

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 5083

Amendment No.

CHAMBER ACTION

Senate

House

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1 The Conference Committee on HB 5083 offered the following:

2
3 **Conference Committee Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Paragraph (a) of subsection (22) of section
6 121.021, Florida Statutes, is amended to read:

7 121.021 Definitions.--The following words and phrases as
8 used in this chapter have the respective meanings set forth
9 unless a different meaning is plainly required by the context:

10 (22) "Compensation" means the monthly salary paid a member
11 by his or her employer for work performed arising from that
12 employment.

13 (a) Compensation shall include:

14 1. Overtime payments paid from a salary fund.

15 2. Accumulated annual leave payments.

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16 3. Payments in addition to the employee's base rate of pay
17 if all the following apply:

18 a. The payments are paid according to a formal written
19 policy that applies to all eligible employees equally;

20 b. The policy provides that payments shall commence no
21 later than the 11th year of employment;

22 c. The payments are paid for as long as the employee
23 continues his or her employment; and

24 d. The payments are paid at least annually.

25 4. Amounts withheld for tax sheltered annuities or
26 deferred compensation programs, or any other type of salary
27 reduction plan authorized under the Internal Revenue Code.

28 5. Payments made in lieu of a permanent increase in the
29 base rate of pay, whether made annually or in 12 or 26 equal
30 payments within a 12-month period, when the member's base pay is
31 at the maximum of his or her pay range. When a portion of a
32 member's annual increase raises his or her pay range and the
33 excess is paid as a lump sum payment, such lump sum payment
34 shall be compensation for retirement purposes.

35 ~~6. Effective July 1, 2002, salary supplements made~~
36 ~~pursuant to s. 1012.72 requiring a valid National Board for~~
37 ~~Professional Standards certificate, notwithstanding the~~
38 ~~provisions of subparagraph 3.~~

39 Section 2. Paragraph (i) of subsection (9) of section
40 220.187, Florida Statutes is amended to read:

41 220.187 Credits for contributions to nonprofit
42 scholarship-funding organizations.--

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43 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.--The Department
44 of Education shall:

45 (i) Maintain a list of In accordance with State Board of
46 Education rule, identify and select the nationally norm-
47 referenced tests identified for purposes of satisfying the
48 testing requirement in subparagraph (8)(c)2. The tests must meet
49 that are comparable to the norm referenced provisions of the
50 Florida Comprehensive Assessment Test (FCAT) provided that the
51 FCAT may be one of the tests selected. However, the Department
52 of Education may approve the use of an additional assessment by
53 the school if the assessment meets industry standards of quality
54 in accordance with State Board of Education rule and
55 comparability.

56 Section 3. Paragraph (c) is added to subsection (2) of
57 section 1001.451, Florida Statutes, to read:

58 1001.451 Regional consortium service organizations.--In
59 order to provide a full range of programs to larger numbers of
60 students, minimize duplication of services, and encourage the
61 development of new programs and services:

62 (2)

63 (c) Notwithstanding paragraph (a), the appropriation for
64 the 2008-2009 fiscal year may be less than \$50,000 per school
65 district and eligible member. If the amount appropriated is
66 insufficient to provide \$50,000, the funds available must be
67 prorated among all eligible districts and members. This
68 paragraph expires July 1, 2009.

69 Section 4. Paragraph (a) of subsection (20) of section
70 1002.33, Florida Statutes, is amended to read:

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71 1002.33 Charter schools.--

72 (20) SERVICES.--

73 (a) A sponsor shall provide certain administrative and
74 educational services to charter schools. These services shall
75 include contract management services; full-time equivalent and
76 data reporting services; exceptional student education
77 administration services; services related to eligibility and
78 reporting duties required to ensure that school lunch services
79 under the federal lunch program, consistent with the needs of
80 the charter school, are provided by the school district at the
81 request of the charter school; test administration services,
82 including payment of the costs of state-required or district-
83 required student assessments; processing of teacher certificate
84 data services; and information services, including equal access
85 to student information systems that are used by public schools
86 in the district in which the charter school is located. Student
87 performance data for each student in a charter school,
88 including, but not limited to, FCAT scores, standardized test
89 scores, previous public school student report cards, and student
90 performance measures, shall be provided by the sponsor to a
91 charter school in the same manner provided to other public
92 schools in the district. A total administrative fee for the
93 provision of such services shall be calculated based upon up to
94 5 percent of the available funds defined in paragraph (17)(b)
95 for all students. However, a sponsor may only withhold up to a
96 5-percent administrative fee for enrollment for up to and
97 including 500 students. For charter schools with a population of
98 501 or more students, the difference between the total

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99 administrative fee calculation and the amount of the
100 administrative fee withheld may only be used for capital outlay
101 purposes specified in s. 1013.62(2). Each charter school shall
102 receive 100 percent of the funds awarded to that school pursuant
103 to s. 1012.225. Sponsors shall not charge charter schools any
104 additional fees or surcharges for administrative and educational
105 services in addition to the maximum 5-percent administrative fee
106 withheld pursuant to this paragraph.

107 Section 5. Paragraph (b) of subsection (2) of section
108 1003.03, Florida Statutes, is amended to read:

109 1003.03 Maximum class size.--

110 (2) IMPLEMENTATION.--

111 (b) Determination of the number of students per classroom
112 in paragraph (a) shall be calculated as follows:

113 1. For fiscal years 2003-2004 through 2005-2006, the
114 calculation for compliance for each of the 3 grade groupings
115 shall be the average at the district level.

116 2. For fiscal years 2006-2007 through 2008-2009 ~~2007-2008~~,
117 the calculation for compliance for each of the 3 grade groupings
118 shall be the average at the school level.

119 3. For fiscal year ~~years 2008-2009~~, 2009-2010, and
120 thereafter, the calculation for compliance shall be at the
121 individual classroom level.

122 4. For fiscal years 2006-2007 through 2009-2010 and
123 thereafter, each teacher assigned to any classroom shall be
124 included in the calculation for compliance.

125 Section 6. Subsection (2) of section 1007.271, Florida
126 Statutes, is amended to read:

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127 1007.271 Dual enrollment programs.--

128 (2) For the purpose of this section, an eligible secondary
129 student is a student who is enrolled in a Florida public
130 secondary school or in a Florida private secondary school which
131 is in compliance with s. 1002.42(2) and conducts a secondary
132 curriculum pursuant to s. 1003.43. Students enrolled in
133 postsecondary instruction that is not creditable toward the high
134 school diploma shall not be classified as dual enrollments.
135 Students who are eligible for dual enrollment pursuant to this
136 section shall be permitted to enroll in dual enrollment courses
137 conducted during school hours, after school hours, and during
138 the summer term. Instructional time for such enrollment may vary
139 from 900 hours; however, the school district may only report the
140 student for a maximum of 1.0 FTE, as provided in s. 1011.61(4).
141 ~~Each semester of instruction that is eligible for high school~~
142 ~~and postsecondary credit shall be reported by school districts~~
143 ~~as 75 membership hours for purposes of FTE calculation.~~ Any
144 student so enrolled is exempt from the payment of registration,
145 tuition, and laboratory fees. Vocational-preparatory
146 instruction, college-preparatory instruction, and other forms of
147 precollegiate instruction, as well as physical education courses
148 that focus on the physical execution of a skill rather than the
149 intellectual attributes of the activity, are ineligible for
150 inclusion in the dual enrollment program. Recreation and leisure
151 studies courses shall be evaluated individually in the same
152 manner as physical education courses for potential inclusion in
153 the program.

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154 Section 7. Paragraph (c) of subsection (3) and subsection
155 (10) of section 1008.22, Florida Statutes, are amended to read:

156 1008.22 Student assessment program for public schools.--

157 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
158 design and implement a statewide program of educational
159 assessment that provides information for the improvement of the
160 operation and management of the public schools, including
161 schools operating for the purpose of providing educational
162 services to youth in Department of Juvenile Justice programs.
163 The commissioner may enter into contracts for the continued
164 administration of the assessment, testing, and evaluation
165 programs authorized and funded by the Legislature. Contracts may
166 be initiated in 1 fiscal year and continue into the next and may
167 be paid from the appropriations of either or both fiscal years.
168 The commissioner is authorized to negotiate for the sale or
169 lease of tests, scoring protocols, test scoring services, and
170 related materials developed pursuant to law. Pursuant to the
171 statewide assessment program, the commissioner shall:

172 (c) Develop and implement a student achievement testing
173 program known as the Florida Comprehensive Assessment Test
174 (FCAT) as part of the statewide assessment program to measure
175 reading, writing, science, and mathematics. Other content areas
176 may be included as directed by the commissioner. The assessment
177 of reading and mathematics shall be administered annually in
178 grades 3 through 10. The assessment of writing and science shall
179 be administered at least once at the elementary, middle, and
180 high school levels. The commissioner must document the
181 procedures used to ensure that the versions of the FCAT which

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182 are taken by students retaking the grade 10 FCAT are equally as
183 challenging and difficult as the tests taken by students in
184 grade 10 which contain performance tasks. The testing program
185 must be designed so that:

186 1. The tests measure student skills and competencies
187 adopted by the State Board of Education as specified in
188 paragraph (a). The tests must measure and report student
189 proficiency levels of all students assessed in reading, writing,
190 mathematics, and science. The commissioner shall provide for the
191 tests to be developed or obtained, as appropriate, through
192 contracts and project agreements with private vendors, public
193 vendors, public agencies, postsecondary educational
194 institutions, or school districts. The commissioner shall obtain
195 input with respect to the design and implementation of the
196 testing program from state educators, assistive technology
197 experts, and the public.

198 2. The testing program shall be composed ~~will include a~~
199 ~~combination of norm-referenced and~~ criterion-referenced tests
200 that shall and include, to the extent determined by the
201 commissioner, include test items ~~questions~~ that require the
202 student to produce information or perform tasks in such a way
203 that the skills and competencies he or she uses can be measured.

204 3. Each testing program, whether at the elementary,
205 middle, or high school level, includes a test of writing in
206 which students are required to produce writings that are then
207 scored by appropriate and timely methods.

208 4. A score is designated for each subject area tested,
209 below which score a student's performance is deemed inadequate.

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210 The school districts shall provide appropriate remedial
211 instruction to students who score below these levels.

212 5. Except as provided in s. 1003.428(8)(b) or s.
213 1003.43(11)(b), students must earn a passing score on the grade
214 10 assessment test described in this paragraph or attain
215 concordant scores as described in subsection (9) in reading,
216 writing, and mathematics to qualify for a standard high school
217 diploma. The State Board of Education shall designate a passing
218 score for each part of the grade 10 assessment test. In
219 establishing passing scores, the state board shall consider any
220 possible negative impact of the test on minority students. The
221 State Board of Education shall adopt rules which specify the
222 passing scores for the grade 10 FCAT. Any such rules, which have
223 the effect of raising the required passing scores, shall only
224 apply to students taking the grade 10 FCAT for the first time
225 after such rules are adopted by the State Board of Education.

226 6. Participation in the testing program is mandatory for
227 all students attending public school, including students served
228 in Department of Juvenile Justice programs, except as otherwise
229 prescribed by the commissioner. If a student does not
230 participate in the statewide assessment, the district must
231 notify the student's parent and provide the parent with
232 information regarding the implications of such nonparticipation.
233 A parent must provide signed consent for a student to receive
234 classroom instructional accommodations that would not be
235 available or permitted on the statewide assessments and must
236 acknowledge in writing that he or she understands the
237 implications of such instructional accommodations. The State

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238 Board of Education shall adopt rules, based upon recommendations
239 of the commissioner, for the provision of test accommodations
240 for students in exceptional education programs and for students
241 who have limited English proficiency. Accommodations that negate
242 the validity of a statewide assessment are not allowable in the
243 administration of the FCAT. However, instructional
244 accommodations are allowable in the classroom if included in a
245 student's individual education plan. Students using
246 instructional accommodations in the classroom that are not
247 allowable as accommodations on the FCAT may have the FCAT
248 requirement waived pursuant to the requirements of s.
249 1003.428(8)(b) or s. 1003.43(11)(b).

250 7. A student seeking an adult high school diploma must
251 meet the same testing requirements that a regular high school
252 student must meet.

253 8. District school boards must provide instruction to
254 prepare students to demonstrate proficiency in the skills and
255 competencies necessary for successful grade-to-grade progression
256 and high school graduation. If a student is provided with
257 instructional accommodations in the classroom that are not
258 allowable as accommodations in the statewide assessment program,
259 as described in the test manuals, the district must inform the
260 parent in writing and must provide the parent with information
261 regarding the impact on the student's ability to meet expected
262 proficiency levels in reading, writing, and math. The
263 commissioner shall conduct studies as necessary to verify that
264 the required skills and competencies are part of the district
265 instructional programs.

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266 9. District school boards must provide opportunities for
267 students to demonstrate an acceptable level of performance on an
268 alternative standardized assessment approved by the State Board
269 of Education following enrollment in summer academies.

270 10. The Department of Education must develop, or select,
271 and implement a common battery of assessment tools that will be
272 used in all juvenile justice programs in the state. These tools
273 must accurately measure the skills and competencies established
274 in the Sunshine State Standards.

275 11. For students seeking a special diploma pursuant to s.
276 1003.438, the Department of Education must develop or select and
277 implement an alternate assessment tool that accurately measures
278 the skills and competencies established in the Sunshine State
279 Standards for students with disabilities under s. 1003.438.

280
281 The commissioner may, based on collaboration and input from
282 school districts, design and implement student testing programs,
283 for any grade level and subject area, necessary to effectively
284 monitor educational achievement in the state, including the
285 measurement of educational achievement of the Sunshine State
286 Standards for students with disabilities. Development and
287 refinement of assessments shall include universal design
288 principles and accessibility standards that will prevent any
289 unintended obstacles for students with disabilities while
290 ensuring the validity and reliability of the test. These
291 principles should be applicable to all technology platforms and
292 assistive devices available for the assessments. The field
293 testing process and psychometric analyses for the statewide

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294 assessment program must include an appropriate percentage of
295 students with disabilities and an evaluation or determination of
296 the effect of test items on such students.

297 (10) REPORTS.--The Department of Education shall annually
298 provide a report to the Governor, the President of the Senate,
299 and the Speaker of the House of Representatives on the
300 following:

301 (a) Longitudinal performance of students in mathematics
302 and reading.

303 (b) Longitudinal performance of students by grade level in
304 mathematics and reading.

305 (c) Longitudinal performance regarding efforts to close
306 the achievement gap.

307 ~~(d) Longitudinal performance of students on the norm-~~
308 ~~referenced component of the FCAT.~~

309 (d) ~~(e)~~ Other student performance data based on national
310 norm-referenced and criterion-referenced tests, when available,
311 and numbers of students who after 8th grade enroll in adult
312 education rather than other secondary education.

313 Section 8. Paragraphs (i) and (l) through (v) of
314 subsection (1), paragraph (b) of subsection (4), and subsections
315 (6) and (8) of section 1011.62, Florida Statutes, as amended by
316 chapter 2007-328, Laws of Florida, are amended, subsections (10)
317 and (11) of that section are amended and renumbered as
318 subsections (11) and (12), respectively, and a new subsection
319 (10) is added to that section, to read:

320 1011.62 Funds for operation of schools.--If the annual
321 allocation from the Florida Education Finance Program to each
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322 district for operation of schools is not determined in the
323 annual appropriations act or the substantive bill implementing
324 the annual appropriations act, it shall be determined as
325 follows:

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

330 (i) Calculation of full-time equivalent membership with
331 respect to dual enrollment instruction.--Students enrolled in
332 dual enrollment instruction pursuant to s. 1007.271 may be
333 included in calculations of full-time equivalent student
334 memberships for basic programs for grades 9 through 12 by a
335 district school board. Instructional time for dual enrollment
336 may vary from 900 hours; however, the school district may only
337 report the student for a maximum of 1.0 full-time equivalent
338 student membership, as provided in s. 1011.61(4). Dual
339 enrollment full-time equivalent student membership shall be
340 calculated in an amount equal to the hours of instruction that
341 would be necessary to earn the full-time equivalent student
342 membership for an equivalent course if it were taught in the
343 school district. Each semester of instruction that is eligible
344 for high school and postsecondary credit shall be reported by
345 school districts as 75 membership hours for purposes of FTE
346 calculation. Such Students in dual enrollment courses may also
347 be calculated as the proportional shares of full-time equivalent
348 enrollments they generate for a community college or university
349 conducting the dual enrollment instruction. Early admission

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350 students shall be considered dual enrollments for funding
351 purposes. Students may be enrolled in dual enrollment
352 instruction provided by an eligible independent college or
353 university and may be included in calculations of full-time
354 equivalent student memberships for basic programs for grades 9
355 through 12 by a district school board. However, those provisions
356 of law which exempt dual enrolled and early admission students
357 from payment of instructional materials and tuition and fees,
358 including laboratory fees, shall not apply to students who
359 select the option of enrolling in an eligible independent
360 institution. An independent college or university which is
361 located and chartered in Florida, is not for profit, is
362 accredited by the Commission on Colleges of the Southern
363 Association of Colleges and Schools or the Accrediting Council
364 for Independent Colleges and Schools, and ~~which~~ confers degrees
365 as defined in s. 1005.02 shall be eligible for inclusion in the
366 dual enrollment or early admission program. Students enrolled in
367 dual enrollment instruction shall be exempt from the payment of
368 tuition and fees, including laboratory fees. No student enrolled
369 in college credit mathematics or English dual enrollment
370 instruction shall be funded as a dual enrollment unless the
371 student has successfully completed the relevant section of the
372 entry-level examination required pursuant to s. 1008.30.

373 (1) Calculation of additional full-time equivalent
374 membership based on international baccalaureate examination
375 scores of students.--A value of 0.16 ~~0.24~~ full-time equivalent
376 student membership shall be calculated for each student enrolled
377 in an international baccalaureate course who receives a score of
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378 4 or higher on a subject examination. A value of 0.3 full-time
379 equivalent student membership shall be calculated for each
380 student who receives an international baccalaureate diploma.
381 Such value shall be added to the total full-time equivalent
382 student membership in basic programs for grades 9 through 12 in
383 the subsequent fiscal year. The school district shall distribute
384 to each classroom teacher who provided international
385 baccalaureate instruction:

386 1. A bonus in the amount of \$50 for each student taught by
387 the International Baccalaureate teacher in each international
388 baccalaureate course who receives a score of 4 or higher on the
389 international baccalaureate examination.

390 2. An additional bonus of \$500 to each International
391 Baccalaureate teacher in a school designated with a grade of "D"
392 or "F" who has at least one student scoring 4 or higher on the
393 international baccalaureate examination, regardless of the
394 number of classes taught or of the number of students scoring a
395 4 or higher on the international baccalaureate examination.
396 Bonuses awarded to a teacher according to this paragraph shall
397 not exceed \$2,000 in any given school year and shall be in
398 addition to any regular wage or other bonus the teacher received
399 or is scheduled to receive.

400 (m) Calculation of additional full-time equivalent
401 membership based on Advanced International Certificate of
402 Education examination scores of students.--A value of 0.16 ~~0.24~~
403 full-time equivalent student membership shall be calculated for
404 each student enrolled in a full-credit Advanced International
405 Certificate of Education course who receives a score of E or
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406 higher on a subject examination. A value of 0.08 ~~0.12~~ full-time
407 equivalent student membership shall be calculated for each
408 student enrolled in a half-credit Advanced International
409 Certificate of Education course who receives a score of E or
410 higher on a subject examination. A value of 0.3 full-time
411 equivalent student membership shall be calculated for each
412 student who receives an Advanced International Certificate of
413 Education diploma. Such value shall be added to the total full-
414 time equivalent student membership in basic programs for grades
415 9 through 12 in the subsequent fiscal year. The school district
416 shall distribute to each classroom teacher who provided Advanced
417 International Certificate of Education instruction:

418 1. A bonus in the amount of \$50 for each student taught by
419 the Advanced International Certificate of Education teacher in
420 each full-credit Advanced International Certificate of Education
421 course who receives a score of E or higher on the Advanced
422 International Certificate of Education examination. A bonus in
423 the amount of \$25 for each student taught by the Advanced
424 International Certificate of Education teacher in each half-
425 credit Advanced International Certificate of Education course
426 who receives a score of E or higher on the Advanced
427 International Certificate of Education examination.

428 2. An additional bonus of \$500 to each Advanced
429 International Certificate of Education teacher in a school
430 designated with a grade of "D" or "F" who has at least one
431 student scoring E or higher on the full-credit Advanced
432 International Certificate of Education examination, regardless
433 of the number of classes taught or of the number of students

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434 scoring an E or higher on the full-credit Advanced International
435 Certificate of Education examination.

436 3. Additional bonuses of \$250 each to teachers of half-
437 credit Advanced International Certificate of Education classes
438 in a school designated with a grade of "D" or "F" which has at
439 least one student scoring an E or higher on the half-credit
440 Advanced International Certificate of Education examination in
441 that class. The maximum additional bonus for a teacher awarded
442 in accordance with this subparagraph shall not exceed \$500 in
443 any given school year. Teachers receiving an award under
444 subparagraph 2. are not eligible for a bonus under this
445 subparagraph.

446

447 Bonuses awarded to a teacher according to this paragraph shall
448 not exceed \$2,000 in any given school year and shall be in
449 addition to any regular wage or other bonus the teacher received
450 or is scheduled to receive.

451 (n) Calculation of additional full-time equivalent
452 membership based on college board advanced placement scores of
453 students.--A value of 0.16 ~~0.24~~ full-time equivalent student
454 membership shall be calculated for each student in each advanced
455 placement course who receives a score of 3 or higher on the
456 College Board Advanced Placement Examination for the prior year
457 and added to the total full-time equivalent student membership
458 in basic programs for grades 9 through 12 in the subsequent
459 fiscal year. Each district must allocate at least 80 percent of
460 the funds provided to the district for advanced placement
461 instruction, in accordance with this paragraph, to the high

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462 school that generates the funds. The school district shall
463 distribute to each classroom teacher who provided advanced
464 placement instruction:

465 1. A bonus in the amount of \$50 for each student taught by
466 the Advanced Placement teacher in each advanced placement course
467 who receives a score of 3 or higher on the College Board
468 Advanced Placement Examination.

469 2. An additional bonus of \$500 to each Advanced Placement
470 teacher in a school designated with a grade of "D" or "F" who
471 has at least one student scoring 3 or higher on the College
472 Board Advanced Placement Examination, regardless of the number
473 of classes taught or of the number of students scoring a 3 or
474 higher on the College Board Advanced Placement Examination.
475 Bonuses awarded to a teacher according to this paragraph shall
476 not exceed \$2,000 in any given school year and shall be in
477 addition to any regular wage or other bonus the teacher received
478 or is scheduled to receive.

479 ~~(e) Calculation of additional full-time equivalent~~
480 ~~membership based on completion of high school level algebra~~
481 ~~courses by students in grades 6 through 8. A value of 0.088~~
482 ~~full-time equivalent student membership shall be calculated for~~
483 ~~each student in grades 6 through 8 who completes a high school~~
484 ~~level algebra course and receives a grade of C or better. Such~~
485 ~~value shall be added to the total full-time equivalent student~~
486 ~~membership in basic programs for grades 6 through 8. Each~~
487 ~~district must allocate the funds provided to the district for~~
488 ~~students in grades 6 through 8 who complete a high school level~~

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489 ~~algebra course and receive a grade of C or better to the school~~
490 ~~that generated the funds.~~

491 ~~(p) Calculation of supplemental allocation for juvenile~~
492 ~~justice education programs. Beginning with the 2007-2008~~
493 ~~General Appropriations Act, the total K-12 weighted full-time~~
494 ~~equivalent student membership in juvenile justice education~~
495 ~~programs in each school district shall be multiplied by the~~
496 ~~amount of the state average class size reduction factor~~
497 ~~multiplied by the district's cost differential. An amount equal~~
498 ~~to the sum of this calculation shall be allocated in the FEFP to~~
499 ~~each school district to supplement other sources of funding for~~
500 ~~students in juvenile justice education programs.~~

501 ~~(o)~~ ~~(q)~~ Calculation of additional full-time equivalent
502 membership based on certification of successful completion of
503 industry-certified career and professional academy programs
504 pursuant to s. 1003.492.--A value of 0.3 full-time equivalent
505 student membership shall be calculated for each student who
506 completes an industry-certified career and professional academy
507 program under s. 1003.492 and who is issued the highest level of
508 an industry certification and a high school diploma certificate.
509 Such value shall be added to the total full-time equivalent
510 student membership in secondary career education programs for
511 grades 9 through 12 in the subsequent year for courses that were
512 not funded through dual enrollment. The additional full-time
513 equivalent membership authorized under this paragraph may not
514 exceed 0.3 per student. Unless a different amount is specified
515 in the General Appropriations Act, the appropriation for this
516 calculation is limited to \$15 ~~\$30~~ million annually. If the

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517 appropriation is insufficient to fully fund the total
518 calculation, the appropriation shall be prorated.

519 (p)~~(r)~~ Calculation of additional full-time equivalent
520 membership for the Florida Virtual School.--The total reported
521 full-time equivalent student membership for the Florida Virtual
522 School shall be multiplied by 0.114, and such value shall be
523 added to the total full-time equivalent student membership.

524 (q)~~(s)~~ Year-round-school programs.--The Commissioner of
525 Education is authorized to adjust student eligibility
526 definitions, funding criteria, and reporting requirements of
527 statutes and rules in order that year-round-school programs may
528 achieve equivalent application of funding requirements with non-
529 year-round-school programs.

530 (r)~~(t)~~ Extended-school-year program.--It is the intent of
531 the Legislature that students be provided additional instruction
532 by extending the school year to 210 days or more. Districts may
533 apply to the Commissioner of Education for funds to be used in
534 planning and implementing an extended-school-year program. The
535 Department of Education shall recommend to the Legislature the
536 policies necessary for full implementation of an extended school
537 year.

538 (s)~~(u)~~ Determination of the basic amount for current
539 operation.--The basic amount for current operation to be
540 included in the Florida Education Finance Program for
541 kindergarten through grade 12 for each district shall be the
542 product of the following:

543 1. The full-time equivalent student membership in each
544 program, multiplied by

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545 2. The cost factor for each program, adjusted for the
546 maximum as provided by paragraph (c), multiplied by

547 3. The base student allocation.

548 ~~(t)(v)~~ Computation for funding through the Florida
549 Education Finance Program.--The State Board of Education may
550 adopt rules establishing programs and courses for which the
551 student may earn credit toward high school graduation.

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

559 (b) Final calculation.--

560 1. The taxable value for school purposes certified by the
561 Department of Revenue which is used in the fourth calculation
562 with the annualized full-time student membership from the
563 February student survey shall be the final taxable value used in
564 the final calculation. ~~On September 1 of each year, the~~
565 ~~Department of Revenue shall certify to the Commissioner of~~
566 ~~Education the total of the prior year final taxable value for~~
567 ~~school purposes in each school district and the total for all~~
568 ~~school districts in the state. The commissioner shall use the~~
569 ~~final taxable value certified on September 1 for school purposes~~
570 ~~for each school district in the final calculation of the annual~~
571 ~~Florida Education Finance Program allocations.~~

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572 2. For purposes of this paragraph, the final taxable value
573 for school purposes shall be the taxable value for school
574 purposes on which the tax bills are computed and mailed to the
575 taxpayers, adjusted to reflect final administrative actions of
576 value adjustment boards and judicial decisions pursuant to
577 chapter 194. For each county that has not submitted a revised
578 tax roll reflecting final value adjustment board actions and
579 final judicial decisions, the Department of Revenue shall
580 certify the most recent revision of the taxable value for school
581 purposes. The value certified under subparagraph 1. ~~on September~~
582 ~~±~~ shall be the final taxable value for school purposes for that
583 year, and no further adjustments shall be made, except those
584 made pursuant to paragraph (12) ~~(11)~~ (b).

585 (6) CATEGORICAL FUNDS.--

586 (a) In addition to the basic amount for current operations
587 for the FEFP as determined in subsection (1), the Legislature
588 may appropriate categorical funding for specified programs,
589 activities, or purposes.

590 (b) If a district school board finds and declares in a
591 resolution adopted at a regular meeting of the school board that
592 the funds received for any of the following categorical
593 appropriations are urgently needed to maintain school board
594 specified academic classroom instruction, the school board may
595 consider and approve an amendment to the school district
596 operating budget transferring the identified amount of the
597 categorical funds to the appropriate account for expenditure:

- 598 1. Funds for student transportation.
599 2. Funds for safe schools.

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600 3. Funds for supplemental academic instruction.

601 4. Funds for research-based reading instruction.

602 5. Funds for instructional materials if all instructional
603 material purchases have been completed for that fiscal year, but
604 no sooner than March 1, 2009.

605 (c) Each district school board shall include in its annual
606 financial report to the Department of Education the amount of
607 funds the school board transferred from each of the categorical
608 funds identified in this subsection and the specific academic
609 classroom instruction for which the transferred funds were
610 expended. The Department of Education shall provide instructions
611 and specify the format to be used in submitting this required
612 information as a part of the district annual financial report.
613 The Department of Education shall submit a report to the
614 Legislature that identifies by district and by categorical fund
615 the amount transferred and the specific academic classroom
616 activity for which the funds were expended.

617 (d) If a district school board transfers funds from its
618 research-based reading instruction allocation, the board must
619 also submit to the Department of Education an amendment
620 describing the changes that the district is making to its
621 reading plan approved pursuant to paragraph (9) (d).

622 (8) DECLINE IN FULL-TIME EQUIVALENT STUDENTS.--In those
623 districts where there is a decline between prior year and
624 current year unweighted FTE students, a percentage 50 percent of
625 the decline in the unweighted FTE students as determined by the
626 Legislature shall be multiplied by the prior year calculated
627 FEFP per unweighted FTE student and shall be added to the

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628 allocation for that district. For this purpose, the calculated
629 FEFP shall be computed by multiplying the weighted FTE students
630 by the base student allocation and then by the district cost
631 differential. If a district transfers a program to another
632 institution not under the authority of the district's school
633 board, including a charter technical career center, the decline
634 is to be multiplied by a factor of 0.15. However, if the funds
635 provided for the Florida Education Finance Program in the
636 General Appropriations Act for any fiscal year are reduced by a
637 subsequent appropriation for that fiscal year, the percent of
638 the decline in the unweighted FTE students to be funded shall be
639 determined by the Legislature and designated in the subsequent
640 appropriation.

641 (10) CALCULATION OF SUPPLEMENTAL ALLOCATION FOR JUVENILE
642 JUSTICE EDUCATION PROGRAMS.--The total K-12 weighted full-time
643 equivalent student membership in juvenile justice education
644 programs in each school district shall be multiplied by the
645 amount of the state average class-size-reduction factor
646 multiplied by the district's cost differential. An amount equal
647 to the sum of this calculation shall be allocated in the FEFP to
648 each school district to supplement other sources of funding for
649 students in juvenile justice education programs.

650 (11)~~(10)~~ QUALITY ASSURANCE GUARANTEE.--The Legislature may
651 annually in the General Appropriations Act determine a
652 percentage increase in funds per K-12 unweighted FTE as a
653 minimum guarantee to each school district. The guarantee shall
654 be calculated from prior year base funding per unweighted FTE
655 student which shall include the adjusted FTE dollars as provided

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656 in subsection (12) ~~(11)~~, quality guarantee funds, and actual
 657 nonvoted discretionary local effort from taxes. From the base
 658 funding per unweighted FTE, the increase shall be calculated for
 659 the current year. The current year funds from which the
 660 guarantee shall be determined shall include the adjusted FTE
 661 dollars as provided in subsection (12) ~~(11)~~ and potential
 662 nonvoted discretionary local effort from taxes. A comparison of
 663 current year funds per unweighted FTE to prior year funds per
 664 unweighted FTE shall be computed. For those school districts
 665 which have less than the legislatively assigned percentage
 666 increase, funds shall be provided to guarantee the assigned
 667 percentage increase in funds per unweighted FTE student. Should
 668 appropriated funds be less than the sum of this calculated
 669 amount for all districts, the commissioner shall prorate each
 670 district's allocation. This provision shall be implemented to
 671 the extent specifically funded.

672 (12) ~~(11)~~ TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT
 673 FOR CURRENT OPERATION.--The total annual state allocation to
 674 each district for current operation for the FEFP shall be
 675 distributed periodically in the manner prescribed in the General
 676 Appropriations Act.

677 (a) The basic amount for current operation for the FEFP as
 678 determined in subsection (1), multiplied by the district cost
 679 differential factor as determined in subsection (2), plus the
 680 amounts provided for categorical components within the FEFP,
 681 plus the discretionary millage compression supplement as
 682 determined in subsection (5), the amount for the sparsity
 683 supplement as determined in subsection (7), the decline in full-

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684 time equivalent students as determined in subsection (8), the
685 research-based reading instruction allocation as determined in
686 subsection (9), the allocation for juvenile justice education
687 programs as determined in subsection (10), and the quality
688 assurance guarantee as determined in subsection (11) ~~(10)~~, less
689 the required local effort as determined in subsection (4). If
690 the funds appropriated for the purpose of funding the total
691 amount for current operation as provided in this paragraph are
692 not sufficient to pay the state requirement in full, the
693 department shall prorate the available state funds to each
694 district in the following manner:

695 1. Determine the percentage of proration by dividing the
696 sum of the total amount for current operation, as provided in
697 this paragraph for all districts collectively, and the total
698 district required local effort into the sum of the state funds
699 available for current operation and the total district required
700 local effort.

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

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

708 (b) The amount thus obtained shall be the net annual
709 allocation to each school district. However, if it is determined
710 that any school district received an underallocation or
711 overallocation for any prior year because of an arithmetical

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712 error, assessment roll change required by final judicial
713 decision, full-time equivalent student membership error, or any
714 allocation error revealed in an audit report, the allocation to
715 that district shall be appropriately adjusted. Beginning with
716 audits for the 2001-2002 fiscal year, if the adjustment is the
717 result of an audit finding in which group 2 FTE are reclassified
718 to the basic program and the district weighted FTE are over the
719 weighted enrollment ceiling for group 2 programs, the adjustment
720 shall not result in a gain of state funds to the district. If
721 the Department of Education audit adjustment recommendation is
722 based upon controverted findings of fact, the Commissioner of
723 Education is authorized to establish the amount of the
724 adjustment based on the best interests of the state.

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

730 Section 9. The amendments to s. 1011.62(6), Florida
731 Statutes, made by this act shall expire July 1, 2009, and the
732 text of that subsection shall revert to that in existence on the
733 day before the effective date of chapter 2007-328, Laws of
734 Florida, except that any amendments to such text enacted other
735 than by this act shall be preserved and continue to operate to
736 the extent that such amendments are not dependent upon the
737 portions of such text that expire pursuant to this section.

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738 Section 10. Section 1011.71, Florida Statutes, as amended
739 by chapters 2007-328 and 2008-2, Laws of Florida, is amended to
740 read:

741 1011.71 District school tax.--

742 (1) If the district school tax is not provided in the
743 General Appropriations Act or the substantive bill implementing
744 the General Appropriations Act, each district school board
745 desiring to participate in the state allocation of funds for
746 current operation as prescribed by s. 1011.62(12)(11) shall levy
747 on the taxable value for school purposes of the district,
748 exclusive of millage voted under the provisions of s. 9(b) or s.
749 12, Art. VII of the State Constitution, a millage rate not to
750 exceed the amount certified by the commissioner as the minimum
751 millage rate necessary to provide the district required local
752 effort for the current year, pursuant to s. 1011.62(4)(a)1. In
753 addition to the required local effort millage levy, each
754 district school board may levy a nonvoted current operating
755 discretionary millage. The Legislature shall prescribe annually
756 in the appropriations act the maximum amount of millage a
757 district may levy.

758 (2) In addition to the maximum millage levy as provided in
759 subsection (1), each school board may levy not more than 1.75
760 mills ~~2 mills~~ against the taxable value for school purposes for
761 district schools, including charter schools at the discretion of
762 the school board, to fund:

763 (a) New construction and remodeling projects, as set forth
764 in s. 1013.64(3)(b) and (6)(b) and included in the district's
765 educational plant survey pursuant to s. 1013.31, without regard

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766 to prioritization, sites and site improvement or expansion to
767 new sites, existing sites, auxiliary facilities, athletic
768 facilities, or ancillary facilities.

769 (b) Maintenance, renovation, and repair of existing school
770 plants or of leased facilities to correct deficiencies pursuant
771 to s. 1013.15(2).

772 (c) The purchase, lease-purchase, or lease of school
773 buses.

774 (d) The purchase, lease-purchase, or lease of new and
775 replacement equipment.

776 (e) Payments for educational facilities and sites due
777 under a lease-purchase agreement entered into by a district
778 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
779 exceeding, in the aggregate, an amount equal to three-fourths of
780 the proceeds from the millage levied by a district school board
781 pursuant to this subsection.

782 (f) Payment of loans approved pursuant to ss. 1011.14 and
783 1011.15.

784 (g) Payment of costs directly related to complying with
785 state and federal environmental statutes, rules, and regulations
786 governing school facilities.

787 (h) Payment of costs of leasing relocatable educational
788 facilities, of renting or leasing educational facilities and
789 sites pursuant to s. 1013.15(2), or of renting or leasing
790 buildings or space within existing buildings pursuant to s.
791 1013.15(4).

792 (i) Payment of the cost of school buses when a school
793 district contracts with a private entity to provide student
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794 transportation services if the district meets the requirements
795 of this paragraph.

796 1. The district's contract must require that the private
797 entity purchase, lease-purchase, or lease, and operate and
798 maintain, one or more school buses of a specific type and size
799 that meet the requirements of s. 1006.25.

800 2. Each such school bus must be used for the daily
801 transportation of public school students in the manner required
802 by the school district.

803 3. Annual payment for each such school bus may not exceed
804 10 percent of the purchase price of the state pool bid.

805 4. The proposed expenditure of the funds for this purpose
806 must have been included in the district school board's notice of
807 proposed tax for school capital outlay as provided in s.
808 200.065(10).

809 (j) Payment of the cost of the opening day collection for
810 the library media center of a new school.

811 (3) If the revenue from the millage authorized in
812 subsection (2) is insufficient to make payments due under a
813 lease-purchase agreement entered into prior to June 30, 2008, by
814 a district school board pursuant to paragraph (2)(e), an amount
815 up to 0.25 mills of the taxable value for school purposes within
816 the school district shall be legally available for such
817 payments, notwithstanding other restrictions on the use of such
818 revenues imposed by law.

819 (4)~~(3)~~ A school district that has met the reduction
820 requirements regarding class size for the 2008-2009 fiscal
821 ~~current~~ year pursuant to s. 1003.03 for K-12 students for whom
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822 ~~the school district provides the educational facilities, has~~
823 ~~received an unqualified opinion on its financial statements for~~
824 ~~the preceding 3 years, has no material weaknesses or instances~~
825 ~~of material noncompliance noted in an audit for the preceding 3~~
826 ~~years,~~ and certifies to the Commissioner of Education that the
827 district does not need all of its discretionary 1.75-mill
828 capital improvement revenue for capital outlay purposes and all
829 of the district's instructional space needs for the next 5 years
830 can be met from capital outlay sources that the district
831 reasonably expects to receive during the next 5 years from local
832 revenues and from currently appropriated state facilities
833 funding or from alternative scheduling or construction, leasing,
834 rezoning, or technological methodologies that exhibit sound
835 management may expend, subject to the provisions of s. 200.065,
836 up to \$65 per unweighted full-time equivalent student from the
837 revenue generated by the 2008-2009 millage levy authorized by
838 subsection (2) to fund, in addition to expenditures authorized
839 in paragraphs (2)(a)-(j), 2008-2009 expenses for the following:

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

845 (b) Payment of the cost of premiums for property and
846 casualty insurance necessary to insure school district
847 educational and ancillary plants. Operating revenues that are
848 made available through the payment of property and casualty
849 insurance premiums from revenues generated under this subsection

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850 may be expended only for nonrecurring operational expenditures
851 of the school district.

852 ~~(5)-(4)~~ Violations of the expenditure provisions in
853 subsection (2) or subsection (4) ~~(3)~~ shall result in an equal
854 dollar reduction in the Florida Education Finance Program (FEFP)
855 funds for the violating district in the fiscal year following
856 the audit citation.

857 ~~(6)-(5)~~ These taxes shall be certified, assessed, and
858 collected as prescribed in s. 1011.04 and shall be expended as
859 provided by law.

860 ~~(7)-(6)~~ Nothing in s. 1011.62(4)(a)1. shall in any way be
861 construed to increase the maximum school millage levies as
862 provided for in subsection (1).

863 ~~(8)-(7)~~ In addition to the maximum millage levied under
864 this section and the General Appropriations Act, a school
865 district may levy, by local referendum or in a general election,
866 additional millage for school operational purposes up to an
867 amount that, when combined with nonvoted millage levied under
868 this section, does not exceed the 10-mill limit established in
869 s. 9(b), Art. VII of the State Constitution. Any such levy shall
870 be for a maximum of 4 years and shall be counted as part of the
871 10-mill limit established in s. 9(b), Art. VII of the State
872 Constitution. Millage elections conducted under the authority
873 granted pursuant to this section are subject to s. 1011.73.

874 Funds generated by such additional millage do not become a part
875 of the calculation of the Florida Education Finance Program
876 total potential funds in 2001-2002 or any subsequent year and
877 must not be incorporated in the calculation of any hold-harmless

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878 or other component of the Florida Education Finance Program
879 formula in any year. If an increase in required local effort,
880 when added to existing millage levied under the 10-mill limit,
881 would result in a combined millage in excess of the 10-mill
882 limit, any millage levied pursuant to this subsection shall be
883 considered to be required local effort to the extent that the
884 district millage would otherwise exceed the 10-mill limit.

885 Section 11. The amendments to subsection (3) of s.
886 1011.71, Florida Statutes, renumbered as subsection (4) by this
887 act, shall expire July 1, 2009, and the text of that subsection
888 shall revert to that in existence on the day before the
889 effective date of chapter 2007-328, Laws of Florida, except that
890 any amendments to such text enacted other than by this act shall
891 be preserved and continue to operate to the extent that such
892 amendments are not dependent upon the portions of such text that
893 expire pursuant to this section.

894 Section 12. Subsection (2) of section 1011.73, Florida
895 Statutes, is amended to read:

896 1011.73 District millage elections.--

897 (2) MILLAGE AUTHORIZED NOT TO EXCEED 4 YEARS.--The
898 district school board, pursuant to resolution adopted at a
899 regular meeting, shall direct the county commissioners to call
900 an election at which the electors within the school district may
901 approve an ad valorem tax millage as authorized under s.
902 1011.71(8) ~~(7)~~. Such election may be held at any time, except
903 that not more than one such election shall be held during any
904 12-month period. Any millage so authorized shall be levied for a
905 period not in excess of 4 years or until changed by another

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906 millage election, whichever is earlier. If any such election is
907 invalidated by a court of competent jurisdiction, such
908 invalidated election shall be considered not to have been held.

909 Section 13. Paragraph (e) is added to subsection (5) of
910 section 1012.225, Florida Statutes, to read:

911 1012.225 Merit Award Program for Instructional Personnel
912 and School-Based Administrators.--

913 (5) REVIEW OF PERFORMANCE-BASED PAY PLANS.--

914 (e) Districts that do not have an approved plan for the
915 2008-2009 school year may submit a plan for the 2008-2009 school
916 year by October 1, 2008.

917 Section 14. Section 1012.72, Florida Statutes, as amended
918 by chapter 2007-328, Laws of Florida, is amended to read:

919 1012.72 Dale Hickam Excellent Teaching Program.--

920 (1) The Legislature recognizes that teachers play a
921 critical role in preparing students to achieve the high levels
922 of academic performance expected by the Sunshine State
923 Standards. The Legislature further recognizes the importance of
924 identifying and rewarding teaching excellence and of encouraging
925 good teachers to become excellent teachers. The Legislature
926 finds that the National Board for ~~of~~ Professional Teaching
927 Standards (NBPTS) has established high and rigorous standards
928 for accomplished teaching and has developed a national voluntary
929 system for assessing and certifying teachers who demonstrate
930 teaching excellence by meeting those standards. It is therefore
931 the Legislature's intent ~~to provide incentives for teachers to~~
932 ~~seek NBPTS certification and~~ to reward teachers who demonstrate

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933 teaching excellence by attaining NBPTS certification and sharing
934 their expertise with other teachers.

935 (2) The Dale Hickam Excellent Teaching Program is created
936 to provide categorical funding for ~~monetary incentives and~~
937 bonuses for teaching excellence. The bonuses may be provided for
938 initial certification for up to one 10-year period. The
939 Department of Education shall distribute to each school district
940 ~~or to the NBPTS~~ an amount as prescribed annually by the
941 Legislature for the Dale Hickam Excellent Teaching Program. For
942 purposes of this section, the Florida School for the Deaf and
943 the Blind shall be considered a school district. Unless
944 otherwise provided in the General Appropriations Act, each
945 distribution shall be the sum of the amounts earned for the
946 following ~~incentives and bonuses~~:

947 ~~(a) A fee subsidy to be paid by the Department of~~
948 ~~Education to the NBPTS on behalf of each individual who is an~~
949 ~~employee of a district school board or a public school within~~
950 ~~the school district, who is certified by the district to have~~
951 ~~demonstrated satisfactory teaching performance pursuant to s.~~
952 ~~1012.34 and who satisfies the prerequisites for participating in~~
953 ~~the NBPTS certification program, and who agrees, in writing, to~~
954 ~~pay 10 percent of the NBPTS participation fee and to participate~~
955 ~~in the NBPTS certification program during the school year for~~
956 ~~which the fee subsidy is provided. The fee subsidy for each~~
957 ~~eligible participant shall be an amount equal to 90 percent of~~
958 ~~the fee charged for participating in the NBPTS certification~~
959 ~~program. The fee subsidy is a one-time award and may not be~~
960 ~~deduplicated for any individual.~~

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961 ~~(b) A portfolio preparation incentive of \$150 paid by the~~
962 ~~Department of Education to each teacher employed by a district~~
963 ~~school board or a public school within a school district who is~~
964 ~~participating in the NBPTS certification program. The portfolio~~
965 ~~preparation incentive is a one-time award paid during the school~~
966 ~~year for which the NBPTS fee subsidy is provided.~~

967 (a)~~(e)~~ An annual bonus equal to 10 percent of the prior
968 fiscal year's statewide average salary for classroom teachers to
969 be distributed to the school district to be paid to each
970 individual who holds NBPTS certification and is employed by the
971 district school board or by a public school within the school
972 district. The district school board shall distribute the annual
973 bonus to each individual who meets the requirements of this
974 paragraph and who is certified annually by the district to have
975 demonstrated satisfactory teaching performance pursuant to s.
976 1012.34. The annual bonus may be paid as a single payment or
977 divided into not more than three payments.

978 (b)~~(d)~~ An annual bonus equal to 10 percent of the prior
979 fiscal year's statewide average salary for classroom teachers to
980 be distributed to the school district to be paid to each
981 individual who meets the requirements of paragraph (a) ~~(e)~~ and
982 agrees, in writing, to provide the equivalent of 12 workdays of
983 mentoring and related services to public school teachers within
984 the state who do not hold NBPTS certification. Related services
985 must include instruction in helping teachers work more
986 effectively with the families of their students. The district
987 school board shall distribute the annual bonus in a single
988 payment following the completion of all required mentoring and

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989 related services for the year. It is not the intent of the
990 Legislature to remove excellent teachers from their assigned
991 classrooms; therefore, credit may not be granted by a school
992 district or public school for mentoring or related services
993 provided during student contact time during the 196 days of
994 required service for the school year.

995 (c)(e) The employer's share of social security and
996 Medicare taxes and ~~Florida Retirement System contributions~~ for
997 those teachers who ~~qualify for NBPTS certification and receive~~
998 bonus amounts under paragraph (a) or paragraph (b).

999
1000 ~~A teacher for whom the state pays the certification fee and who~~
1001 ~~does not complete the certification program or does not teach in~~
1002 ~~a public school of this state for at least 1 year after~~
1003 ~~completing the certification program must repay the amount of~~
1004 ~~the certification fee to the state. However, a teacher who~~
1005 ~~completes the certification program but fails to be awarded~~
1006 ~~NBPTS certification is not required to repay the amount of the~~
1007 ~~certification fee if the teacher meets the 1 year teaching~~
1008 ~~requirement. Repayment is not required of a teacher who does not~~
1009 ~~complete the certification program or fails to fulfill the~~
1010 ~~teaching requirement because of the teacher's death or~~
1011 ~~disability or because of other extenuating circumstances as~~
1012 ~~determined by the State Board of Education.~~

1013 ~~(3)(a) In addition to any other remedy available under the~~
1014 ~~law, any person who is a recipient of a certification fee~~
1015 ~~subsidy paid to the NBPTS and who is an employee of the state or~~
1016 ~~any of its political subdivisions is considered to have~~

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1017 ~~consented, as a condition of employment, to the voluntary or~~
1018 ~~involuntary withholding of wages to repay to the state the~~
1019 ~~amount of such a certification fee subsidy awarded under this~~
1020 ~~section. Any such employee who defaults on the repayment of such~~
1021 ~~a certification fee subsidy must, within 60 days after service~~
1022 ~~of a notice of default by the Department of Education to the~~
1023 ~~employee, establish a repayment schedule which must be agreed to~~
1024 ~~by the department and the employee, for repaying the defaulted~~
1025 ~~sum through payroll deductions. The department may not require~~
1026 ~~the employee to pay more than 10 percent of the employee's pay~~
1027 ~~per pay period under such a repayment schedule or plan. If the~~
1028 ~~employee fails to establish a repayment schedule within the~~
1029 ~~specified period of time or fails to meet the terms and~~
1030 ~~conditions of the agreed upon or approved repayment schedule as~~
1031 ~~authorized by this subsection, the employee has breached an~~
1032 ~~essential condition of employment and is considered to have~~
1033 ~~consented to the involuntary withholding of wages or salary for~~
1034 ~~the repayment of the certification fee subsidy.~~

1035 ~~(b) A person who is employed by the state, or any of its~~
1036 ~~political subdivisions, may not be dismissed for having~~
1037 ~~defaulted on the repayment of the certification fee subsidy to~~
1038 ~~the state.~~

1039 ~~(4) The State Board of Education may adopt rules pursuant~~
1040 ~~to ss. 120.536 and 120.54 as necessary to administer the~~
1041 ~~provisions for payment of the fee subsidies, incentives, and~~
1042 ~~bonuses and for the repayment of defaulted certification fee~~
1043 ~~subsidies under this section.~~

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Bill No. HB 5083

Amendment No.

1044 ~~(3)(5)~~ If the funds available in any fiscal year are
1045 insufficient to pay in full the annual bonuses for certification
1046 and for providing mentoring and related services, payments for
1047 providing mentoring and related services shall be prorated among
1048 the eligible recipients. If the mentoring and related services
1049 are prorated, school districts may pay a portion or all of the
1050 balance. If funds are insufficient to pay in full the annual
1051 bonuses for certification, payments of bonuses for certification
1052 shall be prorated among the eligible recipients.

1053 Section 15. Subsection (4) of section 1013.45, Florida
1054 Statutes, is amended to read:

1055 1013.45 Educational facilities contracting and
1056 construction techniques.--

1057 (4) Except as otherwise provided in this section and s.
1058 481.229, the services of a registered architect must be used for
1059 the development of plans for the erection, enlargement, or
1060 alteration of any educational facility. The services of a
1061 registered architect are not required for a minor renovation
1062 project for which the construction cost is less than \$50,000 or
1063 for the placement or hookup of relocatable educational
1064 facilities that conform with standards adopted under s. 1013.37.
1065 However, boards must provide compliance with building code
1066 requirements and ensure that these structures are adequately
1067 anchored for wind resistance as required by law. A district
1068 school board shall ~~Boards are encouraged to consider the reuse~~
1069 ~~of~~ existing construction documents or design criteria packages
1070 if where such reuse is feasible and practical. If a school
1071 district's 5-year educational facilities work plan includes the

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1072 construction of two or more new schools for students in the same
1073 grade group and program, such as elementary, middle, or high
1074 school, the district school board shall require that prototype
1075 design and construction be used for the construction of these
1076 schools. Notwithstanding s. 287.055, a board may purchase the
1077 architectural services for the design of educational or
1078 ancillary facilities under an existing contract agreement for
1079 professional services held by a district school board in the
1080 State of Florida, provided that the purchase is to the economic
1081 advantage of the purchasing board, the services conform to the
1082 standards prescribed by rules of the State Board of Education,
1083 and such reuse is not without notice to, and permission from,
1084 the architect of record whose plans or design criteria are being
1085 reused. Plans shall be reviewed for compliance with the state
1086 requirements for educational facilities. Rules adopted under
1087 this section must establish uniform prequalification, selection,
1088 bidding, and negotiation procedures applicable to construction
1089 management contracts and the design-build process. This section
1090 does not supersede any small, woman-owned or minority-owned
1091 business enterprise preference program adopted by a board.
1092 Except as otherwise provided in this section, the negotiation
1093 procedures applicable to construction management contracts and
1094 the design-build process must conform to the requirements of s.
1095 287.055. A board may not modify any rules regarding construction
1096 management contracts or the design-build process.

1097 Section 16. This act shall take effect July 1, 2008.

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CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 5083

Amendment No.

T I T L E A M E N D M E N T

Remove the entire title and insert:

A bill to be entitled

An act relating to education; amending s. 121.021, F.S.; deleting salary supplements for National Board for Professional Teaching Standards certification from the definition of "compensation" under the Florida Retirement System; amending s. 220.187, F.S.; revising provisions relating to norm-referenced tests for purposes of the Corporate Income Tax Credit Scholarship Program; amending s. 1001.451, F.S., relating to regional consortium service organizations; authorizing the Department of Education to appropriate a lesser amount of an incentive grant per school district and eligible member for a specified fiscal year; providing for the future expiration of such provisions; amending s. 1002.33, F.S.; excluding charter school Merit Award Program funds from the calculation of school district administrative fees; amending s. 1003.03, F.S.; revising provisions relating to implementation of maximum class size requirements; amending s. 1007.271, F.S.; deleting certain dual enrollment funding provisions; amending s. 1008.22, F.S.; deleting norm-referenced test requirements under the statewide assessment program; amending s. 1011.62, F.S.; revising provisions relating to the calculation of full-time equivalent membership for dual enrollment instruction; decreasing the value of full-time equivalent membership calculated for students enrolled in an International Baccalaureate course, an Advanced International Certificate of Education course, or an Advanced Placement course who meet certain requirements; deleting

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1128 provisions relating to the calculation of additional full-time
1129 equivalent membership based on completion of high school level
1130 algebra courses; revising provisions relating to the calculation
1131 of additional full-time equivalent membership based on
1132 certification of successful completion of industry-certified
1133 career and professional academy programs; revising provisions
1134 relating to the final calculation of district required local
1135 effort; authorizing a district school board to transfer certain
1136 categorical funds for academic classroom instruction; requiring
1137 the department to report to the Legislature the amounts
1138 transferred and the activities for which the funds were
1139 expended; requiring a district school board to submit an
1140 amendment to the department if the school board transfers funds
1141 from its research-based reading instruction allocation; revising
1142 provisions relating to the calculation of declining unweighted
1143 full-time equivalent students; including the supplemental
1144 allocation for juvenile justice education programs in the
1145 calculation for allocations to districts for current operation;
1146 providing for the future expiration of certain provisions
1147 governing the transfer of categorical funds; amending s.
1148 1011.71, F.S.; decreasing the maximum millage a school district
1149 may levy against the taxable value for school purposes;
1150 authorizing a school district to redirect up to a specified
1151 amount of millage if revenues are insufficient to cover payments
1152 due under a lease-purchase agreement; revising certain
1153 requirements for a school district with respect to expenditure
1154 of revenue generated by the district school tax millage;
1155 providing for future expiration of such provisions; amending s.

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1156 1011.73, F.S.; conforming a cross-reference; amending s.
1157 1012.225, F.S.; providing a deadline for submission of Merit
1158 Award Program plans by certain districts; amending s. 1012.72,
1159 F.S., relating to the Dale Hickam Excellent Teaching Program;
1160 providing that bonuses be provided for up to a certain period;
1161 eliminating as authorized expenditures the fee subsidy for
1162 National Board for Professional Teaching Standards
1163 certification, the portfolio preparation incentive, and the
1164 employer's share of Florida Retirement System contributions;
1165 deleting provisions to conform; revising provisions for the
1166 proration of funds; authorizing a school district to pay a
1167 certain percentage of bonuses when insufficient funds are
1168 available; amending s. 1013.45, F.S.; requiring a district
1169 school board to reuse existing construction documents or design
1170 criteria packages if feasible and practical; requiring the use
1171 of prototype design and construction under certain
1172 circumstances; providing an effective date.

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