

1 A bill to be entitled
2 An act relating to education; amending s. 121.021, F.S.;
3 deleting salary supplements for National Board for
4 Professional Teaching Standards certification from the
5 definition of "compensation" under the Florida Retirement
6 System; amending s. 220.187, F.S.; revising provisions
7 relating to norm-referenced tests for purposes of the
8 Corporate Income Tax Credit Scholarship Program; amending
9 s. 1001.451, F.S., relating to regional consortium service
10 organizations; authorizing the Department of Education to
11 appropriate a lesser amount of an incentive grant per
12 school district and eligible member for a specified fiscal
13 year; providing for the future expiration of such
14 provisions; amending s. 1002.33, F.S.; excluding charter
15 school Merit Award Program funds from the calculation of
16 school district administrative fees; amending s. 1003.03,
17 F.S.; revising provisions relating to implementation of
18 maximum class size requirements; amending s. 1007.271,
19 F.S.; deleting certain dual enrollment funding provisions;
20 amending s. 1008.22, F.S.; deleting norm-referenced test
21 requirements under the statewide assessment program;
22 amending s. 1011.62, F.S.; revising provisions relating to
23 the calculation of full-time equivalent membership for
24 dual enrollment instruction; decreasing the value of full-
25 time equivalent membership calculated for students
26 enrolled in an International Baccalaureate course, an
27 Advanced International Certificate of Education course, or
28 an Advanced Placement course who meet certain

29 requirements; deleting provisions relating to the
30 calculation of additional full-time equivalent membership
31 based on completion of high school level algebra courses;
32 revising provisions relating to the calculation of
33 additional full-time equivalent membership based on
34 certification of successful completion of industry-
35 certified career and professional academy programs;
36 revising provisions relating to the final calculation of
37 district required local effort; authorizing a district
38 school board to transfer certain categorical funds for
39 academic classroom instruction; requiring the department
40 to report to the Legislature the amounts transferred and
41 the activities for which the funds were expended;
42 requiring a district school board to submit an amendment
43 to the department if the school board transfers funds from
44 its research-based reading instruction allocation;
45 revising provisions relating to the calculation of
46 declining unweighted full-time equivalent students;
47 including the supplemental allocation for juvenile justice
48 education programs in the calculation for allocations to
49 districts for current operation; providing for the future
50 expiration of certain provisions governing the transfer of
51 categorical funds; amending s. 1011.71, F.S.; decreasing
52 the maximum millage a school district may levy against the
53 taxable value for school purposes; authorizing a school
54 district to redirect up to a specified amount of millage
55 if revenues are insufficient to cover payments due under a
56 lease-purchase agreement; revising certain requirements

57 | for a school district with respect to expenditure of
58 | revenue generated by the district school tax millage;
59 | providing for future expiration of such provisions;
60 | amending s. 1011.73, F.S.; conforming a cross-reference;
61 | amending s. 1012.225, F.S.; providing a deadline for
62 | submission of Merit Award Program plans by certain
63 | districts; amending s. 1012.72, F.S., relating to the Dale
64 | Hickam Excellent Teaching Program; providing that bonuses
65 | be provided for up to a certain period; eliminating as
66 | authorized expenditures the fee subsidy for National Board
67 | for Professional Teaching Standards certification, the
68 | portfolio preparation incentive, and the employer's share
69 | of Florida Retirement System contributions; deleting
70 | provisions to conform; revising provisions for the
71 | proration of funds; authorizing a school district to pay a
72 | certain percentage of bonuses when insufficient funds are
73 | available; amending s. 1013.45, F.S.; requiring a district
74 | school board to reuse existing construction documents or
75 | design criteria packages if feasible and practical;
76 | requiring the use of prototype design and construction
77 | under certain circumstances; providing an effective date.

78 |
79 | Be It Enacted by the Legislature of the State of Florida:

80 |
81 | Section 1. Paragraph (a) of subsection (22) of section
82 | 121.021, Florida Statutes, is amended to read:

83 121.021 Definitions.--The following words and phrases as
84 used in this chapter have the respective meanings set forth
85 unless a different meaning is plainly required by the context:

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

89 (a) Compensation shall include:

90 1. Overtime payments paid from a salary fund.

91 2. Accumulated annual leave payments.

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

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

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

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

100 d. The payments are paid at least annually.

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

104 5. Payments made in lieu of a permanent increase in the
105 base rate of pay, whether made annually or in 12 or 26 equal
106 payments within a 12-month period, when the member's base pay is
107 at the maximum of his or her pay range. When a portion of a
108 member's annual increase raises his or her pay range and the
109 excess is paid as a lump sum payment, such lump sum payment
110 shall be compensation for retirement purposes.

111 ~~6. Effective July 1, 2002, salary supplements made~~
 112 ~~pursuant to s. 1012.72 requiring a valid National Board for~~
 113 ~~Professional Standards certificate, notwithstanding the~~
 114 ~~provisions of subparagraph 3.~~

115 Section 2. Paragraph (i) of subsection (9) of section
 116 220.187, Florida Statutes is amended to read:

117 220.187 Credits for contributions to nonprofit
 118 scholarship-funding organizations.--

119 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.--The Department
 120 of Education shall:

121 (i) Maintain a list of ~~In accordance with State Board of~~
 122 ~~Education rule, identify and select the nationally norm-~~
 123 ~~referenced tests~~ identified for purposes of satisfying the
 124 testing requirement in subparagraph (8)(c)2. The tests must meet
 125 ~~that are comparable to the norm referenced provisions of the~~
 126 ~~Florida Comprehensive Assessment Test (FCAT) provided that the~~
 127 ~~FCAT may be one of the tests selected. However, the Department~~
 128 ~~of Education may approve the use of an additional assessment by~~
 129 ~~the school if the assessment meets industry standards of quality~~
 130 in accordance with State Board of Education rule and
 131 comparability.

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

134 1001.451 Regional consortium service organizations.--In
 135 order to provide a full range of programs to larger numbers of
 136 students, minimize duplication of services, and encourage the
 137 development of new programs and services:

138 (2)

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

145 Section 4. Paragraph (a) of subsection (20) of section
 146 1002.33, Florida Statutes, is amended to read:

147 1002.33 Charter schools.--

148 (20) SERVICES.--

149 (a) A sponsor shall provide certain administrative and
 150 educational services to charter schools. These services shall
 151 include contract management services; full-time equivalent and
 152 data reporting services; exceptional student education
 153 administration services; services related to eligibility and
 154 reporting duties required to ensure that school lunch services
 155 under the federal lunch program, consistent with the needs of
 156 the charter school, are provided by the school district at the
 157 request of the charter school; test administration services,
 158 including payment of the costs of state-required or district-
 159 required student assessments; processing of teacher certificate
 160 data services; and information services, including equal access
 161 to student information systems that are used by public schools
 162 in the district in which the charter school is located. Student
 163 performance data for each student in a charter school,
 164 including, but not limited to, FCAT scores, standardized test
 165 scores, previous public school student report cards, and student
 166 performance measures, shall be provided by the sponsor to a

167 charter school in the same manner provided to other public
 168 schools in the district. A total administrative fee for the
 169 provision of such services shall be calculated based upon up to
 170 5 percent of the available funds defined in paragraph (17)(b)
 171 for all students. However, a sponsor may only withhold up to a
 172 5-percent administrative fee for enrollment for up to and
 173 including 500 students. For charter schools with a population of
 174 501 or more students, the difference between the total
 175 administrative fee calculation and the amount of the
 176 administrative fee withheld may only be used for capital outlay
 177 purposes specified in s. 1013.62(2). Each charter school shall
 178 receive 100 percent of the funds awarded to that school pursuant
 179 to s. 1012.225. Sponsors shall not charge charter schools any
 180 additional fees or surcharges for administrative and educational
 181 services in addition to the maximum 5-percent administrative fee
 182 withheld pursuant to this paragraph.

183 Section 5. Paragraph (b) of subsection (2) of section
 184 1003.03, Florida Statutes, is amended to read:

185 1003.03 Maximum class size.--

186 (2) IMPLEMENTATION.--

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

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

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

195 3. For fiscal year ~~years 2008-2009~~, 2009-2010~~7~~ and
196 thereafter, the calculation for compliance shall be at the
197 individual classroom level.

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

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

203 1007.271 Dual enrollment programs.--

204 (2) For the purpose of this section, an eligible secondary
205 student is a student who is enrolled in a Florida public
206 secondary school or in a Florida private secondary school which
207 is in compliance with s. 1002.42(2) and conducts a secondary
208 curriculum pursuant to s. 1003.43. Students enrolled in
209 postsecondary instruction that is not creditable toward the high
210 school diploma shall not be classified as dual enrollments.
211 Students who are eligible for dual enrollment pursuant to this
212 section shall be permitted to enroll in dual enrollment courses
213 conducted during school hours, after school hours, and during
214 the summer term. Instructional time for such enrollment may vary
215 from 900 hours; however, the school district may only report the
216 student for a maximum of 1.0 FTE, as provided in s. 1011.61(4).
217 ~~Each semester of instruction that is eligible for high school~~
218 ~~and postsecondary credit shall be reported by school districts~~
219 ~~as 75 membership hours for purposes of FTE calculation.~~ Any
220 student so enrolled is exempt from the payment of registration,
221 tuition, and laboratory fees. Vocational-preparatory
222 instruction, college-preparatory instruction, and other forms of

223 precollegiate instruction, as well as physical education courses
224 that focus on the physical execution of a skill rather than the
225 intellectual attributes of the activity, are ineligible for
226 inclusion in the dual enrollment program. Recreation and leisure
227 studies courses shall be evaluated individually in the same
228 manner as physical education courses for potential inclusion in
229 the program.

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

232 1008.22 Student assessment program for public schools.--

233 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
234 design and implement a statewide program of educational
235 assessment that provides information for the improvement of the
236 operation and management of the public schools, including
237 schools operating for the purpose of providing educational
238 services to youth in Department of Juvenile Justice programs.
239 The commissioner may enter into contracts for the continued
240 administration of the assessment, testing, and evaluation
241 programs authorized and funded by the Legislature. Contracts may
242 be initiated in 1 fiscal year and continue into the next and may
243 be paid from the appropriations of either or both fiscal years.
244 The commissioner is authorized to negotiate for the sale or
245 lease of tests, scoring protocols, test scoring services, and
246 related materials developed pursuant to law. Pursuant to the
247 statewide assessment program, the commissioner shall:

248 (c) Develop and implement a student achievement testing
249 program known as the Florida Comprehensive Assessment Test
250 (FCAT) as part of the statewide assessment program to measure

251 reading, writing, science, and mathematics. Other content areas
252 may be included as directed by the commissioner. The assessment
253 of reading and mathematics shall be administered annually in
254 grades 3 through 10. The assessment of writing and science shall
255 be administered at least once at the elementary, middle, and
256 high school levels. The commissioner must document the
257 procedures used to ensure that the versions of the FCAT which
258 are taken by students retaking the grade 10 FCAT are equally as
259 challenging and difficult as the tests taken by students in
260 grade 10 which contain performance tasks. The testing program
261 must be designed so that:

262 1. The tests measure student skills and competencies
263 adopted by the State Board of Education as specified in
264 paragraph (a). The tests must measure and report student
265 proficiency levels of all students assessed in reading, writing,
266 mathematics, and science. The commissioner shall provide for the
267 tests to be developed or obtained, as appropriate, through
268 contracts and project agreements with private vendors, public
269 vendors, public agencies, postsecondary educational
270 institutions, or school districts. The commissioner shall obtain
271 input with respect to the design and implementation of the
272 testing program from state educators, assistive technology
273 experts, and the public.

274 2. The testing program shall be composed ~~will include a~~
275 ~~combination of norm-referenced and criterion-referenced tests~~
276 that shall and include, to the extent determined by the
277 commissioner, include test items ~~questions~~ that require the

278 student to produce information or perform tasks in such a way
279 that the skills and competencies he or she uses can be measured.

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

284 4. A score is designated for each subject area tested,
285 below which score a student's performance is deemed inadequate.
286 The school districts shall provide appropriate remedial
287 instruction to students who score below these levels.

288 5. Except as provided in s. 1003.428(8)(b) or s.
289 1003.43(11)(b), students must earn a passing score on the grade
290 10 assessment test described in this paragraph or attain
291 concordant scores as described in subsection (9) in reading,
292 writing, and mathematics to qualify for a standard high school
293 diploma. The State Board of Education shall designate a passing
294 score for each part of the grade 10 assessment test. In
295 establishing passing scores, the state board shall consider any
296 possible negative impact of the test on minority students. The
297 State Board of Education shall adopt rules which specify the
298 passing scores for the grade 10 FCAT. Any such rules, which have
299 the effect of raising the required passing scores, shall only
300 apply to students taking the grade 10 FCAT for the first time
301 after such rules are adopted by the State Board of Education.

302 6. Participation in the testing program is mandatory for
303 all students attending public school, including students served
304 in Department of Juvenile Justice programs, except as otherwise
305 prescribed by the commissioner. If a student does not

306 participate in the statewide assessment, the district must
307 notify the student's parent and provide the parent with
308 information regarding the implications of such nonparticipation.
309 A parent must provide signed consent for a student to receive
310 classroom instructional accommodations that would not be
311 available or permitted on the statewide assessments and must
312 acknowledge in writing that he or she understands the
313 implications of such instructional accommodations. The State
314 Board of Education shall adopt rules, based upon recommendations
315 of the commissioner, for the provision of test accommodations
316 for students in exceptional education programs and for students
317 who have limited English proficiency. Accommodations that negate
318 the validity of a statewide assessment are not allowable in the
319 administration of the FCAT. However, instructional
320 accommodations are allowable in the classroom if included in a
321 student's individual education plan. Students using
322 instructional accommodations in the classroom that are not
323 allowable as accommodations on the FCAT may have the FCAT
324 requirement waived pursuant to the requirements of s.
325 1003.428(8)(b) or s. 1003.43(11)(b).

326 7. A student seeking an adult high school diploma must
327 meet the same testing requirements that a regular high school
328 student must meet.

329 8. District school boards must provide instruction to
330 prepare students to demonstrate proficiency in the skills and
331 competencies necessary for successful grade-to-grade progression
332 and high school graduation. If a student is provided with
333 instructional accommodations in the classroom that are not

334 allowable as accommodations in the statewide assessment program,
335 as described in the test manuals, the district must inform the
336 parent in writing and must provide the parent with information
337 regarding the impact on the student's ability to meet expected
338 proficiency levels in reading, writing, and math. The
339 commissioner shall conduct studies as necessary to verify that
340 the required skills and competencies are part of the district
341 instructional programs.

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

346 10. The Department of Education must develop, or select,
347 and implement a common battery of assessment tools that will be
348 used in all juvenile justice programs in the state. These tools
349 must accurately measure the skills and competencies established
350 in the Sunshine State Standards.

351 11. For students seeking a special diploma pursuant to s.
352 1003.438, the Department of Education must develop or select and
353 implement an alternate assessment tool that accurately measures
354 the skills and competencies established in the Sunshine State
355 Standards for students with disabilities under s. 1003.438.

356
357 The commissioner may, based on collaboration and input from
358 school districts, design and implement student testing programs,
359 for any grade level and subject area, necessary to effectively
360 monitor educational achievement in the state, including the
361 measurement of educational achievement of the Sunshine State

362 Standards for students with disabilities. Development and
363 refinement of assessments shall include universal design
364 principles and accessibility standards that will prevent any
365 unintended obstacles for students with disabilities while
366 ensuring the validity and reliability of the test. These
367 principles should be applicable to all technology platforms and
368 assistive devices available for the assessments. The field
369 testing process and psychometric analyses for the statewide
370 assessment program must include an appropriate percentage of
371 students with disabilities and an evaluation or determination of
372 the effect of test items on such students.

373 (10) REPORTS.--The Department of Education shall annually
374 provide a report to the Governor, the President of the Senate,
375 and the Speaker of the House of Representatives on the
376 following:

377 (a) Longitudinal performance of students in mathematics
378 and reading.

379 (b) Longitudinal performance of students by grade level in
380 mathematics and reading.

381 (c) Longitudinal performance regarding efforts to close
382 the achievement gap.

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

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

389 Section 8. Paragraphs (i) and (l) through (v) of
 390 subsection (1), paragraph (b) of subsection (4), and subsections
 391 (6) and (8) of section 1011.62, Florida Statutes, as amended by
 392 chapter 2007-328, Laws of Florida, are amended, subsections (10)
 393 and (11) of that section are amended and renumbered as
 394 subsections (11) and (12), respectively, and a new subsection
 395 (10) is added to that section, to read:

396 1011.62 Funds for operation of schools.--If the annual
 397 allocation from the Florida Education Finance Program to each
 398 district for operation of schools is not determined in the
 399 annual appropriations act or the substantive bill implementing
 400 the annual appropriations act, it shall be determined as
 401 follows:

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

406 (i) Calculation of full-time equivalent membership with
 407 respect to dual enrollment instruction.--Students enrolled in
 408 dual enrollment instruction pursuant to s. 1007.271 may be
 409 included in calculations of full-time equivalent student
 410 memberships for basic programs for grades 9 through 12 by a
 411 district school board. Instructional time for dual enrollment
 412 may vary from 900 hours; however, the school district may only
 413 report the student for a maximum of 1.0 full-time equivalent
 414 student membership, as provided in s. 1011.61(4). Dual
 415 enrollment full-time equivalent student membership shall be
 416 calculated in an amount equal to the hours of instruction that

417 would be necessary to earn the full-time equivalent student
418 membership for an equivalent course if it were taught in the
419 school district. ~~Each semester of instruction that is eligible~~
420 ~~for high school and postsecondary credit shall be reported by~~
421 ~~school districts as 75 membership hours for purposes of FTE~~
422 ~~calculation.~~ Such Students in dual enrollment courses may also
423 be calculated as the proportional shares of full-time equivalent
424 enrollments they generate for a community college or university
425 conducting the dual enrollment instruction. Early admission
426 students shall be considered dual enrollments for funding
427 purposes. Students may be enrolled in dual enrollment
428 instruction provided by an eligible independent college or
429 university and may be included in calculations of full-time
430 equivalent student memberships for basic programs for grades 9
431 through 12 by a district school board. However, those provisions
432 of law which exempt dual enrolled and early admission students
433 from payment of instructional materials and tuition and fees,
434 including laboratory fees, shall not apply to students who
435 select the option of enrolling in an eligible independent
436 institution. An independent college or university which is
437 located and chartered in Florida, is not for profit, is
438 accredited by the Commission on Colleges of the Southern
439 Association of Colleges and Schools or the Accrediting Council
440 for Independent Colleges and Schools, and ~~which~~ confers degrees
441 as defined in s. 1005.02 shall be eligible for inclusion in the
442 dual enrollment or early admission program. Students enrolled in
443 dual enrollment instruction shall be exempt from the payment of
444 tuition and fees, including laboratory fees. No student enrolled

445 in college credit mathematics or English dual enrollment
 446 instruction shall be funded as a dual enrollment unless the
 447 student has successfully completed the relevant section of the
 448 entry-level examination required pursuant to s. 1008.30.

449 (1) Calculation of additional full-time equivalent
 450 membership based on international baccalaureate examination
 451 scores of students.--A value of 0.16 ~~0.24~~ full-time equivalent
 452 student membership shall be calculated for each student enrolled
 453 in an international baccalaureate course who receives a score of
 454 4 or higher on a subject examination. A value of 0.3 full-time
 455 equivalent student membership shall be calculated for each
 456 student who receives an international baccalaureate diploma.
 457 Such value shall be added to the total full-time equivalent
 458 student membership in basic programs for grades 9 through 12 in
 459 the subsequent fiscal year. The school district shall distribute
 460 to each classroom teacher who provided international
 461 baccalaureate instruction:

462 1. A bonus in the amount of \$50 for each student taught by
 463 the International Baccalaureate teacher in each international
 464 baccalaureate course who receives a score of 4 or higher on the
 465 international baccalaureate examination.

466 2. An additional bonus of \$500 to each International
 467 Baccalaureate teacher in a school designated with a grade of "D"
 468 or "F" who has at least one student scoring 4 or higher on the
 469 international baccalaureate examination, regardless of the
 470 number of classes taught or of the number of students scoring a
 471 4 or higher on the international baccalaureate examination.

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

476 (m) Calculation of additional full-time equivalent
 477 membership based on Advanced International Certificate of
 478 Education examination scores of students.--A value of 0.16 ~~0.24~~
 479 full-time equivalent student membership shall be calculated for
 480 each student enrolled in a full-credit Advanced International
 481 Certificate of Education course who receives a score of E or
 482 higher on a subject examination. A value of 0.08 ~~0.12~~ full-time
 483 equivalent student membership shall be calculated for each
 484 student enrolled in a half-credit Advanced International
 485 Certificate of Education course who receives a score of E or
 486 higher on a subject examination. A value of 0.3 full-time
 487 equivalent student membership shall be calculated for each
 488 student who receives an Advanced International Certificate of
 489 Education diploma. Such value shall be added to the total full-
 490 time equivalent student membership in basic programs for grades
 491 9 through 12 in the subsequent fiscal year. The school district
 492 shall distribute to each classroom teacher who provided Advanced
 493 International Certificate of Education instruction:

494 1. A bonus in the amount of \$50 for each student taught by
 495 the Advanced International Certificate of Education teacher in
 496 each full-credit Advanced International Certificate of Education
 497 course who receives a score of E or higher on the Advanced
 498 International Certificate of Education examination. A bonus in
 499 the amount of \$25 for each student taught by the Advanced

500 International Certificate of Education teacher in each half-
501 credit Advanced International Certificate of Education course
502 who receives a score of E or higher on the Advanced
503 International Certificate of Education examination.

504 2. An additional bonus of \$500 to each Advanced
505 International Certificate of Education teacher in a school
506 designated with a grade of "D" or "F" who has at least one
507 student scoring E or higher on the full-credit Advanced
508 International Certificate of Education examination, regardless
509 of the number of classes taught or of the number of students
510 scoring an E or higher on the full-credit Advanced International
511 Certificate of Education examination.

512 3. Additional bonuses of \$250 each to teachers of half-
513 credit Advanced International Certificate of Education classes
514 in a school designated with a grade of "D" or "F" which has at
515 least one student scoring an E or higher on the half-credit
516 Advanced International Certificate of Education examination in
517 that class. The maximum additional bonus for a teacher awarded
518 in accordance with this subparagraph shall not exceed \$500 in
519 any given school year. Teachers receiving an award under
520 subparagraph 2. are not eligible for a bonus under this
521 subparagraph.

522
523 Bonuses awarded to a teacher according to this paragraph shall
524 not exceed \$2,000 in any given school year and shall be in
525 addition to any regular wage or other bonus the teacher received
526 or is scheduled to receive.

527 (n) Calculation of additional full-time equivalent
528 membership based on college board advanced placement scores of
529 students.--A value of 0.16 ~~0.24~~ full-time equivalent student
530 membership shall be calculated for each student in each advanced
531 placement course who receives a score of 3 or higher on the
532 College Board Advanced Placement Examination for the prior year
533 and added to the total full-time equivalent student membership
534 in basic programs for grades 9 through 12 in the subsequent
535 fiscal year. Each district must allocate at least 80 percent of
536 the funds provided to the district for advanced placement
537 instruction, in accordance with this paragraph, to the high
538 school that generates the funds. The school district shall
539 distribute to each classroom teacher who provided advanced
540 placement instruction:

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

545 2. An additional bonus of \$500 to each Advanced Placement
546 teacher in a school designated with a grade of "D" or "F" who
547 has at least one student scoring 3 or higher on the College
548 Board Advanced Placement Examination, regardless of the number
549 of classes taught or of the number of students scoring a 3 or
550 higher on the College Board Advanced Placement Examination.
551 Bonuses awarded to a teacher according to this paragraph shall
552 not exceed \$2,000 in any given school year and shall be in
553 addition to any regular wage or other bonus the teacher received
554 or is scheduled to receive.

555 ~~(o) Calculation of additional full-time equivalent~~
556 ~~membership based on completion of high school level algebra~~
557 ~~courses by students in grades 6 through 8.-- A value of 0.088~~
558 ~~full-time equivalent student membership shall be calculated for~~
559 ~~each student in grades 6 through 8 who completes a high school~~
560 ~~level algebra course and receives a grade of C or better. Such~~
561 ~~value shall be added to the total full-time equivalent student~~
562 ~~membership in basic programs for grades 6 through 8. Each~~
563 ~~district must allocate the funds provided to the district for~~
564 ~~students in grades 6 through 8 who complete a high school level~~
565 ~~algebra course and receive a grade of C or better to the school~~
566 ~~that generated the funds.~~

567 ~~(p) Calculation of supplemental allocation for juvenile~~
568 ~~justice education programs. Beginning with the 2007-2008~~
569 ~~General Appropriations Act, the total K-12 weighted full-time~~
570 ~~equivalent student membership in juvenile justice education~~
571 ~~programs in each school district shall be multiplied by the~~
572 ~~amount of the state average class size reduction factor~~
573 ~~multiplied by the district's cost differential. An amount equal~~
574 ~~to the sum of this calculation shall be allocated in the FEFP to~~
575 ~~each school district to supplement other sources of funding for~~
576 ~~students in juvenile justice education programs.~~

577 (o)(g) Calculation of additional full-time equivalent
578 membership based on certification of successful completion of
579 industry-certified career and professional academy programs
580 pursuant to s. 1003.492.--A value of 0.3 full-time equivalent
581 student membership shall be calculated for each student who
582 completes an industry-certified career and professional academy

583 program under s. 1003.492 and who is issued the highest level of
 584 ~~an~~ industry certification and a high school diploma certificate.
 585 Such value shall be added to the total full-time equivalent
 586 student membership in secondary career education programs for
 587 grades 9 through 12 in the subsequent year for courses that were
 588 not funded through dual enrollment. The additional full-time
 589 equivalent membership authorized under this paragraph may not
 590 exceed 0.3 per student. Unless a different amount is specified
 591 in the General Appropriations Act, the appropriation for this
 592 calculation is limited to \$15 ~~\$30~~ million annually. If the
 593 appropriation is insufficient to fully fund the total
 594 calculation, the appropriation shall be prorated.

595 (p) ~~(r)~~ Calculation of additional full-time equivalent
 596 membership for the Florida Virtual School.--The total reported
 597 full-time equivalent student membership for the Florida Virtual
 598 School shall be multiplied by 0.114, and such value shall be
 599 added to the total full-time equivalent student membership.

600 (q) ~~(s)~~ Year-round-school programs.--The Commissioner of
 601 Education is authorized to adjust student eligibility
 602 definitions, funding criteria, and reporting requirements of
 603 statutes and rules in order that year-round-school programs may
 604 achieve equivalent application of funding requirements with non-
 605 year-round-school programs.

606 (r) ~~(t)~~ Extended-school-year program.--It is the intent of
 607 the Legislature that students be provided additional instruction
 608 by extending the school year to 210 days or more. Districts may
 609 apply to the Commissioner of Education for funds to be used in
 610 planning and implementing an extended-school-year program. The

611 Department of Education shall recommend to the Legislature the
 612 policies necessary for full implementation of an extended school
 613 year.

614 (s) ~~(u)~~ Determination of the basic amount for current
 615 operation.--The basic amount for current operation to be
 616 included in the Florida Education Finance Program for
 617 kindergarten through grade 12 for each district shall be the
 618 product of the following:

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

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

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

- 635 (b) Final calculation.--
- 636 1. The taxable value for school purposes certified by the
 637 Department of Revenue which is used in the fourth calculation
 638 with the annualized full-time student membership from the

639 February student survey shall be the final taxable value used in
 640 the final calculation. ~~On September 1 of each year, the~~
 641 ~~Department of Revenue shall certify to the Commissioner of~~
 642 ~~Education the total of the prior year final taxable value for~~
 643 ~~school purposes in each school district and the total for all~~
 644 ~~school districts in the state. The commissioner shall use the~~
 645 ~~final taxable value certified on September 1 for school purposes~~
 646 ~~for each school district in the final calculation of the annual~~
 647 ~~Florida Education Finance Program allocations.~~

648 2. For purposes of this paragraph, the final taxable value
 649 for school purposes shall be the taxable value for school
 650 purposes on which the tax bills are computed and mailed to the
 651 taxpayers, adjusted to reflect final administrative actions of
 652 value adjustment boards and judicial decisions pursuant to
 653 chapter 194. For each county that has not submitted a revised
 654 tax roll reflecting final value adjustment board actions and
 655 final judicial decisions, the Department of Revenue shall
 656 certify the most recent revision of the taxable value for school
 657 purposes. The value certified under subparagraph 1. ~~on September~~
 658 ~~±~~ shall be the final taxable value for school purposes for that
 659 year, and no further adjustments shall be made, except those
 660 made pursuant to paragraph (12)~~(11)~~(b).

661 (6) CATEGORICAL FUNDS.--

662 (a) In addition to the basic amount for current operations
 663 for the FEFP as determined in subsection (1), the Legislature
 664 may appropriate categorical funding for specified programs,
 665 activities, or purposes.

666 (b) If a district school board finds and declares in a
667 resolution adopted at a regular meeting of the school board that
668 the funds received for any of the following categorical
669 appropriations are urgently needed to maintain school board
670 specified academic classroom instruction, the school board may
671 consider and approve an amendment to the school district
672 operating budget transferring the identified amount of the
673 categorical funds to the appropriate account for expenditure:

- 674 1. Funds for student transportation.
- 675 2. Funds for safe schools.
- 676 3. Funds for supplemental academic instruction.
- 677 4. Funds for research-based reading instruction.
- 678 5. Funds for instructional materials if all instructional
679 material purchases have been completed for that fiscal year, but
680 no sooner than March 1, 2009.

681 (c) Each district school board shall include in its annual
682 financial report to the Department of Education the amount of
683 funds the school board transferred from each of the categorical
684 funds identified in this subsection and the specific academic
685 classroom instruction for which the transferred funds were
686 expended. The Department of Education shall provide instructions
687 and specify the format to be used in submitting this required
688 information as a part of the district annual financial report.
689 The Department of Education shall submit a report to the
690 Legislature that identifies by district and by categorical fund
691 the amount transferred and the specific academic classroom
692 activity for which the funds were expended.

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

698 (8) DECLINE IN FULL-TIME EQUIVALENT STUDENTS.--In those
699 districts where there is a decline between prior year and
700 current year unweighted FTE students, a percentage 50 percent of
701 the decline in the unweighted FTE students as determined by the
702 Legislature shall be multiplied by the prior year calculated
703 FEFP per unweighted FTE student and shall be added to the
704 allocation for that district. For this purpose, the calculated
705 FEFP shall be computed by multiplying the weighted FTE students
706 by the base student allocation and then by the district cost
707 differential. If a district transfers a program to another
708 institution not under the authority of the district's school
709 board, including a charter technical career center, the decline
710 is to be multiplied by a factor of 0.15. However, if the funds
711 provided for the Florida Education Finance Program in the
712 General Appropriations Act for any fiscal year are reduced by a
713 subsequent appropriation for that fiscal year, the percent of
714 the decline in the unweighted FTE students to be funded shall be
715 determined by the Legislature and designated in the subsequent
716 appropriation.

717 (10) CALCULATION OF SUPPLEMENTAL ALLOCATION FOR JUVENILE
718 JUSTICE EDUCATION PROGRAMS.--The total K-12 weighted full-time
719 equivalent student membership in juvenile justice education
720 programs in each school district shall be multiplied by the

721 amount of the state average class-size-reduction factor
722 multiplied by the district's cost differential. An amount equal
723 to the sum of this calculation shall be allocated in the FEFP to
724 each school district to supplement other sources of funding for
725 students in juvenile justice education programs.

726 (11) ~~(10)~~ QUALITY ASSURANCE GUARANTEE.--The Legislature may
727 annually in the General Appropriations Act determine a
728 percentage increase in funds per K-12 unweighted FTE as a
729 minimum guarantee to each school district. The guarantee shall
730 be calculated from prior year base funding per unweighted FTE
731 student which shall include the adjusted FTE dollars as provided
732 in subsection (12) ~~(11)~~, quality guarantee funds, and actual
733 nonvoted discretionary local effort from taxes. From the base
734 funding per unweighted FTE, the increase shall be calculated for
735 the current year. The current year funds from which the
736 guarantee shall be determined shall include the adjusted FTE
737 dollars as provided in subsection (12) ~~(11)~~ and potential
738 nonvoted discretionary local effort from taxes. A comparison of
739 current year funds per unweighted FTE to prior year funds per
740 unweighted FTE shall be computed. For those school districts
741 which have less than the legislatively assigned percentage
742 increase, funds shall be provided to guarantee the assigned
743 percentage increase in funds per unweighted FTE student. Should
744 appropriated funds be less than the sum of this calculated
745 amount for all districts, the commissioner shall prorate each
746 district's allocation. This provision shall be implemented to
747 the extent specifically funded.

748 (12)~~(11)~~ TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT
 749 FOR CURRENT OPERATION.--The total annual state allocation to
 750 each district for current operation for the FEFP shall be
 751 distributed periodically in the manner prescribed in the General
 752 Appropriations Act.

753 (a) The basic amount for current operation for the FEFP as
 754 determined in subsection (1), multiplied by the district cost
 755 differential factor as determined in subsection (2), plus the
 756 amounts provided for categorical components within the FEFP,
 757 plus the discretionary millage compression supplement as
 758 determined in subsection (5), the amount for the sparsity
 759 supplement as determined in subsection (7), the decline in full-
 760 time equivalent students as determined in subsection (8), the
 761 research-based reading instruction allocation as determined in
 762 subsection (9), the allocation for juvenile justice education
 763 programs as determined in subsection (10), ~~and~~ the quality
 764 assurance guarantee as determined in subsection (11) ~~(10)~~, less
 765 the required local effort as determined in subsection (4). If
 766 the funds appropriated for the purpose of funding the total
 767 amount for current operation as provided in this paragraph are
 768 not sufficient to pay the state requirement in full, the
 769 department shall prorate the available state funds to each
 770 district in the following manner:

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

775 available for current operation and the total district required
776 local effort.

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

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

784 (b) The amount thus obtained shall be the net annual
785 allocation to each school district. However, if it is determined
786 that any school district received an underallocation or
787 overallocation for any prior year because of an arithmetical
788 error, assessment roll change required by final judicial
789 decision, full-time equivalent student membership error, or any
790 allocation error revealed in an audit report, the allocation to
791 that district shall be appropriately adjusted. Beginning with
792 audits for the 2001-2002 fiscal year, if the adjustment is the
793 result of an audit finding in which group 2 FTE are reclassified
794 to the basic program and the district weighted FTE are over the
795 weighted enrollment ceiling for group 2 programs, the adjustment
796 shall not result in a gain of state funds to the district. If
797 the Department of Education audit adjustment recommendation is
798 based upon controverted findings of fact, the Commissioner of
799 Education is authorized to establish the amount of the
800 adjustment based on the best interests of the state.

801 (c) The amount thus obtained shall represent the net
802 annual state allocation to each district; however,

803 notwithstanding any of the provisions herein, each district
 804 shall be guaranteed a minimum level of funding in the amount and
 805 manner prescribed in the General Appropriations Act.

806 Section 9. The amendments to s. 1011.62(6), Florida
 807 Statutes, made by this act shall expire July 1, 2009, and the
 808 text of that subsection shall revert to that in existence on the
 809 day before the effective date of chapter 2007-328, Laws of
 810 Florida, except that any amendments to such text enacted other
 811 than by this act shall be preserved and continue to operate to
 812 the extent that such amendments are not dependent upon the
 813 portions of such text that expire pursuant to this section.

814 Section 10. Section 1011.71, Florida Statutes, as amended
 815 by chapters 2007-328 and 2008-2, Laws of Florida, is amended to
 816 read:

817 1011.71 District school tax.--

818 (1) If the district school tax is not provided in the
 819 General Appropriations Act or the substantive bill implementing
 820 the General Appropriations Act, each district school board
 821 desiring to participate in the state allocation of funds for
 822 current operation as prescribed by s. 1011.62(12)~~(11)~~ shall levy
 823 on the taxable value for school purposes of the district,
 824 exclusive of millage voted under the provisions of s. 9(b) or s.
 825 12, Art. VII of the State Constitution, a millage rate not to
 826 exceed the amount certified by the commissioner as the minimum
 827 millage rate necessary to provide the district required local
 828 effort for the current year, pursuant to s. 1011.62(4)(a)1. In
 829 addition to the required local effort millage levy, each
 830 district school board may levy a nonvoted current operating

831 discretionary millage. The Legislature shall prescribe annually
832 in the appropriations act the maximum amount of millage a
833 district may levy.

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

839 (a) New construction and remodeling projects, as set forth
840 in s. 1013.64(3)(b) and (6)(b) and included in the district's
841 educational plant survey pursuant to s. 1013.31, without regard
842 to prioritization, sites and site improvement or expansion to
843 new sites, existing sites, auxiliary facilities, athletic
844 facilities, or ancillary facilities.

845 (b) Maintenance, renovation, and repair of existing school
846 plants or of leased facilities to correct deficiencies pursuant
847 to s. 1013.15(2).

848 (c) The purchase, lease-purchase, or lease of school
849 buses.

850 (d) The purchase, lease-purchase, or lease of new and
851 replacement equipment.

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

858 (f) Payment of loans approved pursuant to ss. 1011.14 and
859 1011.15.

860 (g) Payment of costs directly related to complying with
861 state and federal environmental statutes, rules, and regulations
862 governing school facilities.

863 (h) Payment of costs of leasing relocatable educational
864 facilities, of renting or leasing educational facilities and
865 sites pursuant to s. 1013.15(2), or of renting or leasing
866 buildings or space within existing buildings pursuant to s.
867 1013.15(4).

868 (i) Payment of the cost of school buses when a school
869 district contracts with a private entity to provide student
870 transportation services if the district meets the requirements
871 of this paragraph.

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

876 2. Each such school bus must be used for the daily
877 transportation of public school students in the manner required
878 by the school district.

879 3. Annual payment for each such school bus may not exceed
880 10 percent of the purchase price of the state pool bid.

881 4. The proposed expenditure of the funds for this purpose
882 must have been included in the district school board's notice of
883 proposed tax for school capital outlay as provided in s.
884 200.065(10).

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

887 (3) If the revenue from the millage authorized in
 888 subsection (2) is insufficient to make payments due under a
 889 lease-purchase agreement entered into prior to June 30, 2008, by
 890 a district school board pursuant to paragraph (2)(e), an amount
 891 up to 0.25 mills of the taxable value for school purposes within
 892 the school district shall be legally available for such
 893 payments, notwithstanding other restrictions on the use of such
 894 revenues imposed by law.

895 (4) ~~(3)~~ A school district that has met the reduction
 896 requirements regarding class size for the 2008-2009 fiscal
 897 ~~current~~ year pursuant to s. 1003.03 for K-12 students for whom
 898 the school district provides the educational facilities, ~~has~~
 899 ~~received an unqualified opinion on its financial statements for~~
 900 ~~the preceding 3 years, has no material weaknesses or instances~~
 901 ~~of material noncompliance noted in an audit for the preceding 3~~
 902 ~~years,~~ and certifies to the Commissioner of Education that the
 903 district does not need all of its discretionary 1.75-mill
 904 capital improvement revenue for capital outlay purposes and all
 905 of the district's instructional space needs for the next 5 years
 906 can be met from capital outlay sources that the district
 907 reasonably expects to receive during the next 5 years from local
 908 revenues and from currently appropriated state facilities
 909 funding or from alternative scheduling or construction, leasing,
 910 rezoning, or technological methodologies that exhibit sound
 911 management may expend, subject to the provisions of s. 200.065,
 912 up to \$65 per unweighted full-time equivalent student from the

913 revenue generated by the 2008-2009 millage levy authorized by
 914 subsection (2) to fund, in addition to expenditures authorized
 915 in paragraphs (2)(a)-(j), 2008-2009 expenses for the following:

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

921 (b) Payment of the cost of premiums for property and
 922 casualty insurance necessary to insure school district
 923 educational and ancillary plants. Operating revenues that are
 924 made available through the payment of property and casualty
 925 insurance premiums from revenues generated under this subsection
 926 may be expended only for nonrecurring operational expenditures
 927 of the school district.

928 (5)~~(4)~~ Violations of the expenditure provisions in
 929 subsection (2) or subsection (4) ~~(3)~~ shall result in an equal
 930 dollar reduction in the Florida Education Finance Program (FEFP)
 931 funds for the violating district in the fiscal year following
 932 the audit citation.

933 (6)~~(5)~~ These taxes shall be certified, assessed, and
 934 collected as prescribed in s. 1011.04 and shall be expended as
 935 provided by law.

936 (7)~~(6)~~ Nothing in s. 1011.62(4)(a)1. shall in any way be
 937 construed to increase the maximum school millage levies as
 938 provided for in subsection (1).

939 (8)~~(7)~~ In addition to the maximum millage levied under
 940 this section and the General Appropriations Act, a school

941 district may levy, by local referendum or in a general election,
942 additional millage for school operational purposes up to an
943 amount that, when combined with nonvoted millage levied under
944 this section, does not exceed the 10-mill limit established in
945 s. 9(b), Art. VII of the State Constitution. Any such levy shall
946 be for a maximum of 4 years and shall be counted as part of the
947 10-mill limit established in s. 9(b), Art. VII of the State
948 Constitution. Millage elections conducted under the authority
949 granted pursuant to this section are subject to s. 1011.73.
950 Funds generated by such additional millage do not become a part
951 of the calculation of the Florida Education Finance Program
952 total potential funds in 2001-2002 or any subsequent year and
953 must not be incorporated in the calculation of any hold-harmless
954 or other component of the Florida Education Finance Program
955 formula in any year. If an increase in required local effort,
956 when added to existing millage levied under the 10-mill limit,
957 would result in a combined millage in excess of the 10-mill
958 limit, any millage levied pursuant to this subsection shall be
959 considered to be required local effort to the extent that the
960 district millage would otherwise exceed the 10-mill limit.

961 Section 11. The amendments to subsection (3) of s.
962 1011.71, Florida Statutes, renumbered as subsection (4) by this
963 act, shall expire July 1, 2009, and the text of that subsection
964 shall revert to that in existence on the day before the
965 effective date of chapter 2007-328, Laws of Florida, except that
966 any amendments to such text enacted other than by this act shall
967 be preserved and continue to operate to the extent that such

968 amendments are not dependent upon the portions of such text that
 969 expire pursuant to this section.

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

972 1011.73 District millage elections.--

973 (2) MILLAGE AUTHORIZED NOT TO EXCEED 4 YEARS.--The
 974 district school board, pursuant to resolution adopted at a
 975 regular meeting, shall direct the county commissioners to call
 976 an election at which the electors within the school district may
 977 approve an ad valorem tax millage as authorized under s.

978 1011.71(8)~~(7)~~. Such election may be held at any time, except
 979 that not more than one such election shall be held during any
 980 12-month period. Any millage so authorized shall be levied for a
 981 period not in excess of 4 years or until changed by another
 982 millage election, whichever is earlier. If any such election is
 983 invalidated by a court of competent jurisdiction, such
 984 invalidated election shall be considered not to have been held.

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

987 1012.225 Merit Award Program for Instructional Personnel
 988 and School-Based Administrators.--

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

990 (e) Districts that do not have an approved plan for the
 991 2008-2009 school year may submit a plan for the 2008-2009 school
 992 year by October 1, 2008.

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

995 1012.72 Dale Hickam Excellent Teaching Program.--

996 (1) The Legislature recognizes that teachers play a
 997 critical role in preparing students to achieve the high levels
 998 of academic performance expected by the Sunshine State
 999 Standards. The Legislature further recognizes the importance of
 1000 identifying and rewarding teaching excellence and of encouraging
 1001 good teachers to become excellent teachers. The Legislature
 1002 finds that the National Board for ~~of~~ Professional Teaching
 1003 Standards (NBPTS) has established high and rigorous standards
 1004 for accomplished teaching and has developed a national voluntary
 1005 system for assessing and certifying teachers who demonstrate
 1006 teaching excellence by meeting those standards. It is therefore
 1007 the Legislature's intent ~~to provide incentives for teachers to~~
 1008 ~~seek NBPTS certification and~~ to reward teachers who demonstrate
 1009 teaching excellence by attaining NBPTS certification and sharing
 1010 their expertise with other teachers.

1011 (2) The Dale Hickam Excellent Teaching Program is created
 1012 to provide categorical funding for ~~monetary incentives and~~
 1013 ~~bonuses for teaching excellence.~~ The bonuses may be provided for
 1014 initial certification for up to one 10-year period. The
 1015 Department of Education shall distribute to each school district
 1016 ~~or to the NBPTS~~ an amount as prescribed annually by the
 1017 Legislature for the Dale Hickam Excellent Teaching Program. For
 1018 purposes of this section, the Florida School for the Deaf and
 1019 the Blind shall be considered a school district. Unless
 1020 otherwise provided in the General Appropriations Act, each
 1021 distribution shall be the sum of the amounts earned for the
 1022 following ~~incentives and bonuses:~~

1023 ~~(a) A fee subsidy to be paid by the Department of~~
 1024 ~~Education to the NBPTS on behalf of each individual who is an~~
 1025 ~~employee of a district school board or a public school within~~
 1026 ~~the school district, who is certified by the district to have~~
 1027 ~~demonstrated satisfactory teaching performance pursuant to s.~~
 1028 ~~1012.34 and who satisfies the prerequisites for participating in~~
 1029 ~~the NBPTS certification program, and who agrees, in writing, to~~
 1030 ~~pay 10 percent of the NBPTS participation fee and to participate~~
 1031 ~~in the NBPTS certification program during the school year for~~
 1032 ~~which the fee subsidy is provided. The fee subsidy for each~~
 1033 ~~eligible participant shall be an amount equal to 90 percent of~~
 1034 ~~the fee charged for participating in the NBPTS certification~~
 1035 ~~program. The fee subsidy is a one-time award and may not be~~
 1036 ~~duplicated for any individual.~~

1037 ~~(b) A portfolio preparation incentive of \$150 paid by the~~
 1038 ~~Department of Education to each teacher employed by a district~~
 1039 ~~school board or a public school within a school district who is~~
 1040 ~~participating in the NBPTS certification program. The portfolio~~
 1041 ~~preparation incentive is a one-time award paid during the school~~
 1042 ~~year for which the NBPTS fee subsidy is provided.~~

1043 (a)-(e) An annual bonus equal to 10 percent of the prior
 1044 fiscal year's statewide average salary for classroom teachers to
 1045 be distributed to the school district to be paid to each
 1046 individual who holds NBPTS certification and is employed by the
 1047 district school board or by a public school within the school
 1048 district. The district school board shall distribute the annual
 1049 bonus to each individual who meets the requirements of this
 1050 paragraph and who is certified annually by the district to have

1051 demonstrated satisfactory teaching performance pursuant to s.
1052 1012.34. The annual bonus may be paid as a single payment or
1053 divided into not more than three payments.

1054 (b)~~(d)~~ An annual bonus equal to 10 percent of the prior
1055 fiscal year's statewide average salary for classroom teachers to
1056 be distributed to the school district to be paid to each
1057 individual who meets the requirements of paragraph (a) ~~(e)~~ and
1058 agrees, in writing, to provide the equivalent of 12 workdays of
1059 mentoring and related services to public school teachers within
1060 the state who do not hold NBPTS certification. Related services
1061 must include instruction in helping teachers work more
1062 effectively with the families of their students. The district
1063 school board shall distribute the annual bonus in a single
1064 payment following the completion of all required mentoring and
1065 related services for the year. It is not the intent of the
1066 Legislature to remove excellent teachers from their assigned
1067 classrooms; therefore, credit may not be granted by a school
1068 district or public school for mentoring or related services
1069 provided during student contact time during the 196 days of
1070 required service for the school year.

1071 (c)~~(e)~~ The employer's share of social security and
1072 Medicare taxes and Florida Retirement System contributions for
1073 those teachers who ~~qualify for NBPTS certification and~~ receive
1074 bonus amounts under paragraph (a) or paragraph (b).

1075
1076 ~~A teacher for whom the state pays the certification fee and who~~
1077 ~~does not complete the certification program or does not teach in~~
1078 ~~a public school of this state for at least 1 year after~~

1079 ~~completing the certification program must repay the amount of~~
1080 ~~the certification fee to the state. However, a teacher who~~
1081 ~~completes the certification program but fails to be awarded~~
1082 ~~NBPTS certification is not required to repay the amount of the~~
1083 ~~certification fee if the teacher meets the 1-year teaching~~
1084 ~~requirement. Repayment is not required of a teacher who does not~~
1085 ~~complete the certification program or fails to fulfill the~~
1086 ~~teaching requirement because of the teacher's death or~~
1087 ~~disability or because of other extenuating circumstances as~~
1088 ~~determined by the State Board of Education.~~

1089 ~~(3)(a) In addition to any other remedy available under the~~
1090 ~~law, any person who is a recipient of a certification fee~~
1091 ~~subsidy paid to the NBPTS and who is an employee of the state or~~
1092 ~~any of its political subdivisions is considered to have~~
1093 ~~consented, as a condition of employment, to the voluntary or~~
1094 ~~involuntary withholding of wages to repay to the state the~~
1095 ~~amount of such a certification fee subsidy awarded under this~~
1096 ~~section. Any such employee who defaults on the repayment of such~~
1097 ~~a certification fee subsidy must, within 60 days after service~~
1098 ~~of a notice of default by the Department of Education to the~~
1099 ~~employee, establish a repayment schedule which must be agreed to~~
1100 ~~by the department and the employee, for repaying the defaulted~~
1101 ~~sum through payroll deductions. The department may not require~~
1102 ~~the employee to pay more than 10 percent of the employee's pay~~
1103 ~~per pay period under such a repayment schedule or plan. If the~~
1104 ~~employee fails to establish a repayment schedule within the~~
1105 ~~specified period of time or fails to meet the terms and~~
1106 ~~conditions of the agreed upon or approved repayment schedule as~~

1107 ~~authorized by this subsection, the employee has breached an~~
 1108 ~~essential condition of employment and is considered to have~~
 1109 ~~consented to the involuntary withholding of wages or salary for~~
 1110 ~~the repayment of the certification fee subsidy.~~

1111 ~~(b) A person who is employed by the state, or any of its~~
 1112 ~~political subdivisions, may not be dismissed for having~~
 1113 ~~defaulted on the repayment of the certification fee subsidy to~~
 1114 ~~the state.~~

1115 ~~(4) The State Board of Education may adopt rules pursuant~~
 1116 ~~to ss. 120.536 and 120.54 as necessary to administer the~~
 1117 ~~provisions for payment of the fee subsidies, incentives, and~~
 1118 ~~bonuses and for the repayment of defaulted certification fee~~
 1119 ~~subsidies under this section.~~

1120 (3)~~(5)~~ If the funds available in any fiscal year are
 1121 insufficient to pay in full the annual bonuses for certification
 1122 and for providing mentoring and related services, payments for
 1123 providing mentoring and related services shall be prorated among
 1124 the eligible recipients. If the mentoring and related services
 1125 are prorated, school districts may pay a portion or all of the
 1126 balance. If funds are insufficient to pay in full the annual
 1127 bonuses for certification, payments of bonuses for certification
 1128 shall be prorated among the eligible recipients.

1129 Section 15. Subsection (4) of section 1013.45, Florida
 1130 Statutes, is amended to read:

1131 1013.45 Educational facilities contracting and
 1132 construction techniques.--

1133 (4) Except as otherwise provided in this section and s.
 1134 481.229, the services of a registered architect must be used for

1135 the development of plans for the erection, enlargement, or
1136 alteration of any educational facility. The services of a
1137 registered architect are not required for a minor renovation
1138 project for which the construction cost is less than \$50,000 or
1139 for the placement or hookup of relocatable educational
1140 facilities that conform with standards adopted under s. 1013.37.
1141 However, boards must provide compliance with building code
1142 requirements and ensure that these structures are adequately
1143 anchored for wind resistance as required by law. A district
1144 school board shall ~~Boards are encouraged to consider the reuse~~
1145 ~~of~~ existing construction documents or design criteria packages
1146 if where such reuse is feasible and practical. If a school
1147 district's 5-year educational facilities work plan includes the
1148 construction of two or more new schools for students in the same
1149 grade group and program, such as elementary, middle, or high
1150 school, the district school board shall require that prototype
1151 design and construction be used for the construction of these
1152 schools. Notwithstanding s. 287.055, a board may purchase the
1153 architectural services for the design of educational or
1154 ancillary facilities under an existing contract agreement for
1155 professional services held by a district school board in the
1156 State of Florida, provided that the purchase is to the economic
1157 advantage of the purchasing board, the services conform to the
1158 standards prescribed by rules of the State Board of Education,
1159 and such reuse is not without notice to, and permission from,
1160 the architect of record whose plans or design criteria are being
1161 reused. Plans shall be reviewed for compliance with the state
1162 requirements for educational facilities. Rules adopted under

1163 | this section must establish uniform prequalification, selection,
1164 | bidding, and negotiation procedures applicable to construction
1165 | management contracts and the design-build process. This section
1166 | does not supersede any small, woman-owned or minority-owned
1167 | business enterprise preference program adopted by a board.
1168 | Except as otherwise provided in this section, the negotiation
1169 | procedures applicable to construction management contracts and
1170 | the design-build process must conform to the requirements of s.
1171 | 287.055. A board may not modify any rules regarding construction
1172 | management contracts or the design-build process.

1173 | Section 16. This act shall take effect July 1, 2008.