

Amendment No.

CHAMBER ACTION

Senate

House

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. . .

1 Representative Flores offered the following:

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

4 Remove everything after the enacting clause and insert:

5
6 Section 1. Paragraph (a) of subsection (4) of section
7 1001.20, Florida Statutes, is amended to read:

8 1001.20 Department under direction of state board.--

9 (4) The Department of Education shall establish the
10 following offices within the Office of the Commissioner of
11 Education which shall coordinate their activities with all other
12 divisions and offices:

13 (a) Office of Technology and Information
14 Services.--Responsible for developing a systemwide technology
15 plan, making budget recommendations to the commissioner,
16 providing data collection and management for the system,
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17 assisting school districts in securing Internet access and
18 telecommunications services, including those eligible for
19 funding under the Schools and Libraries Program of the federal
20 Universal Service Fund, and coordinating services with other
21 state, local, and private agencies. The office shall develop a
22 method to address the need for a statewide approach to planning
23 and operations of library and information services to achieve a
24 single K-20 education system library information portal and a
25 unified higher education library management system. The Florida
26 Virtual School shall be administratively housed within the
27 office.

28 Section 2. Section 1001.271, Florida Statutes, is created
29 to read:

30 1001.271 Florida Information Resource Network.--Upon
31 requisition by school districts, community colleges,
32 universities, or other eligible users of the Florida Information
33 Resource Network, the Commissioner of Education shall purchase
34 the nondiscounted portion of Internet access services,
35 including, but not limited to, circuits, encryption, content
36 filtering, support, and any other services needed for the
37 effective and efficient operation of the network. Each user
38 shall identify in its requisition the source of funds from which
39 the commissioner is to make payments.

40 Section 3. Subsection (2) of section 1001.28, Florida
41 Statutes, is amended to read:

42 1001.28 Distance learning duties.--The duties of the
43 Department of Education concerning distance learning include,
44 but are not limited to, the duty to:

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45 (2) Coordinate the use of existing resources, including,
46 but not limited to, the state's satellite transponders ~~on the~~
47 ~~education satellites, the SUNCOM Network,~~ the Florida
48 Information Resource Network (FIRN), and the Florida Knowledge
49 Network ~~the Department of Management Services, the Department of~~
50 ~~Corrections, and the Department of Children and Family Services'~~
51 ~~satellite communication facilities to support a statewide~~
52 ~~advanced telecommunications services and distance learning~~
53 initiatives network.

54
55 Nothing in this section shall be construed to abrogate,
56 supersede, alter, or amend the powers and duties of any state
57 agency, district school board, community college board of
58 trustees, university board of trustees, the Board of Governors,
59 or the State Board of Education.

60 Section 4. Subsection (3) is added to section 1001.395,
61 Florida Statutes, as amended by chapter 2009-3, Laws of Florida,
62 to read:

63 1001.395 District school board members; compensation.--

64 (3) Notwithstanding the provisions of this section and s.
65 145.19, for the 2009-2010 fiscal year, the salary of each
66 district school board member shall be the amount calculated
67 pursuant to subsection (1) or the salary of members of the
68 Legislature, pursuant to s. 11.13 or any other law, whichever is
69 less.

70 Section 5. Paragraph (a) of subsection (12) and subsection
71 (25) of section 1001.42, Florida Statutes, as amended by chapter
72 2009-3, Laws of Florida, are amended to read:

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73 1001.42 Powers and duties of district school board.--The
74 district school board, acting as a board, shall exercise all
75 powers and perform all duties listed below:

76 (12) FINANCE.--Take steps to assure students adequate
77 educational facilities through the financial procedure
78 authorized in chapters 1010 and 1011 and as prescribed below:

79 (a) Provide for all schools to operate ~~at least~~ 180
80 days.--Provide for the operation of all public schools, both
81 elementary and secondary, as free schools for a term of ~~at least~~
82 180 days or the equivalent on an hourly basis as specified by
83 rules of the State Board of Education; determine district school
84 funds necessary in addition to state funds to operate all
85 schools for such minimum term; and arrange for the levying of
86 district school taxes necessary to provide the amount needed
87 from district sources. Nothing in this section, s. 1003.02, or
88 s. 1011.60 may preclude a school district from extending the
89 school year beyond 180 days or the equivalent on an hourly
90 basis.

91 (25) EMPLOYMENT CONTRACTS.--~~On or after February 1, 2009,~~
92 A district school board may not enter into an employment
93 contract ~~that is funded from state funds and~~ that requires the
94 district to pay from state funds an employee an amount in excess
95 of 1 year of the employee's annual salary for termination, buy-
96 out, or any other type of contract settlement. This subsection
97 does not prohibit the payment of earned leave and benefits in
98 accordance with the district's leave and benefits policies which
99 are accrued by the employee before the contract terminates.

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100 Section 6. Paragraph (c) of subsection (2) of section
101 1001.451, Florida Statutes, is amended to read:

102 1001.451 Regional consortium service organizations.--In
103 order to provide a full range of programs to larger numbers of
104 students, minimize duplication of services, and encourage the
105 development of new programs and services:

106 (2)

107 (c) Notwithstanding paragraph (a), the appropriation ~~for~~
108 ~~the 2008-2009 fiscal year~~ may be less than \$50,000 per school
109 district and eligible member. If the amount appropriated is
110 insufficient to provide \$50,000, the funds available must be
111 prorated among all eligible districts and members. ~~This~~
112 ~~paragraph expires July 1, 2009.~~

113 Section 7. Subsections (6) and (7) are added to section
114 1001.47, Florida Statutes, to read:

115 1001.47 District school superintendent; salary.--

116 (6) Notwithstanding the provisions of this section and s.
117 145.19, elected district school superintendents may reduce their
118 salary rates on a voluntary basis.

119 (7) Notwithstanding the provisions of this section and s.
120 145.19, for the 2009-2010 fiscal year, the salary of each
121 elected district school superintendent calculated pursuant to
122 this section shall be reduced by 5 percent.

123 Section 8. Subsection (2) of section 1001.50, Florida
124 Statutes, as amended by chapter 2009-3, Laws of Florida, is
125 amended, and subsections (5) and (6) are added to that section,
126 to read:

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127 1001.50 Superintendents employed under Art. IX of the
128 State Constitution.--

129 (2) The district school board of each of such districts
130 shall enter into contracts of employment with the district
131 school superintendent and shall adopt rules relating to his or
132 her appointment; however, ~~on or after February 1, 2009,~~ the
133 district school board may not enter into an employment contract
134 ~~that is funded from state funds and~~ that requires the district
135 to pay from state funds a superintendent an amount in excess of
136 1 year of the superintendent's annual salary for termination,
137 buy-out, or any other type of contract settlement. This
138 subsection does not prohibit the payment of earned leave and
139 benefits in accordance with the district's leave and benefits
140 policies which are accrued by the superintendent before the
141 contract terminates.

142 (5) Notwithstanding any other law, resolution, or rule to
143 the contrary, a district school superintendent employed under
144 this section may not receive more than \$225,000 in remuneration
145 annually from state funds. "Remuneration" means salary, bonuses,
146 and cash-equivalent compensation paid to a district school
147 superintendent by his or her employer for work performed,
148 excluding health insurance benefits and retirement benefits.
149 Only compensation, as defined in s. 121.021(22), that is
150 provided to a superintendent may be used in calculating benefits
151 under chapter 121.

152 (6) District school boards and district school
153 superintendents employed pursuant to this section are encouraged
154 to review the superintendent's annual remuneration for the 2009-
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155 | 2010 fiscal year and mutually agree to a reduction of at least 5
156 | percent.

157 | Section 9. Paragraph (c) of subsection (1) of section
158 | 1002.43, Florida Statutes, is amended to read:

159 | 1002.43 Private tutoring programs.--

160 | (1) Regular school attendance as defined in s. 1003.01(13)
161 | may be achieved by attendance in a private tutoring program if
162 | the person tutoring the student meets the following
163 | requirements:

164 | (c) Requires students to be in actual attendance for the
165 | ~~minimum~~ length of time prescribed by s. 1011.60(2).

166 | Section 10. Paragraph (g) of subsection (3) of section
167 | 1002.37, Florida Statutes, is amended to read:

168 | 1002.37 The Florida Virtual School.--

169 | (3) Funding for the Florida Virtual School shall be
170 | provided as follows:

171 | (g) The Florida Virtual School shall receive additional
172 | state funds as may be provided in the General Appropriations
173 | Act; however, such funds may not be provided for the purpose of
174 | fulfilling the class size requirements in ss. 1003.03 and
175 | 1011.685.

176 | Section 11. Subsections (1), (2), (7), (8), (10), (11),
177 | and (12) of section 1002.45, Florida Statutes, are amended to
178 | read:

179 | 1002.45 School district virtual instruction programs.--

180 | (1) PROGRAM.--

181 | (a) Beginning with the 2009-2010 school year, each school
182 | district may ~~shall~~ provide eligible students within its

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183 boundaries the option of participating in a virtual instruction
184 program operated by the school district which is a program
185 separate from the Florida Virtual School under s. 1002.37. The
186 purpose of the program is to make instruction available to
187 students using online and distance learning technology in the
188 nontraditional classroom and to provide an exit option for
189 students authorized to participate under paragraph (7)(c). The
190 program shall be ~~provide virtual instruction to~~ full-time for
191 students enrolled in ~~full-time virtual courses in~~ kindergarten
192 through grade 8 and ~~or in~~ full-time or part-time for students
193 enrolled virtual courses in grades 9 through 12 as authorized in
194 paragraph (7)(c).

195 (b) Each school district's virtual instruction program
196 shall use ~~may consist of one or more schools that are operated~~
197 ~~by the district or by~~ contracted providers approved by the
198 Department of Education under subsection (2). School districts
199 may participate in multidistrict contractual arrangements, which
200 may include contracts executed by a regional consortium for its
201 member districts, to provide such programs.

202 (c) Except as provided in paragraph (7)(c), virtual
203 instruction is instruction in which at least 80 percent of the
204 direct instruction is provided by a Florida-certified teacher
205 using some form of technology when the student and the teacher
206 are separated by time or space, or both.

207 (d) If a student was enrolled in a K-8 Virtual School
208 Program under s. 1002.415 for the 2008-2009 school year and the
209 student resides in a school district that does not offer a
210 virtual instruction program, the school district must provide

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211 the student access to the virtual school program in which the
212 student was enrolled during the 2008-2009 school year.

213 ~~(c) A charter school may enter into a joint agreement with~~
214 ~~the school district in which it is located for the charter~~
215 ~~school's students to participate in an approved district virtual~~
216 ~~instruction program.~~

217 (2) PROVIDER QUALIFICATIONS. ~~--On or before March 1, 2009,~~
218 ~~and annually thereafter,~~ The department shall annually provide
219 school districts with a list of no more than two approved
220 providers for the K-8 virtual instruction program and no more
221 than two approved providers for the virtual instruction program
222 under paragraph (7) (c) providers approved to offer virtual
223 ~~instruction.~~ To be approved by the department, a contract
224 provider must annually document that it:

225 (a) Is nonsectarian in its programs, admission policies,
226 employment practices, and operations;

227 (b) Complies with the antidiscrimination provisions of s.
228 1000.05;

229 (c) Locates an administrative office or offices in this
230 state, requires its administrative staff to be state residents,
231 and requires all instructional staff members to be Florida-
232 certified teachers;

233 (d) Possesses prior, successful experience offering online
234 courses to elementary, middle, or high school students;

235 (e) Utilizes Florida-certified ~~an instructional model that~~
236 ~~relies on certified teachers, not parents, to provide at least~~
237 ~~85 percent of the instruction to the student;~~

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238 (f) Requires all school employees to have background
239 screening as required by s. 1012.32;

240 (g) Provides no more than 20 percent of instruction to the
241 student by a parent or an instructional coach;

242 (h) ~~(f)~~ Is accredited by the Southern Association of
243 Colleges and Schools Council on Accreditation and School
244 Improvement, the North Central Association Commission on
245 Accreditation and School Improvement, the Middle States
246 Association of Colleges and Schools Commission on Elementary
247 Schools and Commission on Secondary Schools, the New England
248 Association of Schools and Colleges, the Northwest Association
249 of Accredited Schools, or the Western Association of Schools and
250 Colleges the Commission on Colleges of the Southern Association
251 of Colleges and Schools, the Middle States Association of
252 Colleges and Schools, the North Central Association of Colleges
253 and Schools, or the New England Association of Colleges and
254 Schools; and

255 (i) ~~(g)~~ Complies with all requirements under this section.
256

257 Notwithstanding this subsection, approved providers of virtual
258 instruction shall include the Florida Virtual School established
259 under s. 1002.37 ~~and providers that operate under s. 1002.415.~~

260 (7) FUNDING.--

261 (a) For purposes of a district virtual instruction
262 program, "full-time equivalent student" has the same meaning as
263 provided in s. 1011.61(1)(c)1.b.(III) or (IV).

264 (b) The school district shall report full-time equivalent
265 students for the school district virtual instruction program ~~and~~
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266 ~~for a charter school's students who participate under paragraph~~
267 ~~(1)(e) to the department only in a manner prescribed by the~~
268 ~~department, and funding shall be provided through the Florida~~
269 ~~Education Finance Program.~~

270 (c) Full-time or part-time school district virtual
271 instruction program courses provided under this section for
272 students in grades 9 through 12 are limited to Department of
273 Juvenile Justice programs, ~~dropout prevention programs, and~~
274 ~~career and vocational programs.~~

275 (8) ASSESSMENT AND ACCOUNTABILITY.--

276 (a) ~~With the exception of the programs offered by the~~
277 ~~Florida Virtual School under s. 1002.37, Each school district K-~~
278 ~~8 virtual instruction program must:~~

279 ~~1. participate in the statewide assessment program under~~
280 ~~s. 1008.22 and in the state's education performance~~
281 ~~accountability system under s. 1008.31.~~

282 ~~2. Receive a school grade as provided in s. 1008.34. A~~
283 ~~school district virtual instruction program shall be considered~~
284 ~~a school under s. 1008.34 for purposes of this section,~~
285 ~~regardless of the number of individual providers participating~~
286 ~~in the district's program.~~

287 (b) The department shall aggregate by provider the
288 statewide assessment scores of the students in each school
289 district full-time K-8 virtual instruction program at the end of
290 each year and publish a statewide school grade for each
291 provider. ~~The performance of part-time students under paragraph~~
292 ~~(7)(e) shall not be included for purposes of school grading~~
293 ~~under subparagraph (a)2.; however, their performance shall be~~

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294 ~~included for school grading purposes by the nonvirtual school~~
295 ~~providing the student's primary instruction.~~

296 (c) A provider program that is designated with a grade of
297 "D," making less than satisfactory progress, or "F," failing to
298 make adequate progress, must file a school improvement plan with
299 the department for consultation to determine the causes for low
300 performance and to develop a plan for correction and
301 improvement.

302 (d) The school district shall terminate its program with a
303 provider, ~~including all contracts with providers for such~~
304 ~~program~~, if the provider program receives a grade of "D," making
305 less than satisfactory progress, or "F," failing to make
306 adequate progress, for 2 years during any consecutive 4-year
307 period. If a contract is not renewed or is terminated, the
308 contracted provider is responsible for all debts of the program
309 or school operated by the provider.

310 (e) A school district that terminates its contract with a
311 provider program under paragraph (d) may shall contract with
312 another a provider ~~selected and~~ approved by the department for
313 the provision of virtual instruction ~~until the school district~~
314 ~~receives approval from the department to operate a new school~~
315 ~~district virtual instruction program.~~

316 (10) MARKETING.--Any information provided by a school
317 district to parents and students regarding ~~the school district's~~
318 virtual education instruction program must include information
319 about ~~opportunities available at,~~ and the parent's and student's
320 right to access courses offered by the school district virtual

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321 instruction program and by, the Florida Virtual School under s.
322 1002.37.

323 ~~(11) 2008-2009 SCHOOL DISTRICT VIRTUAL INSTRUCTION~~
324 ~~PROGRAM. For the 2008-2009 school year, each school district in~~
325 ~~the state may offer a school district virtual instruction~~
326 ~~program to provide full-time virtual courses in kindergarten~~
327 ~~through grade 8 or to provide full-time or part-time virtual~~
328 ~~courses in grades 9 through 12 as authorized in paragraph~~
329 ~~(7)(c). Such program may be operated or contracted as provided~~
330 ~~under paragraph (1)(b) and must comply with all requirements of~~
331 ~~this section, except that contracts under this subsection may~~
332 ~~only be issued for virtual courses in kindergarten through grade~~
333 ~~8 to providers operating under s. 1002.415 or for virtual~~
334 ~~courses in grades 9 through 12 as authorized under paragraph~~
335 ~~(7)(c) to providers who contracted with a regional consortium in~~
336 ~~the 2007-2008 school year to provide such services.~~

337 ~~(11)(12)~~ RULES.--The State Board of Education shall adopt
338 rules necessary to administer this section, including rules that
339 prescribe school district ~~and charter school~~ reporting
340 requirements.

341 Section 12. Paragraph (a) of subsection (4) and paragraph
342 (d) of subsection (6) of section 1002.71, Florida Statutes, as
343 amended by chapter 2009-3, Laws of Florida, are amended to read:

344 1002.71 Funding; financial and attendance reporting.--

345 (4) Notwithstanding s. 1002.53(3) and subsection (2):

346 (a) A child who, for any of the prekindergarten programs
347 listed in s. 1002.53(3), has not completed more than 70 ~~10~~
348 percent of the hours authorized to be reported for funding under
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349 subsection (2) may withdraw from the program for good cause and
350 reenroll in one of the programs, ~~and be reported for funding~~
351 ~~purposes as a full-time equivalent student in the program for~~
352 ~~which the child is reenrolled.~~ The total funding for a child who
353 reenrolls in one of the programs for good cause shall not exceed
354 one full-time equivalent student. Funding for a child who
355 withdraws and reenrolls in one of the programs for good cause
356 shall be issued in accordance with the uniform attendance policy
357 adopted pursuant to paragraph (6) (d).

358
359 A child may reenroll only once in a prekindergarten program
360 under this section. A child who reenrolls in a prekindergarten
361 program under this subsection may not subsequently withdraw from
362 the program and reenroll. The Agency for Workforce Innovation
363 shall establish criteria specifying whether a good cause exists
364 for a child to withdraw from a program under paragraph (a),
365 whether a child has substantially completed a program under
366 paragraph (b), and whether an extreme hardship exists which is
367 beyond the child's or parent's control under paragraph (b).

368 (6)

369 (d) The Agency for Workforce Innovation shall adopt, for
370 funding purposes, a uniform attendance policy for the Voluntary
371 Prekindergarten Education Program. The attendance policy must
372 apply statewide and apply equally to all private prekindergarten
373 providers and public schools. The attendance policy must
374 ~~establish a minimum requirement for student attendance and~~
375 include at least the following provisions:

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376 1. Beginning with the 2009-2010 fiscal year for school-
377 year programs, a student's attendance may be reported on a pro
378 rata basis as a fraction of ~~and the 2009 summer program, a~~
379 ~~student who meets the minimum requirement of 80 percent of the~~
380 ~~total number of hours for the program may be reported as a full-~~
381 ~~time equivalent student for funding purposes.~~

382 2. At a maximum, 20 percent of the total payment for each
383 student made to a private kindergarten provider or public school
384 may be for hours a student is absent. ~~A student who does not~~
385 ~~meet the minimum requirement may be reported only as a~~
386 ~~fractional part of a full-time equivalent student, reduced pro~~
387 ~~rata based on the student's attendance.~~

388 3. A private prekindergarten provider or public school may
389 not receive payment for absences that occur before a student's
390 first day of attendance or after a student's last day of
391 attendance. ~~A student who does not meet the minimum requirement~~
392 ~~may be reported as a full-time equivalent student if the student~~
393 ~~is absent for good cause in accordance with exceptions specified~~
394 ~~in the uniform attendance policy.~~

395
396 The uniform attendance policy shall be used only for funding
397 purposes and does not prohibit a private prekindergarten
398 provider or public school from adopting and enforcing its
399 attendance policy under paragraphs (a) and (c).

400 Section 13. Paragraph (g) of subsection (1) of section
401 1003.02, Florida Statutes, is amended to read:

402 1003.02 District school board operation and control of
403 public K-12 education within the school district.--As provided
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404 in part II of chapter 1001, district school boards are
405 constitutionally and statutorily charged with the operation and
406 control of public K-12 education within their school district.
407 The district school boards must establish, organize, and operate
408 their public K-12 schools and educational programs, employees,
409 and facilities. Their responsibilities include staff
410 development, public K-12 school student education including
411 education for exceptional students and students in juvenile
412 justice programs, special programs, adult education programs,
413 and career education programs. Additionally, district school
414 boards must:

415 (1) Provide for the proper accounting for all students of
416 school age, for the attendance and control of students at
417 school, and for proper attention to health, safety, and other
418 matters relating to the welfare of students in the following
419 fields:

420 (g) School operation.--

421 1. Provide for the operation of all public schools as free
422 schools for a term of ~~at least~~ 180 days or the equivalent on an
423 hourly basis as specified by rules of the State Board of
424 Education; determine district school funds necessary in addition
425 to state funds to operate all schools for the ~~minimum~~ term; and
426 arrange for the levying of district school taxes necessary to
427 provide the amount needed from district sources.

428 2. Prepare, adopt, and timely submit to the Department of
429 Education, as required by law and by rules of the State Board of
430 Education, the annual school budget, so as to promote the
431 improvement of the district school system.

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432 Section 14. Paragraph (b) of subsection (2) of section
433 1003.03, Florida Statutes, is amended to read:

434 1003.03 Maximum class size.--

435 (2) IMPLEMENTATION.--

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

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

441 2. For fiscal years 2006-2007 through 2009-2010 ~~2008-2009~~,
442 the calculation for compliance for each of the 3 grade groupings
443 shall be the average at the school level.

444 3. For fiscal year 2010-2011 ~~2009-2010~~ and thereafter, the
445 calculation for compliance shall be at the individual classroom
446 level.

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

450 Section 15. Paragraph (a) of subsection (1) of section
451 1004.55, Florida Statutes, is amended to read:

452 1004.55 Regional autism centers.--

453 (1) Seven regional autism centers are established to
454 provide nonresidential resource and training services for
455 persons of all ages and of all levels of intellectual
456 functioning who have autism, as defined in s. 393.063; who have
457 a pervasive developmental disorder that is not otherwise
458 specified; who have an autistic-like disability; who have a dual
459 sensory impairment; or who have a sensory impairment with other
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460 handicapping conditions. Each center shall be operationally and
461 fiscally independent and shall provide services within its
462 geographical region of the state. Service delivery shall be
463 consistent for all centers. Each center shall coordinate
464 services within and between state and local agencies and school
465 districts but may not duplicate services provided by those
466 agencies or school districts. The respective locations and
467 service areas of the centers are:

468 (a) The College of Medicine ~~Department of Communication~~
469 ~~Disorders~~ at Florida State University, which serves Bay,
470 Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson,
471 Jefferson, Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor,
472 Wakulla, Walton, and Washington Counties.

473 Section 16. Paragraph (b) of subsection (5) of section
474 1006.06, Florida Statutes, is amended to read:

475 1006.06 School food service programs.--

476 (5)

477 (b) Beginning with the 2009-2010 school year, each school
478 district must annually set prices for breakfast meals at rates
479 that, combined with federal reimbursements and state
480 allocations, are sufficient to defray costs of school breakfast
481 programs without requiring allocations from the district's
482 operating funds, except if the district school board approves
483 lower rates.

484 Section 17. Subsection (1) of section 1006.28, Florida
485 Statutes, is amended to read:

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486 1006.28 Duties of district school board, district school
487 superintendent; and school principal regarding K-12
488 instructional materials.--

489 (1) DISTRICT SCHOOL BOARD.--The district school board has
490 the duty to provide adequate instructional materials for all
491 students in accordance with the requirements of this part. The
492 term "adequate instructional materials" means a sufficient
493 number of textbooks or sets of materials that are available in
494 bound, unbound, kit, or package form and may consist of
495 hardbacked or softbacked textbooks, consumables, learning
496 laboratories, manipulatives, electronic media, and computer
497 courseware or software that serve ~~serve~~ as the basis for
498 instruction for each student in the core courses of mathematics,
499 language arts, social studies, science, reading, and literature,
500 except for instruction for which the school advisory council
501 approves the use of a program that does not include a textbook
502 as a major tool of instruction. The district school board has
503 the following specific duties:

504 (a) Courses of study; adoption.--Adopt courses of study
505 for use in the schools of the district.

506 (b) Textbooks.--Provide for proper requisitioning,
507 distribution, accounting, storage, care, and use of all
508 instructional materials furnished by the state and furnish such
509 other instructional materials as may be needed. The district
510 school board shall assure that instructional materials used in
511 the district are consistent with the district goals and
512 objectives and the curriculum frameworks adopted by rule of the

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513 State Board of Education, as well as with the state and district
514 performance standards provided for in s. 1001.03(1).

515 (c) Other instructional materials.--Provide such other
516 teaching accessories and aids as are needed for the school
517 district's educational program.

518 (d) School library media services; establishment and
519 maintenance.--Establish and maintain a program of school library
520 media services for all public schools in the district, including
521 school library media centers, or school library media centers
522 open to the public, and, in addition such traveling or
523 circulating libraries as may be needed for the proper operation
524 of the district school system.

525 Section 18. Subsection (4) of section 1006.40, Florida
526 Statutes, is amended to read:

527 1006.40 Use of instructional materials allocation;
528 instructional materials, library books, and reference books;
529 repair of books.--

530 (4) The funds described in subsection (3) which district
531 school boards may use to purchase materials not on the state-
532 adopted list shall be used for the purchase of instructional
533 materials or other items having intellectual content which
534 assist in the instruction of a subject or course. These items
535 may be available in bound, unbound, kit, or package form and may
536 consist of hardbacked or softbacked textbooks, replacements for
537 items which were part of previously purchased instructional
538 materials, consumables, learning laboratories, manipulatives,
539 electronic media, computer courseware or software, and other
540 commonly accepted instructional tools as prescribed by district
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541 school board rule. The funds available to district school boards
542 for the purchase of materials not on the state-adopted list may
543 not be used to purchase electronic or computer hardware unless
544 ~~even if~~ such hardware is bundled with other state-adopted
545 instructional materials such as textbooks, software, or other
546 electronic media, nor may such funds be used to purchase
547 equipment or supplies. However, when authorized to do so in the
548 General Appropriations Act, a school or district school board
549 may use a portion of the funds available to it for the purchase
550 of materials not on the state-adopted list to purchase science
551 laboratory materials and supplies.

552 Section 19. Subsections (7) and (8) of section 1008.29,
553 Florida Statutes, are amended to read:

554 1008.29 College-level communication and mathematics skills
555 examination (CLAST).--

556 (7) The State Board of Education shall collaborate with
557 the Board of Governors to establish rules instituting uniform
558 fees for all students, including private postsecondary students,
559 who take the CLAST. The fees shall be sufficient to cover the
560 actual cost of developing and administering the examination, by
561 ~~rule, shall establish fees for the administration of the~~
562 ~~examination to private postsecondary students.~~

563 (8) (a) ~~The State Board of Education, by rule, shall~~
564 ~~establish fees for the administration of the examination by~~
565 ~~community colleges at times other than regularly scheduled dates~~
566 ~~to accommodate examinees who are unable to be tested on those~~
567 ~~dates. The state board shall establish the conditions under~~
568 ~~which examinees may be admitted to the special administrations.~~

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569 ~~(b)~~ The Board of Governors may establish fees for the
570 administration of the examination by state universities at times
571 other than regularly scheduled dates to accommodate examinees
572 who are unable to be tested on those dates. The Board of
573 Governors may establish the conditions under which examinees may
574 be admitted to the special administrations.

575 Section 20. Paragraph (c) of subsection (1) of section
576 1008.41, Florida Statutes, is amended to read:

577 1008.41 Workforce education; management information
578 system.--

579 (1) The Commissioner of Education shall coordinate uniform
580 program structures, common definitions, and uniform management
581 information systems for workforce education for all divisions
582 within the department. In performing these functions, the
583 commissioner shall designate deadlines after which data elements
584 may not be changed for the coming fiscal or school year. School
585 districts and community colleges shall be notified of data
586 element changes at least 90 days prior to the start of the
587 subsequent fiscal or school year. Such systems must provide for:

588 (c) Maximum use of automated technology and records in
589 existing databases and data systems. To the extent feasible, the
590 Florida Information Resource Network may ~~shall~~ be employed for
591 this purpose.

592 Section 21. Section 1010.11, Florida Statutes, is amended
593 to read:

594 1010.11 Electronic transfer of funds.--Pursuant to the
595 provisions of s. 215.85, each district school board, community
596 college board of trustees, and university board of trustees

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597 shall adopt written policies prescribing the accounting and
598 control procedures under which any funds under their control are
599 allowed to be moved by electronic transaction for any purpose
600 including direct deposit, wire transfer, withdrawal, ~~or~~
601 investment, or payment. Electronic transactions shall comply
602 with the provisions of chapter 668.

603 Section 22. Subsection (4) of section 1011.18, Florida
604 Statutes, is amended to read:

605 1011.18 School depositories; payments into and withdrawals
606 from depositories.--

607 (4) HOW FUNDS DRAWN FROM DEPOSITORIES.--All money drawn
608 from any district school depository holding same as prescribed
609 herein shall be upon a check or warrant drawn on authority of
610 the district school board as prescribed by law. Each check or
611 warrant shall be signed by the chair or, in his or her absence,
612 the vice chair of the district school board and countersigned by
613 the district school superintendent, with corporate seal of the
614 school board affixed. However, as a matter of convenience, the
615 corporate seal of the district school board may be printed upon
616 the warrant and a proper record of such warrant shall be
617 maintained. The district school board may by resolution, a copy
618 of which must be delivered to the depository, provide for
619 internal funds to be withdrawn from any district depository by a
620 check duly signed by at least two bonded school employees
621 designated by the board to be responsible for administering such
622 funds. However, the district school superintendent or his or her
623 designee, after having been by resolution specifically
624 authorized by the district school board, may transfer funds from
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625 one depository to another, within a depository, to another
626 institution, or from another institution to a depository for
627 investment purposes and may transfer funds to pay expenses,
628 expenditures, or other disbursements that must be evidenced by
629 an invoice or other appropriate documentation in a similar
630 manner ~~when the transfer does not represent an expenditure,~~
631 ~~advance, or reduction of cash assets.~~ Such transfer may be made
632 by electronic, telephonic, or other medium; and each transfer
633 shall be confirmed in writing and signed by the district school
634 superintendent or his or her designee.

635 Section 23. Subsection (2) and paragraphs (d) and (f) of
636 subsection (3) of section 1011.60, Florida Statutes, are amended
637 to read:

638 1011.60 Minimum requirements of the Florida Education
639 Finance Program.--Each district which participates in the state
640 appropriations for the Florida Education Finance Program shall
641 provide evidence of its effort to maintain an adequate school
642 program throughout the district and shall meet at least the
643 following requirements:

644 (2) ~~MINIMUM~~ TERM.--Operate all schools for a term of ~~at~~
645 ~~least~~ 180 actual teaching days or the equivalent on an hourly
646 basis as specified by rules of the State Board of Education each
647 school year. The State Board of Education may prescribe
648 procedures for altering, and, upon written application, may
649 alter, this requirement during a national, state, or local
650 emergency as it may apply to an individual school or schools in
651 any district or districts if, in the opinion of the board, it is
652 not feasible to make up lost days or hours, and the

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653 apporportionment may, at the discretion of the Commissioner of
654 Education and if the board determines that the reduction of
655 school days or hours is caused by the existence of a bona fide
656 emergency, be reduced for such district or districts in
657 proportion to the decrease in the length of term in any such
658 school or schools. A strike, as defined in s. 447.203(6), by
659 employees of the school district may not be considered an
660 emergency.

661 (3) EMPLOYMENT POLICIES.--Adopt rules relating to the
662 appointment, promotion, transfer, suspension, and dismissal of
663 personnel.

664 (d) District school boards may authorize a maximum of six
665 paid legal holidays which shall apply to the 196 days of service
666 or the equivalent on an hourly basis.

667 (f) Such rules must require 12 calendar months of service
668 for such principals as prescribed by rules of the State Board of
669 Education and must require 10 months to include not less than
670 196 days of service or the equivalent on an hourly basis,
671 excluding Sundays and other holidays, for all members of the
672 instructional staff, with any such service on a 12-month basis
673 to include reasonable allowance for vacation or further study as
674 prescribed by the school board in accordance with rules of the
675 State Board of Education.

676 Section 24. Paragraph (c) of subsection (1) of section
677 1011.61, Florida Statutes, is amended to read:

678 1011.61 Definitions.--Notwithstanding the provisions of s.
679 1000.21, the following terms are defined as follows for the
680 purposes of the Florida Education Finance Program:

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681 (1) A "full-time equivalent student" in each program of
682 the district is defined in terms of full-time students and part-
683 time students as follows:

684 (c)1. A "full-time equivalent student" is:

685 a. A full-time student in any one of the programs listed
686 in s. 1011.62(1)(c); or

687 b. A combination of full-time or part-time students in any
688 one of the programs listed in s. 1011.62(1)(c) which is the
689 equivalent of one full-time student based on the following
690 calculations:

691 (I) A full-time student, except a postsecondary or adult
692 student or a senior high school student enrolled in adult
693 education when such courses are required for high school
694 graduation, in a combination of programs listed in s.
695 1011.62(1)(c) shall be a fraction of a full-time equivalent
696 membership in each special program equal to the number of net
697 hours per school year for which he or she is a member, divided
698 by the appropriate number of hours set forth in subparagraph
699 (a)1. or subparagraph (a)2. The difference between that fraction
700 or sum of fractions and the maximum value as set forth in
701 subsection (4) for each full-time student is presumed to be the
702 balance of the student's time not spent in such special
703 education programs and shall be recorded as time in the
704 appropriate basic program.

705 (II) A prekindergarten handicapped student shall meet the
706 requirements specified for kindergarten students.

707 (III) A full-time equivalent student for students in
708 grades K-8 in a school district virtual instruction program as
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709 provided in s. 1002.45 shall consist of a student who has
710 successfully completed a basic program listed in s.
711 1011.62(1)(c)1.a. or b., and who is promoted to a higher grade
712 level by August 31 of each year. The maximum value for funding a
713 student in a virtual instruction program is subject to
714 subsection (4).

715 (IV) A full-time equivalent student for students in grades
716 9-12 in a school district virtual instruction program as
717 provided in s. 1002.45 shall consist of six full credit
718 completions in programs listed in s. 1011.62(1)(c)1. and 3. 4.
719 Credit completions can be a combination of either full credits
720 or half credits.

721 (V) A full-time equivalent student of the Florida Virtual
722 School or of any approved school district franchise of the
723 Florida Virtual School, as provided in s. 1002.37, full-time
724 equivalent student shall consist of six full credit completions
725 in the programs listed in s. 1011.62(1)(c)1.b. for grades 6
726 through 8 and the programs listed in s. 1011.62(1)(c)1.c. for
727 grades 9 through 12 s. 1011.62(1)(e)1. and 4. Credit completions
728 can be a combination of either full credits or half credits. A
729 school district franchise full-time equivalent student may be
730 reported for funding up to August 31 of each year.

731 (VI) Each successfully completed credit earned under the
732 alternative high school course credit requirements authorized in
733 s. 1002.375, which is not reported as a portion of the 900 net
734 hours of instruction pursuant to subparagraph (1)(a)1., shall be
735 calculated as 1/6 FTE.

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736 2. A student in membership in a program scheduled for more
737 or less than 180 school days or the equivalent on an hourly
738 basis is a fraction of a full-time equivalent membership equal
739 to the number of instructional hours in membership divided by
740 the appropriate number of hours set forth in subparagraph (a)1.;
741 however, for the purposes of this subparagraph, membership in
742 programs scheduled for more than 180 days or the equivalent on
743 an hourly basis is limited to students enrolled in juvenile
744 justice education programs, and the Florida Virtual School, and
745 a school district virtual instruction program.

746
747 The department shall determine and implement an equitable method
748 of equivalent funding for experimental schools and for schools
749 operating under emergency conditions, which schools have been
750 approved by the department to operate for less than the minimum
751 school day.

752 Section 25. Paragraphs (l) through (t) of subsection (1)
753 of section 1011.62, Florida Statutes, are redesignated as
754 paragraphs (n) through (v), respectively, and new paragraphs (l)
755 and (m) are added to that subsection, and paragraph (b) of
756 subsection (4), paragraph (b) of subsection (6), and paragraph
757 (a) of subsection (12) of that section are amended, to read:

758 1011.62 Funds for operation of schools.--If the annual
759 allocation from the Florida Education Finance Program to each
760 district for operation of schools is not determined in the
761 annual appropriations act or the substantive bill implementing
762 the annual appropriations act, it shall be determined as
763 follows:

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

768 (1) Study hall.--A student who is enrolled in study hall
769 may not be included in the calculation of full-time equivalent
770 student membership for funding under this section.

771 (m) On-the-job training.--A student who participates in
772 on-the-job training, excluding classroom instruction, may not be
773 included in the calculation of full-time equivalent student
774 membership for funding under this section.

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

782 (b) Final calculation.--

783 1. The taxable value for school purposes certified by the
784 Department of Revenue which is used in the fourth calculation
785 with the annualized full-time student membership from the
786 February student survey shall be the final taxable value used in
787 the final calculation.

788 2. For purposes of this paragraph, the final taxable value
789 for school purposes shall be the taxable value for school
790 purposes on which the tax bills are computed and mailed to the
791 taxpayers, adjusted to reflect final administrative actions of
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792 value adjustment boards and judicial decisions pursuant to
793 chapter 194. For each county that has not submitted a revised
794 tax roll reflecting final value adjustment board actions and
795 final judicial decisions, the Department of Revenue shall
796 certify ~~the most recent revision of~~ the taxable value for school
797 purposes on which the tax bills are computed and mailed to
798 taxpayers, adjusted by the average percentage difference, over
799 the most recent 3 years for which the information is available,
800 between the taxable value for school purposes on which the tax
801 bills are computed and the taxable value for school purposes on
802 which the tax bills are computed as adjusted to reflect final
803 administrative actions of value adjustment board and judicial
804 decisions pursuant to chapter 194.

805 3. The value certified under subparagraph 1. shall be the
806 final taxable value for school purposes for that year, and no
807 further adjustments shall be made, except those made pursuant to
808 paragraph (12) (b) .

809 (6) CATEGORICAL FUNDS.--

810 (b) If a district school board finds and declares in a
811 resolution adopted at a regular meeting of the school board that
812 the funds received for any of the following categorical
813 appropriations are urgently needed to maintain school board
814 specified academic classroom instruction, the school board may
815 consider and approve an amendment to the school district
816 operating budget transferring the identified amount of the
817 categorical funds to the appropriate account for expenditure:

- 818 1. Funds for student transportation.
- 819 2. Funds for safe schools.

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- 820 3. Funds for supplemental academic instruction.
821 4. Funds for research-based reading instruction.
822 5. Funds for instructional materials if all instructional
823 material purchases have been completed for that fiscal year, but
824 no sooner than March 1, 2010 ~~2009~~.

825 (12) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR
826 CURRENT OPERATION.--The total annual state allocation to each
827 district for current operation for the FEFP shall be distributed
828 periodically in the manner prescribed in the General
829 Appropriations Act.

830 (a) The basic amount for current operation for the FEFP as
831 determined in subsection (1), multiplied by the district cost
832 differential factor as determined in subsection (2), plus the
833 amounts provided for categorical components within the FEFP,
834 plus the discretionary millage compression supplement as
835 determined in subsection (5), the amount for the sparsity
836 supplement as determined in subsection (7), the decline in full-
837 time equivalent students as determined in subsection (8), the
838 research-based reading instruction allocation as determined in
839 subsection (9), the allocation for juvenile justice education
840 programs as determined in subsection (10), the quality assurance
841 guarantee as determined in subsection (11), the allocation for
842 instructional materials as determined in s. 1011.67, the
843 allocation for student transportation as determined in s.
844 1011.68, and the allocation for the Florida Teachers Lead
845 Program as determined in s. 1012.71, less the required local
846 effort as determined in subsection (4). If the funds
847 appropriated for the purpose of funding the total amount for
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848 current operation as provided in this paragraph are not
849 sufficient to pay the state requirement in full, the department
850 shall prorate the available state funds to each district in the
851 following manner:

852 1. Determine the percentage of proration by dividing the
853 sum of the total amount for current operation, as provided in
854 this paragraph for all districts collectively, and the total
855 district required local effort into the sum of the state funds
856 available for current operation and the total district required
857 local effort.

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

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

865 Section 26. Paragraph (b) of subsection (4) of section
866 1011.69, Florida Statutes, is repealed.

867 Section 27. Section 1011.71, Florida Statutes, as amended
868 by chapter 2009-3, Laws of Florida, is amended to read:

869 1011.71 District school tax.--

870 (1) If the district school tax is not provided in the
871 General Appropriations Act or the substantive bill implementing
872 the General Appropriations Act, each district school board
873 desiring to participate in the state allocation of funds for
874 current operation as prescribed by s. 1011.62(12) shall levy on
875 the taxable value for school purposes of the district, exclusive
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876 of millage voted under the provisions of s. 9(b) or s. 12, Art.
877 VII of the State Constitution, a millage rate not to exceed the
878 amount certified by the commissioner as the minimum millage rate
879 necessary to provide the district required local effort for the
880 current year, pursuant to s. 1011.62(4)(a)1. In addition to the
881 required local effort millage levy, each district school board
882 may levy a nonvoted current operating discretionary millage. The
883 Legislature shall prescribe annually in the appropriations act
884 the maximum amount of millage a district may levy.

885 (2) In addition to the maximum millage levy as provided in
886 subsection (1), each school board may levy not more than 1.5
887 ~~1.75~~ mills against the taxable value for school purposes for
888 district schools, including charter schools at the discretion of
889 the school board, to fund:

890 (a) New construction and remodeling projects, as set forth
891 in s. 1013.64(3)(b) and (6)(b) and included in the district's
892 educational plant survey pursuant to s. 1013.31, without regard
893 to prioritization, sites and site improvement or expansion to
894 new sites, existing sites, auxiliary facilities, athletic
895 facilities, or ancillary facilities.

896 (b) Maintenance, renovation, and repair of existing school
897 plants or of leased facilities to correct deficiencies pursuant
898 to s. 1013.15(2).

899 (c) The purchase, lease-purchase, or lease of school
900 buses.

901 (d) Effective July 1, 2008, the purchase, lease-purchase,
902 or lease of new and replacement equipment, and enterprise
903 resource software applications that are classified as capital

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904 assets in accordance with definitions of the Governmental
905 Accounting Standards Board, have a useful life of at least 5
906 years, and are used to support districtwide administration or
907 state-mandated reporting requirements.

908 (e) Payments for educational facilities and sites due
909 under a lease-purchase agreement entered into by a district
910 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
911 exceeding, in the aggregate, an amount equal to three-fourths of
912 the proceeds from the millage levied by a district school board
913 pursuant to this subsection. For the 2009-2010 fiscal year, the
914 three-fourths limit is waived for lease-purchase agreements
915 entered into before June 30, 2009, by a district school board
916 pursuant to this paragraph.

917 (f) Payment of loans approved pursuant to ss. 1011.14 and
918 1011.15.

919 (g) Payment of costs directly related to complying with
920 state and federal environmental statutes, rules, and regulations
921 governing school facilities.

922 (h) Payment of costs of leasing relocatable educational
923 facilities, of renting or leasing educational facilities and
924 sites pursuant to s. 1013.15(2), or of renting or leasing
925 buildings or space within existing buildings pursuant to s.
926 1013.15(4).

927 (i) Payment of the cost of school buses when a school
928 district contracts with a private entity to provide student
929 transportation services if the district meets the requirements
930 of this paragraph.

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

935 2. Each such school bus must be used for the daily
936 transportation of public school students in the manner required
937 by the school district.

938 3. Annual payment for each such school bus may not exceed
939 10 percent of the purchase price of the state pool bid.

940 4. The proposed expenditure of the funds for this purpose
941 must have been included in the district school board's notice of
942 proposed tax for school capital outlay as provided in s.
943 200.065(10).

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

946 (k) Payment of the cost of premiums for property and
947 casualty insurance necessary to insure school district
948 educational and ancillary plants as required by ss.
949 1001.42(11) (d) and 1001.51(11) (k).

950 (l) The purchase, lease-purchase, or lease of driver's
951 education vehicles; motor vehicles used for the maintenance or
952 operation of plants and equipment; security vehicles; or
953 vehicles used in storing or distributing materials and
954 equipment.

955 (3) If the revenue from the millage authorized in
956 subsection (2) is insufficient to make payments due under a
957 lease-purchase agreement entered into prior to June 30, 2008, by
958 a district school board pursuant to paragraph (2) (e), an amount
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959 up to 0.5 ~~0.25~~ mills of the taxable value for school purposes
960 within the school district shall be legally available for such
961 payments, notwithstanding other restrictions on the use of such
962 revenues imposed by law.

963 ~~(4) Effective July 1, 2008, and through June 30, 2010, a~~
964 ~~school district may expend, subject to the provisions of s.~~
965 ~~200.065, up to \$100 per unweighted full-time equivalent student~~
966 ~~from the revenue generated by the millage levy authorized by~~
967 ~~subsection (2) to fund, in addition to expenditures authorized~~
968 ~~in paragraphs (2) (a) - (j), expenses for the following:~~

969 ~~(a) The purchase, lease purchase, or lease of driver's~~
970 ~~education vehicles; motor vehicles used for the maintenance or~~
971 ~~operation of plants and equipment; security vehicles; or~~
972 ~~vehicles used in storing or distributing materials and~~
973 ~~equipment.~~

974 ~~(b) Payment of the cost of premiums for property and~~
975 ~~casualty insurance necessary to insure school district~~
976 ~~educational and ancillary plants. Operating revenues that are~~
977 ~~made available through the payment of property and casualty~~
978 ~~insurance premiums from revenues generated under this subsection~~
979 ~~may be expended only for nonrecurring operational expenditures~~
980 ~~of the school district.~~

981 ~~(4)-(5)~~ Violations of the expenditure provisions in
982 subsection (2) ~~or subsection (4)~~ shall result in an equal dollar
983 reduction in the Florida Education Finance Program (FEFP) funds
984 for the violating district in the fiscal year following the
985 audit citation. If the Commissioner of Education determines that
986 a school district acted in good faith, he or she may waive the

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987 equal dollar reduction for audit findings for the 2006-2007 or
988 2007-2008 fiscal year that were related to the purchase of
989 software.

990 ~~(5)(6)~~ These taxes shall be certified, assessed, and
991 collected as prescribed in s. 1011.04 and shall be expended as
992 provided by law.

993 ~~(6)(7)~~ Nothing in s. 1011.62(4)(a)1. shall in any way be
994 construed to increase the maximum school millage levies as
995 provided for in subsection (1).

996 ~~(7)(8)~~ In addition to the maximum millage levied under
997 this section and the General Appropriations Act, a school
998 district may levy, by local referendum or in a general election,
999 additional millage for school operational purposes up to an
1000 amount that, when combined with nonvoted millage levied under
1001 this section, does not exceed the 10-mill limit established in
1002 s. 9(b), Art. VII of the State Constitution. Any such levy shall
1003 be for a maximum of 4 years and shall be counted as part of the
1004 10-mill limit established in s. 9(b), Art. VII of the State
1005 Constitution. Millage elections conducted under the authority
1006 granted pursuant to this section are subject to s. 1011.73.
1007 Funds generated by such additional millage do not become a part
1008 of the calculation of the Florida Education Finance Program
1009 total potential funds in 2001-2002 or any subsequent year and
1010 must not be incorporated in the calculation of any hold-harmless
1011 or other component of the Florida Education Finance Program
1012 formula in any year. If an increase in required local effort,
1013 when added to existing millage levied under the 10-mill limit,
1014 would result in a combined millage in excess of the 10-mill

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1015 limit, any millage levied pursuant to this subsection shall be
1016 considered to be required local effort to the extent that the
1017 district millage would otherwise exceed the 10-mill limit.

1018 (8) Notwithstanding subsection (2), for the 2009-2010
1019 fiscal year, if the revenue from 1.5 mills is insufficient to
1020 meet the payments due under a lease-purchase agreement entered
1021 into before June 30, 2009, by a district school board pursuant
1022 to paragraph (2)(e), or to meet other critical district fixed
1023 capital outlay needs, the board, in addition to the 1.5 mills,
1024 may levy up to 0.25 mills for fixed capital outlay in lieu of
1025 levying an equivalent amount of the discretionary mills for
1026 operations as provided in the General Appropriations Act for
1027 2009-2010. Millage levied pursuant to this subsection is subject
1028 to the provisions of s. 200.065 and, combined with the 1.5 mills
1029 authorized in subsection (2), may not exceed 1.75 mills. If the
1030 district chooses to use up to 0.25 mills for fixed capital
1031 outlay, the discretionary millage compression supplement
1032 pursuant to s. 1011.62(5) shall be calculated for the standard
1033 discretionary millage that is not eligible for transfer to
1034 capital outlay.

1035 Section 28. Subsection (2) of section 1011.73, Florida
1036 Statutes, is amended to read:

1037 1011.73 District millage elections.--

1038 (2) MILLAGE AUTHORIZED NOT TO EXCEED 4 YEARS.--The
1039 district school board, pursuant to resolution adopted at a
1040 regular meeting, shall direct the county commissioners to call
1041 an election at which the electors within the school district may
1042 approve an ad valorem tax millage as authorized under s.

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1043 1011.71(7)(8). Such election may be held at any time, except
1044 that not more than one such election shall be held during any
1045 12-month period. Any millage so authorized shall be levied for a
1046 period not in excess of 4 years or until changed by another
1047 millage election, whichever is earlier. If any such election is
1048 invalidated by a court of competent jurisdiction, such
1049 invalidated election shall be considered not to have been held.

1050 Section 29. Paragraph (g) of subsection (3) of section
1051 1012.33, Florida Statutes, is amended to read:

1052 1012.33 Contracts with instructional staff, supervisors,
1053 and school principals.--

1054 (3)

1055 (g) For contracts in the 2009-2010 or 2010-2011 fiscal
1056 year, the period of service provided in this section may be
1057 extended by 1 year for an annual contract employee in the
1058 district who has at least 3 years of service when prescribed by
1059 the district school board based upon extraordinary financial
1060 circumstances in the district. Beginning July 1, 2001, for each
1061 employee who enters into a written contract, pursuant to this
1062 section, in a school district in which the employee was not
1063 employed as of June 30, 2001, or was employed as of June 30,
1064 2001, but has since broken employment with that district for 1
1065 school year or more, for purposes of pay, a district school
1066 board must recognize and accept each year of full-time public
1067 school teaching service earned in the State of Florida or
1068 outside the state and for which the employee received a
1069 satisfactory performance evaluation. Instructional personnel

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1070 ~~employed pursuant to s. 121.091(9)(b)3. are exempt from the~~
1071 ~~provisions of this paragraph.~~

1072 Section 30. Subsection (1) of section 1012.59, Florida
1073 Statutes, is amended to read:

1074 1012.59 Certification fees.--

1075 (1) The State Board of Education, by rule, shall establish
1076 separate fees for applications, examinations, certification,
1077 certification renewal, late renewal, recordmaking, and
1078 recordkeeping, and may establish procedures for scheduling and
1079 administering an examination upon an applicant's request. Each
1080 fee shall be based on department estimates of the revenue
1081 required to implement the provisions of law with respect to
1082 certification of school personnel. The application fee shall be
1083 nonrefundable. Each examination fee shall be sufficient to cover
1084 the actual cost of developing and administering the examination,
1085 ~~but shall not exceed \$100 for an examination.~~

1086 Section 31. Subsection (6) is added to section 1012.71,
1087 Florida Statutes, to read:

1088 1012.71 The Florida Teachers Lead Program.--

1089 (6) For the 2009-2010 fiscal year, the Department of
1090 Education is authorized to conduct a pilot program to determine
1091 the feasibility of managing the Florida Teachers Lead Program
1092 through a centralized electronic system. The pilot program
1093 system must:

1094 (a) Be established through a competitive procurement
1095 process.

1096 (b) Provide the capability for participating teachers to
1097 make purchases from online sources.

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1098 (c) Provide the capability for participating teachers to
1099 make purchases from local vendors by means other than online
1100 purchasing.

1101 (d) Generally comply with the provisions of this section.

1102 (e) Be subject to annual auditing requirements to ensure
1103 accountability for funds received and disbursed.

1104 (f) Provide for the return of funds not used on an annual
1105 basis to the state.

1106
1107 Participation by a school district in this pilot program shall
1108 be on a voluntary basis. The department may limit the number of
1109 participating districts to the number it deems feasible to
1110 adequately measure the viability of the pilot program. The
1111 department is not required to implement this pilot program if it
1112 determines the number of school districts willing to participate
1113 is insufficient to adequately measure the viability of the pilot
1114 program.

1115 Section 32. Paragraph (a) of subsection (2) of section
1116 1012.72, Florida Statutes, is amended, and subsection (4) is
1117 added to that section, to read:

1118 1012.72 Dale Hickam Excellent Teaching Program.--

1119 (2) The Dale Hickam Excellent Teaching Program is created
1120 to provide categorical funding for bonuses for teaching
1121 excellence. The bonuses may be provided for initial
1122 certification for up to one 10-year period. The Department of
1123 Education shall distribute to each school district an amount as
1124 prescribed annually by the Legislature for the Dale Hickam
1125 Excellent Teaching Program. For purposes of this section, the
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1126 Florida School for the Deaf and the Blind shall be considered a
1127 school district. Unless otherwise provided in the General
1128 Appropriations Act, each distribution shall be the sum of the
1129 amounts earned for the following:

1130 (a) An annual bonus equal to 10 percent of the prior
1131 fiscal year's statewide average salary for classroom teachers to
1132 be distributed to the school district to be paid to each
1133 individual classroom teacher who holds NBPTS certification and
1134 is employed by the district school board or by a public school
1135 within the school district. For a classroom teacher who attains
1136 NBPTS certification after July 1, 2009, in order to be eligible
1137 for a bonus, the individual shall teach in a low-performing
1138 school as determined by the State Board of Education. The
1139 district school board shall distribute the annual bonus to each
1140 individual who meets the requirements of this paragraph and who
1141 is certified annually by the district to have demonstrated
1142 satisfactory teaching performance pursuant to s. 1012.34. The
1143 annual bonus may be paid as a single payment or divided into not
1144 more than three payments.

1145 (4) The State Board of Education may adopt rules to
1146 administer the provisions for payment of the bonuses and to
1147 establish definitions of low-performing schools and determine
1148 the eligibility of teachers.

1149 Section 33. Paragraphs (f), (g), and (h) are added to
1150 subsection (2) of section 1013.62, Florida Statutes, to read:

1151 1013.62 Charter schools capital outlay funding.--

1152 (2) A charter school's governing body may use charter
1153 school capital outlay funds for the following purposes:

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1154 (f) Effective July 1, 2008, purchase, lease-purchase, or
1155 lease of new and replacement equipment, and enterprise resource
1156 software applications that are classified as capital assets in
1157 accordance with definitions of the Governmental Accounting
1158 Standards Board, have a useful life of at least 5 years, and are
1159 used to support schoolwide administration or state-mandated
1160 reporting requirements.

1161 (g) Payment of the cost of premiums for property and
1162 casualty insurance necessary to insure the school facilities.

1163 (h) Purchase, lease-purchase, or lease of driver's
1164 education vehicles; motor vehicles used for the maintenance or
1165 operation of plants and equipment; security vehicles; or
1166 vehicles used in storing or distributing materials and
1167 equipment.

1168

1169 Conversion charter schools may use capital outlay funds received
1170 through the reduction in the administrative fee provided in s.
1171 1002.33(20) for renovation, repair, and maintenance of school
1172 facilities that are owned by the sponsor.

1173 Section 34. Paragraph (b) of subsection (6) of section
1174 1013.64, Florida Statutes, as amended by chapter 2009-3, Laws of
1175 Florida, is amended, and subsection (7) is added to that
1176 section, to read:

1177 1013.64 Funds for comprehensive educational plant needs;
1178 construction cost maximums for school district capital
1179 projects.--Allocations from the Public Education Capital Outlay
1180 and Debt Service Trust Fund to the various boards for capital
1181 outlay projects shall be determined as follows:

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(6)

(b)1. A district school board, including a district school board of an academic performance-based charter school district, must not use funds from the following sources: Public Education Capital Outlay and Debt Service Trust Fund; School District and Community College District Capital Outlay and Debt Service Trust Fund; Classrooms First Program funds provided in s. 1013.68; effort index grant funds provided in s. 1013.73; nonvoted 1.5-mill ~~1.75-mill~~ levy of ad valorem property taxes provided in s. 1011.71(2); Classrooms for Kids Program funds provided in s. 1013.735; District Effort Recognition Program funds provided in s. 1013.736; or High Growth District Capital Outlay Assistance Grant Program funds provided in s. 1013.738 for any new construction of educational plant space with a total cost per student station, including change orders, that equals more than:

a. \$17,952 for an elementary school,

b. \$19,386 for a middle school, or

c. \$25,181 for a high school,

(January 2006) as adjusted annually to reflect increases or decreases in the Consumer Price Index.

2. A district school board must not use funds from the Public Education Capital Outlay and Debt Service Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund for any new construction of an ancillary plant that exceeds 70 percent of the average cost per square foot of new construction for all schools.

(7) Notwithstanding subsection (2), the district school

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1210 board of Wakulla County shall contribute 1 mill in the 2009-2010
1211 fiscal year and 0.5 mill in the 2010-2011 fiscal year to the
1212 cost of currently funded special facilities construction
1213 projects. The district school board of Liberty County shall
1214 contribute 1 mill for each of the fiscal years from the 2009-
1215 2010 fiscal year through the 2011-2012 fiscal year to the cost
1216 of currently funded special facilities construction projects. If
1217 funds are made available in the General Appropriations Act for
1218 the 2009-2010 fiscal year for the district school board of
1219 Calhoun County from the Special Facility Construction Account,
1220 the district school board of Calhoun County shall contribute
1221 1.125 mills for each of the fiscal years from the 2009-2010
1222 fiscal year through the 2012-2013 fiscal year to the cost of
1223 currently funded special facilities construction projects.

1224 Section 35. Section 9 of chapter 2008-142, Laws of
1225 Florida, is repealed.

1226 Section 36. In order to implement Specific Appropriations
1227 6, 7, 76, and 77 of the General Appropriations Act for the 2009-
1228 2010 fiscal year, the calculations of the Florida Education
1229 Finance Program for the 2009-2010 fiscal year in the document
1230 entitled "Public School Funding - The Florida Education Finance
1231 Program," dated April X, 2009, and filed with the Clerk of the
1232 House of Representatives, are incorporated by reference for the
1233 purpose of displaying the calculations used by the Legislature,
1234 consistent with requirements of the Florida Statutes, in making
1235 appropriations and reductions in appropriations for the Florida
1236 Education Finance Program.

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1237 Section 37. This act shall take effect July 1, 2009;
1238 however, the provisions of s. 1011.71, Florida Statutes, as
1239 amended by this act, shall operate retroactively to July 1,
1240 2008.

1241
1242
1243 -----
1244 **T I T L E A M E N D M E N T**

1245 Remove the entire title and insert:

1246 A bill to be entitled

1247 An act relating to education funding; amending s. 1001.20, F.S.;
1248 providing additional responsibilities of the Office of
1249 Technology and Information Services in the Office of the
1250 Commissioner of Education; creating s. 1001.271, F.S.; requiring
1251 the commissioner to purchase a portion of Internet access
1252 services for the Florida Information Resource Network; amending
1253 s. 1001.28, F.S.; revising the Department of Education's duties
1254 concerning distance learning; amending s. 1001.395, F.S.;
1255 requiring that the salary of district school board members be
1256 the same as the annual calculation or the salary of members of
1257 the Legislature, whichever is less, for a specified period;
1258 amending s. 1001.42, F.S.; providing for the operation of
1259 schools for a term of 180 days or the equivalent on an hourly
1260 basis; authorizing extension of the school year; clarifying
1261 provisions authorizing the payment of earned leave and benefits
1262 accrued by a district school board employee before his or her
1263 employment contract expires; amending s. 1001.451, F.S.;
1264 revising provisions relating to the funding of regional
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HOUSE AMENDMENT
Bill No. CS/CS/SB 1676

Amendment No.

1265 consortium service organizations; amending s. 1001.47, F.S.;

1266 authorizing elected district school superintendents to reduce

1267 their salary rates on a voluntary basis; requiring that each

1268 elected superintendent's salary be reduced by 5 percent for the

1269 2009-2010 fiscal year; amending s. 1001.50, F.S.; clarifying

1270 provisions authorizing payment of earned leave and benefits

1271 accrued by a superintendent before his or her employment

1272 contract terminates; limiting the use of compensation in

1273 calculating benefits; encouraging review and reduction of

1274 compensation; amending s. 1002.37, F.S.; restricting funds for

1275 the Florida Virtual School; amending s. 1002.43, F.S.;

1276 conforming provisions; amending s. 1002.45, F.S.; revising

1277 provisions relating to the provision of and access to school

1278 district virtual instruction programs and the provider and

1279 accountability requirements for such programs; revising

1280 marketing provisions; deleting obsolete provisions; amending s.

1281 1002.71, F.S.; revising provisions relating to the funding of

1282 prekindergarten programs; revising requirements for the

1283 Voluntary Prekindergarten Education Program attendance policy;

1284 amending s. 1003.02, F.S.; providing for the operation of

1285 schools for a term of 180 days or the equivalent on an hourly

1286 basis; amending s. 1003.03, F.S.; extending dates relating to

1287 the calculation of the number of students for purposes of

1288 complying with the class size requirements; amending s. 1004.55,

1289 F.S.; revising provisions relating to the location and service

1290 area of a regional autism center; amending s. 1006.06, F.S.;

1291 revising provisions relating to school breakfast programs to

1292 include state allocations; amending s. 1006.28, F.S.; clarifying

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HOUSE AMENDMENT
Bill No. CS/CS/SB 1676

Amendment No.

1293 the definition of the term "adequate instructional materials";
1294 amending s. 1006.40, F.S.; revising provisions relating to the
1295 purchase of instructional materials; amending s. 1008.29, F.S.;
1296 revising provisions relating to the establishment of fees for
1297 the College-level communications and mathematics skills
1298 examination; amending s. 1008.41, F.S.; authorizing rather than
1299 requiring the commissioner to employ the Florida Information
1300 Resource Network for workforce education data management;
1301 amending s. 1010.11, F.S.; providing for the electronic transfer
1302 of funds for certain payments; amending s. 1011.18, F.S.;
1303 providing for the transfer of funds from depositories for
1304 certain payments; amending s. 1011.60, F.S.; revising the
1305 minimum requirements for the Florida Education Finance Program
1306 relating to the term of operation; providing for 196 days of
1307 service or the equivalent on an hourly basis for certain school
1308 district personnel; amending s. 1011.61, F.S.; redefining the
1309 term "full-time equivalent student"; amending s. 1011.62, F.S.;
1310 requiring that a student who is enrolled in study hall or
1311 participates in on-the-job training may not be included in the
1312 calculation of full-time equivalent student membership for
1313 funding purposes; revising provisions relating to the final
1314 calculation of taxable value for purposes of required local
1315 effort; extending a date relating to categorical funds for
1316 instructional materials; revising the calculation for the total
1317 allocation of state funds to districts for current operations;
1318 repealing s. 1011.69(4)(b), F.S., relating to funds excluded
1319 from allocations under the Equity in School-Level Funding Act;
1320 amending s. 1011.71, F.S.; reducing the authorized millage levy
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1321 for capital improvement; revising provisions that authorize the
1322 expenditure of such millage; waiving the limit for payments
1323 under certain lease-purchase agreements for a specified period;
1324 authorizing waiver of certain equal dollar reductions;
1325 authorizing district school boards to levy additional millage
1326 for certain purposes for a specified period; providing
1327 restrictions and for certain calculation; amending s. 1011.73,
1328 F.S.; correcting a cross-reference; amending s. 1012.33, F.S.;
1329 extending the period of service for annual contract school
1330 personnel under certain circumstances; deleting provisions
1331 relating to the acceptance of certain teacher service; amending
1332 s. 1012.59, F.S.; revising personnel certification fee
1333 provisions; amending s. 1012.71, F.S.; authorizing the
1334 department to conduct a pilot program to determine the
1335 feasibility of managing the Florida Teachers Lead Program
1336 through a centralized electronic system; amending s. 1012.72,
1337 F.S.; providing requirements for bonuses under the Dale Hickam
1338 Excellent Teaching Program; authorizing rules; amending s.
1339 1013.62, F.S.; providing additional uses for charter school
1340 capital outlay funds; amending s. 1013.64, F.S.; conforming
1341 provisions; requiring certain school districts to contribute
1342 specified millage amounts for special facilities construction
1343 projects; repealing s. 9 of ch. 2008-142, Laws of Florida;
1344 abrogating the expiration of certain amendments relating to
1345 categorical funding for the operation of schools; providing for
1346 implementation of specified appropriations; providing for the
1347 incorporation by reference of certain calculations used by the
1348 Legislature for the 2009-2010 fiscal year; providing for
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1349 retroactive operation of specified provisions of the act;
1350 providing an effective date.
1351

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