

## ENROLLED

HB 5083, Engrossed 2

2008 Legislature

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

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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

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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:

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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.

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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)

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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

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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.

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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



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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

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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

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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

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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

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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

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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.

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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

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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



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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.

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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

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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.

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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.

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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)~~(q)~~ 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

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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

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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

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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.



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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.

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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

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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.

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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

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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,

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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

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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.

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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).



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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

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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

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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

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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.--

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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:~~

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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

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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~~

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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~~



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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

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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

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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.