Colleges and Schools, and which confers degrees as defined in s. 246.021 shall be eligible for inclusion in the dual enrollment or early admission program. Students enrolled in dual enrollment instruction shall be exempt from the payment of registration, matriculation, and laboratory fees. No student enrolled in college credit mathematics or English dual enrollment instruction shall be funded as a dual enrollment unless the student has successfully completed the relevant section of the entry-level examination required pursuant to s. 240.117, ~~nor shall any student enrolled in vocational dual enrollment instruction be funded as a dual enrollment unless the student has completed the vocational entry-level examination.~~

(h)(k) Instruction outside required number of school days.—Students in grades 9 through 12 may be counted as full-time equivalent students for instruction provided outside the required number of school days if such instruction counts as credit toward a high school diploma. However, if a high school student wishes to earn additional high school credits from a community college and enrolls in one or more adult secondary education courses at the community college, the student's school district must pay the community college for the costs incurred because of the high school student's coenrollment.

(i)(l) Instruction in family and consumer services home economics.—Students in grades K through 12 who are enrolled for more than six semesters in practical arts home economics courses as defined in s. 228.041(22)(a)4. may not be counted as full-time equivalent students for this instruction.

(j)(m) Instruction in exploratory career education.—Students in grades 7 through 12 who are enrolled for more than four semesters in exploratory career education may not be counted as full-time equivalent students for this instruction.

(k)(n) Calculation of additional full-time equivalent membership based on international baccalaureate examination scores of students.—A value of 0.24 full-time equivalent student membership shall be calculated for each student enrolled in an international baccalaureate course who receives a score of 4 or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an international baccalaureate diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year.

(l)(o) Instruction in career education.—Effective for the 1985-1986 school year and thereafter, district pupil progression plans shall provide for the substitution of vocational courses for the nonelective courses required for high school graduation pursuant to s. 232.246. A student in grades 9 through 12 who enrolls in and satisfactorily completes a job-preparatory program may substitute credit for a portion of the required four credits in English, three credits in mathematics, and three credits in science. The credit substituted for English, mathematics, or science earned through the vocational

job-preparatory program shall be on a curriculum equivalency basis as provided for in the State Course Code Directory. Upon adoption of curriculum frameworks for vocational courses pursuant to s. 233.011, the State Board of Education shall authorize by rule vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathematics, and science. School districts shall provide for vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathematics, and science, upon adoption of vocational student performance standards by the school board pursuant to s. 232.2454. A vocational program which has been used as a substitute for a nonelective academic credit in one subject area may not be used as a substitute for any other subject area. The credit in practical arts or exploratory career education required for high school graduation pursuant to s. 232.246(1) shall be funded as a career education course.

~~(p) Instruction in supplemental vocational courses; and adult basic and secondary courses.—Vocational supplemental courses and adult basic and secondary education courses may be made available to any adult pursuant to s. 239.301.~~

~~1. A student in an adult basic and secondary education course shall be reported as an adult basic and secondary education full-time equivalent student if he or she is pursuing a program of studies to achieve literacy, prepare for the Test of General Educational Development (GED), or earn a high school diploma.~~

~~2. A student in a supplemental vocational course shall be reported as a supplemental vocational full-time equivalent student if he or she:~~

~~a. Currently holds wage-earning employment and is taking a course to enhance or upgrade skills related to that employment; or~~

~~b. Has an employment history and enrolls in a course related to that employment history with the intent to seek employment in an occupation directly related to the course and employment history; or~~

~~c. Has an employment history and wants to develop competence in the English language to qualify for employment.~~

(m)(g) Calculation of additional full-time equivalent membership based on college board advanced placement scores of students.—A value of 0.24 full-time equivalent student membership shall be calculated for each student in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination for the prior year and added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year.

(n)(f) Year-round-school programs.—The Commissioner of Education is authorized to adjust student eligibility definitions, funding criteria, and reporting requirements of statutes and rules in order that year-round-school programs may achieve equivalent application of funding requirements with non-year-round-school programs.

(o)(s) Extended-school-year program.—It is the intent of the Legislature that students be provided additional instruction by extending the school year to 210 days or more. Districts may apply to the Commissioner of Education for funds to be used in planning and implementing an extended-school-year program. The Department of Education shall recommend to the Legislature the policies necessary for full implementation of an extended school year.

(p)(t) Determination of the basic amount for current operation.—The basic amount for current operation to be included in the Florida Education Finance Program for kindergarten through grade 12 for each district shall be the product of the following:

1. The full-time equivalent student membership in each program, multiplied by
2. The cost factor for each program, adjusted for the maximum as provided by paragraph (c), multiplied by
3. The base student allocation.

(2) DETERMINATION OF DISTRICT COST DIFFERENTIALS.—The commissioner shall annually compute for each district the current year's district cost differential. The district cost differential shall be calculated by adding each district's price level index as published in the Florida Price Level Index, prepared by the Executive Office of the Governor, for the most recent 3 years and dividing the resulting sum by 3. The result for each district shall be multiplied by 0.008 and to the resulting product shall be added 0.200; the sum thus obtained shall be the cost differential for that district for that year.

(3) INSERVICE EDUCATIONAL PERSONNEL TRAINING EXPENDITURE.—Of the amount computed in subsections (1) and (2), a percentage of the base student allocation per full-time equivalent student shall be expended for educational training programs as determined by the district school board as provided in s. 236.0811. This percentage shall remain constant and shall be calculated by dividing \$6 by the 1990-1991 base student allocation. If a district has an approved teacher education center, at least two-thirds of the funds so determined shall be expended as provided in ss. 231.600-231.609, and such funds shall be used to provide the professional orientation program, pursuant to s. 231.17. Funds as provided herein may be expended only for the direct support of inservice training activities as prescribed below:

(a) Salaries and benefits of:

1. Personnel directly administering the approved inservice training program.
2. School board employees while such personnel are conducting an approved inservice training program.
3. Substitutes for personnel released to participate in an approved inservice training program or an inservice council activity.

(b) Other direct operating expenses, excluding capital outlay, required for administering the approved inservice training program, including, but not limited to, the following:

1. Inservice training materials for approved inservice training activities.
2. Data processing for approved inservice training activities.
3. Telephone for the approved inservice training program.
4. Office supplies for the personnel administering the approved inservice training program.
5. Duplicating and printing for approved inservice training activities.
6. Fees and travel and per diem expenses for consultants used in conducting approved inservice training activities.
7. Travel and per diem expenses for school district personnel attending approved inservice conferences, workshops, or visitations to schools.
8. Rental of facilities not owned by the school board for use in conducting an approved inservice training program.

(c) Compensation may be awarded under this subsection to employees engaged in inservice training activities which are outside of, or in addition to, regular hours of duty assignments or a regular day of a contract period for which regular compensation is provided. No moneys shall be authorized under this subsection for additional salaries and benefits constituting dual compensation to employees participating in inservice activities if such activities are within regular hours of duty assignments or within a regular day of a contract period for which regular compensation is provided.

(d) Funds may be expended to pay tuition or registration fees for college courses provided the course is identified in the district's approved master plan and the employee does not receive college credit. However, an employee may be awarded college credit for successful participation in exempted inservice programs that are identified by the Department of Education in State Board of Education rule and for which the employee shall pay the regular tuition and registration fees assessed by the credit-granting institution. Courses for these exempted programs shall be arranged and conducted in compliance with procedures that are developed cooperatively by the Department of Education and the Board of Regents and are also included in State Board of Education rule. Provision for payment of tuition and registration fees for such credit-earning courses shall be contained in State Board of Education rule.

(4) COMPUTATION OF DISTRICT-REQUIRED LOCAL EFFORT.— The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program for kindergarten through grade 12 programs shall be calculated as follows:

(a) Estimated taxable value calculations.—

1.a. Not later than 2 working days prior to July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. Not later than July 19, the commissioner shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 95 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The commissioner shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district-required local effort for that year.

b. ~~For the 1996-1997 fiscal year only,~~ The General Appropriations Act ~~shall~~ may direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total K-12 Florida Education Finance Program calculation, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement. ~~This sub-subparagraph is repealed on July 1, 1997.~~

2. As revised data are received from property appraisers, the Department of Revenue shall amend the certification of the estimate of the taxable value for school purposes. The Commissioner of Education, in administering the provisions of subparagraph (10)(a)2. ~~paragraph (13)(b),~~ shall use the most recent taxable value for the appropriate year.

(b) Final calculation.—

1. The Department of Revenue shall, upon receipt of the official final assessed value of property from each of the property appraisers, certify to the commissioner the taxable value total for school purposes in each school district, subject to the provisions of paragraph (d). The commissioner shall use the official final taxable value for school purposes for each school district in the final calculation of the annual K-12 Florida Education Finance Program allocations.

2. For the purposes of this paragraph, the official final taxable value for school purposes shall be the taxable value for school purposes on which the tax bills are computed and mailed to the taxpayers, adjusted to reflect final administrative actions of value adjustment boards and judicial decisions pursuant to part I of chapter 194. By September 1 of each year, the Department of Revenue shall certify to the commissioner the official prior year final taxable value for school purposes. For each county that has not submitted a revised tax roll reflecting final value adjustment board actions and final judicial decisions, the Department of Revenue shall certify the most recent revision of the official taxable value for school purposes. The certified value

shall be the final taxable value for school purposes and no further adjustments shall be made, except those made pursuant to subparagraph (10)(a)2 paragraph (13)(b).

(c) Equalization of required local effort.—

1. The Department of Revenue shall include with its certifications provided pursuant to paragraph (a) its most recent determination of the assessment level of the prior year's assessment roll for each county and for the state as a whole.

2. The commissioner shall adjust the required local effort millage of each district for the current year, computed pursuant to paragraph (a), as follows:

a. The equalization factor for the prior year's assessment roll of each district shall be multiplied by 95 percent of the taxable value for school purposes shown on that roll and by the prior year's required local-effort millage, exclusive of any equalization adjustment made pursuant to this paragraph. The dollar amount so computed shall be the additional required local effort for equalization for the current year.

b. Such equalization factor shall be computed as the quotient of the prior year's assessment level of the state as a whole divided by the prior year's assessment level of the county, from which quotient shall be subtracted 1.

c. The dollar amount of additional required local effort for equalization for each district shall be converted to a millage rate, based on 95 percent of the current year's taxable value for that district, and added to the required local effort millage determined pursuant to paragraph (a).

3. Notwithstanding the limitations imposed pursuant to s. 236.25(1), the total required local-effort millage, including additional required local effort for equalization, shall be an amount not to exceed 10 minus the maximum millage allowed as nonvoted discretionary millage, exclusive of millage authorized pursuant to s. 236.25(2). Nothing herein shall be construed to allow a millage in excess of that authorized in s. 9, Art. VII of the State Constitution.

4. For the purposes of this chapter, the term "assessment level" means the value-weighted mean assessment ratio for the county or state as a whole, as determined pursuant to s. 195.096, or as subsequently adjusted. In the event a court has adjudicated that the department failed to establish an accurate estimate of an assessment level of a county and recomputation resulting in an accurate estimate based upon the evidence before the court was not possible, that county shall be presumed to have an assessment level equal to that of the state as a whole.

5. If, in the prior year, taxes were levied against an interim assessment roll pursuant to s. 193.1145, the assessment level and prior year's nonexempt assessed valuation used for the purposes of this paragraph shall be those of the interim assessment roll.

(d) Exclusion.—In those instances in which:

1. There is litigation either attacking the authority of the property appraiser to include certain property on the tax assessment roll as taxable property or contesting the assessed value of certain property on the tax assessment roll; and

2. The assessed value of the property in contest involves more than 10 percent of the total nonexempt assessment roll;

the assessed value of the property in contest shall be excluded from the taxable value for school purposes for purposes of computing the district-required local effort.

(e) **Recomputation.**—Following final adjudication of any litigation on the basis of which an adjustment in taxable value was made pursuant to paragraph (d), the department shall recompute the required local effort for each district for each year affected by such adjustments, utilizing taxable values approved by the court, and shall adjust subsequent allocations to such districts accordingly.

~~(f) **Required adult fees.**—~~

~~1. Fees for all nonexempt students as defined in s. 239.117 shall be added to and made a part of the required local effort of each district.~~

~~2. Each district shall report the total fee-exempt, fee-nonexempt, fee-waived, fee-deferred, and nonresident full-time equivalent student enrollment for each adult program. Districts shall also report the total amount of fees collected from students as required by s. 239.117. The value of in-kind services accepted in lieu of fees shall not be added to and made a part of the total fee collection amount reported by the district.~~

~~3. Each district's total required local effort fee amount shall be calculated in the following manner:~~

~~a. A total resident fee amount shall be calculated for each district by summing the fee-nonexempt full-time equivalent enrollment for each adult program and by subtracting from that sum the district's nonresident full-time equivalent enrollment and by multiplying the difference by the fee amount specified in the General Appropriations Act.~~

~~b. A total nonresident fee amount shall be calculated for each district by multiplying each district's nonresident full-time equivalent enrollment by a number that is twice the fee amount specified in the General Appropriations Act.~~

~~c. A total unadjusted required local effort fee amount shall be calculated for each district by adding the resident fee amount calculated in subparagraph a. to the nonresident fee amount calculated in subparagraph b.~~

~~d. A fee collection credit amount shall be calculated for each district by adding the total amount of fees collected by the district to the district's maximum fee waiver amount as defined in s. 239.117.~~

~~e. Each district's total unadjusted required local fee amount calculated in sub-subparagraph c. shall be subtracted from its total fee collection credit amount calculated in sub-subparagraph d. If the difference is a positive number, the district's required fee adjustment amount shall be set to zero. If the difference is a negative number, a required fee adjustment amount shall be calculated by dividing the absolute value of such difference by the fee amount specified in the General Appropriations Act and multiplying the result, rounded to two decimal places, by the average of all program weights for adult programs for the year as specified in the General Appropriations Act, rounded to three decimal places; by the base student allocation defined in the General Appropriations Act; and by two.~~

~~f. A total required local effort fee amount shall be calculated for each district by adding the unadjusted fee amount calculated in sub-subparagraph c. to the fee adjustment amount calculated in sub-subparagraph e.~~

~~g. The fee adjustment amount calculated pursuant to sub-subparagraph e. shall be calculated for a given fiscal year by the Department of Education only in the final calculation of the Florida Education Finance Program and funds adjustments shall be handled as a prior year adjustment in the subsequent year. The data required for the calculation shall be submitted for the fiscal year by the school districts only in the last full-time equivalent student membership survey. A school district's amendments to the data submitted for calculation of the fee adjustment amount shall have the same limitation on submission as amendments to full-time equivalent student membership data.~~

(5) CATEGORICAL PROGRAMS.—The Legislature hereby provides for the establishment of selected categorical programs to assist in the development and maintenance of activities giving indirect support to the programs previously funded. These categorical appropriations may be funded as general and transitional categorical programs. It is the intent of the Legislature that no transitional categorical program be funded for more than 4 fiscal years from the date of original authorization. Such programs are as follows:

(a) General.—

1. Comprehensive school construction and debt service as provided by law.
2. Community schools as provided by law.
3. School lunch programs as provided by law.
4. Instructional material funds as provided by law.
5. Student transportation as provided by law.
6. Student development services as provided by law.
7. Diagnostic and learning resource centers as provided by law.

8. Comprehensive health education as provided by law.

(b) Transitional.—

1. Bilingual program as provided by law.

(6) DETERMINATION OF SPARSITY SUPPLEMENT.—

(a) Annually, in an amount to be determined by the Legislature through the General Appropriations Act, there shall be added to the basic amount for current operation of the K-12 FEFP qualified districts a sparsity supplement which shall be computed as follows:

$$\text{Sparsity Factor} = \frac{1101.8918}{2700 + \text{district sparsity index}} - 0.1101$$

except that districts with a sparsity index of 1,000 or less shall be computed as having a sparsity index of 1,000, and districts having a sparsity index of 7,308 and above shall be computed as having a sparsity factor of zero. A qualified district's full-time equivalent student membership shall equal or be less than that prescribed annually by the Legislature in the appropriations act. The amount prescribed annually by the Legislature shall be no less than 17,000, but no more than 24,000.

(b) The district sparsity index shall be computed by dividing the total number of full-time equivalent students in all programs in the district by the number of senior high school centers in the district, not in excess of three, which centers are approved as permanent centers by a survey made by the Department of Education.

(c) Each district's allocation of sparsity supplement funds shall be adjusted in the following manner:

1. A maximum discretionary levy per FTE value for each district shall be calculated by dividing the value of each district's maximum discretionary levy by its FTE student count;

2. A state average discretionary levy value per FTE shall be calculated by dividing the total maximum discretionary levy value for all districts by the state total FTE student count;

3. For districts that have a levy value per FTE as calculated in subparagraph 1. higher than the state average calculated in subparagraph 2., a sparsity wealth adjustment shall be calculated as the product of the difference between the state average levy value per FTE calculated in subparagraph 2. and the district's levy value per FTE calculated in subparagraph 1. and the district's FTE student count and -1;

4. Each district's sparsity supplement allocation shall be calculated by adding the amount calculated as specified in paragraphs (a) and (b) and the wealth adjustment amount calculated in this paragraph.

(7) **DECLINE IN FULL-TIME EQUIVALENT STUDENTS.**—In those districts where there is a decline between prior year and current year unweighted FTE students, 50 percent of the decline in the unweighted FTE students shall be multiplied by the prior year calculated FEPF per unweighted FTE student and shall be added to the allocation for that district. For this purpose, the calculated FEPF shall be computed by multiplying the weighted FTE students by the base student allocation and then by the district cost differential. If a district transfers a program to another institution not under the authority of the district's school board, the decline is to be multiplied by a factor of 0.15.

~~(8) **ADULT BASIC SKILLS ADJUSTMENT.**—There is created an adult basic skills education program adjustment. If any district's preceding year's adult basic skills education program expenditure per full-time equivalent student, as reported in s. 237.34, is 105 percent or more of the revenue per full-time equivalent student generated through the Florida Education Finance Program for adult basic skills education, the district entitlement shall be an amount calculated by multiplying the district's adult basic skills education full-time equivalent student count by the difference between the district's adult basic skills education program expenditure per student and 105 percent of the district's adult basic skills education program revenues per full-time equivalent student. The actual amount of the adjustments shall be as set in the General Appropriations Act.~~

~~(9) **PROFOUNDLY HANDICAPPED SUPPLEMENT.**—Annually, an amount established in the appropriations act shall be added to the basic amount for current operation of qualified districts as a profoundly handicapped program supplement which shall be computed as follows: If any district's preceding year's profoundly handicapped expenditure per full-time equivalent student membership as reported in the Annual District Cost Report is above a percent figure annually established by the Legislature in the General Appropriations Act of the revenue per full-time equivalent student membership generated through the Florida Education Finance Program for profoundly handicapped, the district shall receive an amount calculated by multiplying the district's profoundly handicapped full-time equivalent student membership count by the difference between the district's profoundly handicapped program expenditure per student and the percent set annually by the Legislature of the district's profoundly handicapped program revenues per full-time equivalent student membership. If the total amount to fully fund the entitlement exceeds the amount appropriated, each eligible district's allocation shall be prorated.~~

~~(8)(10) **CAPS ADJUSTMENT SUPPLEMENT.**—If there are funds remaining in the appropriation, excluding any working capital funds after calculating subsection (10) (12), a caps adjustment supplement of up to 20 10 percent of the funds remaining in the appropriation shall be calculated as follows:~~

(a) As a first priority, the exceptional student programs weighted full-time equivalent student membership above cap group 2 shall be funded up to the level of the appropriation. If the level of appropriation does not allow funding of all weighted full-time equivalent student memberships above the cap provided in this paragraph, the funds available shall be prorated.

(b) As a second priority, ~~all other~~ group 3 2 ~~special~~ programs weighted full-time equivalent student membership above cap group 3 2 shall be funded at the weighted average of the cost factors for basic grades 4-8 and 9-12 multiplied by the equivalent unweighted full-time equivalent student membership up to the level of the remaining Florida Education Finance Program appropriation. If the level of the remaining appropriation does not allow funding of all weighted full-time equivalent student memberships above the cap provided in this paragraph, the funds available shall be prorated.

(9)(14) QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 weighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per weighted FTE student which shall include the adjusted FTE dollars as provided in subsection (10) (12), ~~profoundly handicapped adjustment~~, quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per weighted 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 (10) (12), ~~profoundly handicapped adjustment~~, and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per weighted FTE to prior year funds per weighted 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 weighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(10)(12) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.—The total annual state allocation to each district for current operation for the K-12 FEFP shall be distributed periodically in the manner prescribed in the General Appropriations Act, ~~by regulations of the state board and shall be calculated as follows:~~

(a) The basic amount for current operation for the K-12 FEFP as determined in subsection (1), multiplied by the district cost differential factor as determined in subsection (2), plus the amount for the sparsity supplement as determined in subsection (6), the decline in full-time equivalent students as determined in subsection (7), ~~the adult basic skills adjustment as determined in subsection (8)~~, ~~the profoundly handicapped supplement as determined in subsection (9)~~, and the quality assurance guarantee as determined in subsection (9) (14), less the required local effort as determined in subsection (4). If the funds appropriated for the purpose of funding the total amount for current operation as provided in this paragraph are not sufficient to pay the state requirement in full, the department shall prorate the available state funds to each district in the following manner:

1. Determine the percentage of proration by dividing the sum of the total amount for current operation, as provided in this paragraph for all districts collectively, and the total district-required local effort into the sum of the

state funds available for current operation and the total district-required local effort.

2. Multiply the percentage so determined by the sum of the total amount for current operation as provided in this paragraph and the required local effort for each individual district.

3. From the product of such multiplication, subtract the required local effort of each district; and the remainder shall be the amount of state funds allocated to the district for current operation.

(b) The amount thus obtained shall be the net annual allocation to each school district. However, if it is determined that any school district received an underallocation or overallocation for any prior year because of an arithmetical error, assessment roll change, full-time equivalent student membership error, or any allocation error revealed in an audit report, the allocation to that district shall be appropriately adjusted. If the Department of Education audit adjustment recommendation is based upon controverted findings of fact, the Commissioner of Education is authorized to establish the amount of the adjustment based on the best interests of the state.

(c) The amount thus obtained shall represent the net annual state allocation to each district; however, notwithstanding any of the provisions herein, each district shall be guaranteed a minimum level of funding in the amount and manner prescribed in the General Appropriations Act.

Section 44. Paragraph (d) of subsection (1) of section 236.083, Florida Statutes, 1996 Supplement, is amended, and subsection (7) is added to that section, to read:

236.083 Funds for student transportation.—The annual allocation to each district for transportation to public school programs of students in membership in kindergarten through grade 12, in migrant and exceptional student programs below kindergarten, and in any other state-funded pre-kindergarten program shall be determined as follows:

(1) Subject to the rules of the state board, each district shall determine the membership of students who are transported:

(d) By reason of being vocational, dual enrollment, or students with disabilities transported from one school center to another to participate in an instructional program or service; or students with disabilities, transported from one designation to another in the state, provided one designation is a school center and provided the student's individual educational plan (IEP) identifies the need for the instructional program or service and transportation to be provided by the school district. A "school center" is defined as a public school center, public community college, public university, or other facility rented, leased, or owned and operated by the school district or another public agency. A "dual enrollment student" is defined as a public school student in membership in both a public secondary school program and a public community college or a public university program under a written agreement to partially fulfill ss. 229.814 and 240.115 and earning full-time equivalent membership under s. 236.081(1)(g)(j);

(7) Any funds received by a school district under this section that are not required to transport students may, at the discretion of the school board, be transferred to the district's K-12 Florida Education Finance Program.

Section 45. Section 237.34, Florida Statutes, is amended to read:

237.34 Cost accounting and reporting.—

(1) COST ACCOUNTING.—Each district shall account for expenditures of all state, local, and federal funds on a school-by-school and a district-aggregate basis in accordance with the manual developed by the department or as provided by law. ~~The method used by each district when recording and reporting cost data by program shall be reviewed and approved by the department in accordance with regulations prescribed by the state board. All districts, in cooperation with the department, shall plan mutually compatible programs for the refinement of cost data and the improvement of the accounting and reporting system.~~

(2) COST REPORTING.—

(a) Each district shall report on a district-aggregate basis expenditures for inservice training pursuant to s. 236.081(3), and for categorical programs as provided in s. 236.081(5).

(b) Each district shall report on a school-by-school and on an aggregate district basis expenditures for each program funded set forth in s. 236.081(1)(c), except that programs for exceptional students shall be reported on an aggregate basis ~~separate costs shall be kept for adult basic and secondary education as defined in s. 239.105. Expenditures for apprenticeship programs shall be reported separately.~~

(c) The commissioner shall present to the Legislature, ~~90 days~~ prior to the opening of the regular session each year, a district-by-district report of the expenditures reported pursuant to paragraphs (a) and (b). The report shall include total expenditures, a detailed analysis showing expenditures for each program, and such other data as may be useful for management of the educational system. The commissioner shall also compute cost factors ~~for each district reflecting actual expenditures~~ relative to the base student allocation for each funded program ~~of the programs as provided in s. 236.081(1)(c).~~

(3) PROGRAM EXPENDITURE REQUIREMENTS.—

~~(a) For each program and broad program category established in s. 236.081(1)(c),~~ Each district shall expend at least the percent of the funds generated by each of the programs listed herein on the aggregate total school costs for such programs:

1. Kindergarten and grades 1, 2, and 3, 90 percent.
2. Grades 4, 5, 6, 7, and 8, 80 percent.
3. Grades 9, 10, 11, and 12, 80 percent.

4. ~~Special Programs for exceptional students, on an aggregate program basis, 80 percent.~~

5. Grades 7 through 12 vocational education Special vocational-technical programs, on an aggregate program basis, 80 percent.

6. ~~Special adult general education programs, on an aggregate program basis, 80 percent.~~

6.7. Students-at-risk programs, on an aggregate program basis, 80 percent.

7.8. ~~Beginning in fiscal year 1989-1990, Any new program established and funded under s. 236.081(1)(c), that is not included under subparagraphs 1. through 6.7., on an aggregate basis as appropriate, 80 percent.~~

(b) Funds for inservice training established in s. 236.081(3) and for categorical programs established in s. 236.081(5) shall be expended for the costs of the identified programs in accordance with the rules of the state board.

(c) In the event a district fails to meet any of the expenditure requirements as set forth herein, the commissioner shall notify the superintendent of the district involved and shall require that the school board make provision for correcting the deficiency in the subsequent year's operating budget. ~~The commissioner shall not approve the district budget until he or she has determined that the provisions have been made to correct the deficiency.~~

Section 46. Paragraph (a) of subsection (2) of section 230.2305, Florida Statutes, is amended to read:

230.2305 Prekindergarten early intervention program.—

(2) **ELIGIBILITY.**—There is hereby created the prekindergarten early intervention program for children who are 3 and 4 years of age. A prekindergarten early intervention program shall be administered by a district school board and shall receive state funds pursuant to subsection (9). Prekindergarten early intervention programs shall be implemented and conducted by school districts pursuant to a plan developed and approved as provided in this section. School district participation in the prekindergarten early intervention program shall be at the discretion of each school district.

(a) At least 75 percent of the children projected to be served by the district program shall be economically disadvantaged 4-year-old children of working parents, including migrant children or children whose parents participate in the WAGES Program. Other children projected to be served by the district program may include any of the following up to a maximum of 25 percent of the total number of children served:

1. Three-year-old and four-year-old children who are referred to the school system who may not be economically disadvantaged but who are abused, prenatally exposed to alcohol or harmful drugs, or from foster homes, or who are marginal in terms of Exceptional Student Education placement.

2. Three-year-old children and four-year-old children who may not be economically disadvantaged but who are eligible students with disabilities and served in ~~an a specific part-time or combination of part-time~~ exceptional student education program programs with required special services, aids, or equipment and who are reported for ~~partial funding part-time~~ in the K-12 Florida Education Finance Program ~~as exceptional students~~. These students may be funded from prekindergarten early intervention program funds the portion of the time not funded by the K-12 Florida Education Finance Program for the actual instructional time or one full-time equivalent student membership, whichever is the lesser. These ~~part-time~~ students with disabilities shall be counted toward the 25-percent student limit based on full-time equivalent student membership funded part-time by prekindergarten early intervention program funds. Also, 3-year-old or 4-year-old eligible students with disabilities who are reported for funding in the K-12 Florida Education Finance Program in ~~an a full-time or an authorized combination of full-time and part-time~~ exceptional student education program programs as provided in s. 236.081(1)(c) may be mainstreamed in the prekindergarten early intervention program if such programming is reflected in the student's individual educational plan; if required special services, aids, or equipment are provided; and if there is no operational cost to prekindergarten early intervention program funds. These full-time Exceptional education students who are reported for maximum K-12 Florida Education Finance Program funding and who are not reported for early intervention funding shall not count against the 75-percent or 25-percent student limit as stated in this paragraph.

3. Economically disadvantaged 3-year-old children.

4. Economically disadvantaged children, children with disabilities, and children at risk of future school failure, from birth to age four, who are served at home through home visitor programs and intensive parent education programs such as the Florida First Start Program.

5. Children who meet federal and state requirements for eligibility for the migrant preschool program but who do not meet the criteria of "economically disadvantaged" as defined in paragraph (b), who shall not pay a fee.

6. After the groups listed in subparagraphs 1., 2., 3., and 4. have been served, 3-year-old and 4-year-old children who are not economically disadvantaged and for whom a fee is paid for the children's participation.

Section 47. Subsection (1) of section 236.25, Florida Statutes, is amended to read:

236.25 District school tax.—

(1) If the district school tax is not provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, each school board desiring to participate in the state allocation of funds for current operation as prescribed by s. 236.081(10)(12) shall levy on the taxable value for school purposes of the district, exclusive of millage voted under the provisions of s. 9(b) or s. 12, Art. VII of the State Constitution, a millage rate not to exceed the amount certified by the commissioner as the

minimum millage rate necessary to provide the district-required local effort for the current year, pursuant to s. 236.081(4)(a)1. In addition to the required local effort millage levy, each school board may levy a nonvoted current operating discretionary millage. The Legislature shall prescribe annually in the appropriations act the maximum amount of millage a district may levy. The millage rate prescribed shall exceed zero mills but shall not exceed the lesser of 1.6 mills or 25 percent of the millage which is required pursuant to s. 236.081(4), exclusive of millage levied pursuant to subsection (2).

Section 48. Subsection (1) of section 236.602, Florida Statutes, is amended to read:

236.602 Bonds payable from motor vehicle license tax funds; instruction units computed.—

(1) For the purpose of administering the provisions of s. 9(d), Art. XII of the State Constitution as amended in 1972, the number of current instruction units in districts shall be computed annually by the department by multiplying the number of full-time equivalent students in programs under s. 236.081(1)(c) in each district by the cost factors established in the General Appropriations Act s. 236.081(1)(c) and dividing by 23, except that all basic program cost factors shall be one, and the special program cost factors for hospital and homebound I and for community service shall be zero. Full-time equivalent membership for students residing in Department of Health and Rehabilitative Services residential care facilities shall not be included in this computation. Any portion of the fund not expended during any fiscal year may be carried forward in ensuing budgets and shall be temporarily invested as prescribed by law or regulations of the state board.

Section 49. This act shall take effect July 1, 1997.

Became a law without the Governor's approval June 4, 1997.

Filed in Office Secretary of State June 3, 1997.