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602-02394E-09

Proposed Committee Substitute by the Committee on Education Pre-
K - 12 Appropriations

1 A bill to be entitled
2 An act relating to education funding; amending s.
3 1001.20, F.S.; requiring that the Office of Technology
4 and Information Services within the Office of the
5 Commissioner of Education assist school districts in
6 securing Internet access and telecommunications
7 services that are eligible for funding under the
8 Schools and Libraries Program of the federal Universal
9 Service Fund; creating s. 1001.271, F.S.; requiring
10 that the Commissioner of Education purchase the
11 nondiscounted portion of Internet access services for
12 the Florida Information Resource Network; requiring
13 that each user of the network identify the source of
14 funds in its requisition; amending s. 1001.28, F.S.;
15 revising the Department of Education's duties
16 regarding distance learning; amending s. 1001.395,
17 F.S.; requiring that the salary of district school
18 board members be the same amount as the annual
19 calculation or the salary of members of the
20 Legislature, whichever is less, for a specified
21 period; amending s. 1001.42, F.S.; clarifying
22 provisions authorizing the payment of earned leave and
23 benefits accrued by a district school board employee
24 before his or her employment contract expires;
25 amending s. 1001.451, F.S.; deleting certain dates
26 relating to the amount of funding distributed to each
27 school district and eligible member of a regional



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28 consortium service organization; amending s. 1001.47,
29 F.S.; authorizing elected district school
30 superintendents to reduce their salary rates on a
31 voluntary basis; requiring that each elected district
32 school superintendent's salary be reduced by 5 percent
33 for the 2009-2010 fiscal year; amending s. 1001.50,
34 F.S.; clarifying provisions authorizing the payment of
35 earned leave and benefits accrued by a district school
36 superintendent before his or her employment contract
37 terminates; limiting the amount of remuneration that a
38 district school superintendent receives annually from
39 state funds; providing a definition for the term
40 "remuneration"; limiting the use of the
41 superintendent's compensation in calculating benefits
42 under ch. 121, F.S.; encouraging district school
43 boards and superintendents to review the
44 superintendent's annual remuneration for the 2009-2010
45 fiscal year and mutually agree to at least a 5 percent
46 reduction; amending s. 1002.33, F.S.; requiring that a
47 charter school comply with the class-size
48 requirements; amending s. 1002.37, F.S.; redefining
49 the definition of the term "full-time equivalent
50 student" as it relates to funding for the Florida
51 Virtual School and virtual instruction; amending s.
52 1002.45, F.S.; conforming provisions to changes made
53 by the act; amending s. 1002.71, F.S.; revising
54 provisions relating to the funding of prekindergarten
55 programs; amending s. 1003.03, F.S.; extending dates
56 relating to the calculation of the number of students



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57 for purposes of complying with the maximum-class-size
58 requirement; providing duties for the Department of
59 Education if the department determines that the number
60 of students assigned to any individual class exceeds
61 the class size maximum; providing for the reduction of
62 the class-size-reduction operating categorical
63 allocation under certain circumstances; requiring that
64 the department prepare a simulated calculation;
65 amending s. 1006.06, F.S.; revising provisions
66 relating to school breakfast programs to include state
67 allocations; amending s. 1006.28, F.S.; clarifying the
68 definition of the term "adequate instructional
69 materials"; amending s. 1006.36, F.S.; extending the
70 term of adoption for instructional materials; amending
71 s. 1006.40, F.S.; conforming provisions to changes
72 made by the act; amending s. 1008.29, F.S.; requiring
73 that the State Board of Education adopt rules
74 establishing fees for the administration of the
75 college-level communications and mathematics skills
76 examination to public postsecondary students; amending
77 s. 1008.41, F.S.; authorizing rather than requiring
78 the Commissioner of Education to employ the Florida
79 Information Resource Network to perform certain
80 functions relating to workforce education; creating s.
81 1010.06, F.S.; prohibiting the Division of Public
82 Schools within the Department of Education from using
83 state funds appropriated by the Legislature to pay
84 indirect cost to a university, community college,
85 school district, or other entity; amending s. 1010.11,



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86 F.S.; authorizing each district school board,
87 community college board of trustees, and university
88 board of trustees to electronically transfer funds for
89 payment; amending s. 1011.09, F.S.; prohibiting a
90 district school board from using funds for out-of-
91 state travel, cellular phones, cellular phone service,
92 personal digital assistants, or any other mobile
93 wireless communication device or service through any
94 means, unless specifically approved by the district
95 school board; amending s. 1011.18, F.S.; authorizing a
96 district school superintendent to transfer funds from
97 a district school depository to pay expenses,
98 expenditures, or other disbursements if proper
99 documentation is provided; amending s. 1011.60, F.S.;
100 revising the minimum requirements for the Florida
101 Education Finance Program relating to the term of
102 operation; amending s. 1011.61, F.S.; redefining the
103 term "full-time equivalent student"; amending s.
104 1011.62, F.S.; requiring that a student who is
105 enrolled in study hall not be included in the
106 calculation of full-time equivalent student membership
107 for funding purposes; decreasing the amount of certain
108 bonuses for teachers; decreasing the value of full-
109 time equivalent student membership calculated on the
110 basis of international baccalaureate examination
111 scores; decreasing the value of full-time equivalent
112 student membership calculated on the basis of college
113 board advanced placement scores; decreasing the value
114 of full-time equivalent student membership calculated



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115 on the basis of certification of successful completion
116 of industry-certified career and professional academy
117 programs; deleting certain provisions that provide a
118 calculation for additional full-time equivalent
119 membership for students enrolled in the Florida
120 Virtual School; revising certain provisions relating
121 to the amount that each school district is required to
122 provide annually toward the cost of the Florida
123 Education Finance Program; extending a date relating
124 to categorical funds for instructional materials;
125 deleting provisions relating to the total allocation
126 of state funds to each district for current operation
127 for the FEFP; creating s. 1011.675, F.S.; creating a
128 discretionary bonus allocation for school districts to
129 recognize and reward the outstanding performance of
130 students, teachers, and school-based administrators;
131 providing that the funds be allocated to each school
132 district as provided in the General Appropriations
133 Act; authorizing school districts to use the funds for
134 certain programs or any other purpose it deems
135 appropriate; repealing s. 1011.68(7), F.S., relating
136 to funds for student transportation; removing a
137 provision that authorizes a district school board to
138 transfer funds to its Florida Education Finance
139 Program; amending s. 1011.685, F.S.; revising
140 provisions relating to class size reduction operating
141 categorical funds; amending s. 1011.71, F.S.; revising
142 certain provisions relating to the district school
143 tax; waiving the three-fourths limit for certain



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144 lease-purchase agreements for a specified period;
145 authorizing district school boards to levy an
146 additional discretionary millage for certain
147 operations; authorizing the Commissioner of Education
148 to waive the equal-dollar reduction in Florida
149 Education Finance Program funds if he or she finds
150 that a school district acted in good faith; amending
151 s. 1012.33, F.S.; revising provisions relating to
152 contracts for instructional staff; advising a district
153 school board not to enter into a new professional
154 service contract if the only available funds are from
155 nonrecurring Federal Stabilization Funds; amending s.
156 1012.71, F.S.; authorizing the Department of Education
157 to conduct a pilot program to determine the
158 feasibility of managing the Florida Teachers Lead
159 Program through a centralized electronic system;
160 providing requirements for such pilot program;
161 providing that participation in the pilot program is
162 voluntary; authorizing the department to limit the
163 number of participants to adequately test the
164 viability of the pilot program; amending s. 1013.64,
165 F.S.; requiring that the school districts of Wakulla
166 County and Liberty County contribute specific millage
167 amounts to the cost of current special facilities
168 projects for specified fiscal years; repealing s. 9 of
169 chapter 2008-142, Laws of Florida; abrogating the
170 expiration of certain amendments relating to
171 categorical funding for the operation of schools;
172 providing for implementation of specified



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173 appropriations; providing for the incorporation by
174 reference of certain calculations used by the
175 Legislature for the 2009-2010 fiscal year; providing
176 an effective date.
177

178 Be It Enacted by the Legislature of the State of Florida:
179

180 Section 1. Paragraph (a) of subsection (4) of section
181 1001.20, Florida Statutes, is amended to read:

182 1001.20 Department under direction of state board.—

183 (4) The Department of Education shall establish the
184 following offices within the Office of the Commissioner of
185 Education which shall coordinate their activities with all other
186 divisions and offices:

187 (a) *Office of Technology and Information Services.*—

188 Responsible for developing a systemwide technology plan, making
189 budget recommendations to the commissioner, providing data
190 collection and management for the system, assisting school
191 districts in securing Internet access and telecommunications
192 services, including those eligible for funding under the Schools
193 and Libraries Program of the federal Universal Service Fund, and
194 coordinating services with other state, local, and private
195 agencies. The office shall develop a method to address the need
196 for a statewide approach to planning and operations of library
197 and information services to achieve a single K-20 education
198 system library information portal and a unified higher education
199 library management system. The Florida Virtual School shall be
200 administratively housed within the office.

201 Section 2. Section 1001.271, Florida Statutes, is created



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202 to read:

203 1001.271 Florida Information Resource Network.—Upon
204 requisition by school districts, community colleges,
205 universities, or other eligible users of the Florida Information
206 Resource Network, the Commissioner of Education shall purchase
207 the nondiscounted portion of Internet access services,
208 including, but not limited to, circuits, encryption, content
209 filtering, support, and any other services needed for the
210 effective and efficient operation of the network. Each user
211 shall identify in its requisition the source of funds from which
212 the commissioner is to make payments.

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

215 1001.28 Distance learning duties.—The duties of the
216 Department of Education concerning distance learning include,
217 but are not limited to, the duty to:

218 (2) Coordinate the use of existing resources, including,
219 but not limited to, the state's satellite transponders ~~on the~~
220 ~~education satellites, the SUNCOM Network,~~ the Florida
221 Information Resource Network (FIRN), the Florida Knowledge
222 Network, ~~the Department of Management Services, the Department~~
223 ~~of Corrections, and the Department of Children and Family~~
224 ~~Services' satellite communication facilities to support a~~
225 ~~statewide advanced telecommunications services~~ and distance
226 learning initiatives network.

227
228 Nothing in this section shall be construed to abrogate,
229 supersede, alter, or amend the powers and duties of any state
230 agency, district school board, community college board of



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231 trustees, university board of trustees, the Board of Governors,
232 or the State Board of Education.

233 Section 4. Subsection (3) is added to section 1001.395,
234 Florida Statutes, as amended by section 1 of chapter 2009-3,
235 Laws of Florida, to read:

236 1001.395 District school board members; compensation.—

237 (3) Notwithstanding the provisions of this section and s.
238 145.19, for the 2009-2010 fiscal year the salary of each
239 district school board member shall be the amount calculated
240 pursuant to subsection (1) or the salary of members of the
241 Legislature, pursuant to s. 11.13 or any other law, whichever is
242 less.

243 Section 5. Subsection (25) of section 1001.42, Florida
244 Statutes, as created by section 2 of chapter 2009-3, Laws of
245 Florida, is amended to read:

246 1001.42 Powers and duties of district school board.—The
247 district school board, acting as a board, shall exercise all
248 powers and perform all duties listed below:

249 (25) EMPLOYMENT CONTRACTS. ~~On or after February 1, 2009, A~~
250 district school board may not enter into an employment contract
251 ~~that is funded from state funds and~~ that requires the district
252 to pay from state funds an employee an amount in excess of 1
253 year of the employee's annual salary for termination, buy-out,
254 or any other type of contract settlement. This subsection does
255 not prohibit the payment of earned leave and benefits in
256 accordance with the district's leave and benefits policies which
257 were accrued by the employee before the contract terminates.

258 Section 6. Paragraph (c) of subsection (2) of section
259 1001.451, Florida Statutes, is amended to read:



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260 1001.451 Regional consortium service organizations.—In
261 order to provide a full range of programs to larger numbers of
262 students, minimize duplication of services, and encourage the
263 development of new programs and services:

264 (2)

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

271 Section 7. Subsections (6) and (7) are added to section
272 1001.47, Florida Statutes, to read:

273 1001.47 District school superintendent; salary.—

274 (6) Notwithstanding the provisions of this section and s.
275 145.19, elected district school superintendents may reduce their
276 salary rate on a voluntary basis.

277 (7) Notwithstanding the provisions of this section and s.
278 145.19, for the 2009-2010 fiscal year the salary of each elected
279 district school superintendent calculated pursuant to s. 1001.47
280 shall be reduced by 5 percent.

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

285 1001.50 Superintendents employed under Art. IX of the State
286 Constitution.—

287 (2) The district school board of each of such districts
288 shall enter into contracts of employment with the district



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289 school superintendent and shall adopt rules relating to his or
290 her appointment; however, ~~on or after February 1, 2009,~~ the
291 district school board may not enter into an employment contract
292 ~~that is funded from state funds and~~ that requires the district
293 to pay from state funds a superintendent an amount in excess of
294 1 year of the superintendent's annual salary for termination,
295 buy-out, or any other type of contract settlement. This
296 subsection does not prohibit the payment of earned leave and
297 benefits in accordance with the district's leave and benefits
298 policies which were accrued by the superintendent before the
299 contract terminates.

300 (5) Notwithstanding any other law, resolution, or rule to
301 the contrary, a district school superintendent employed under
302 this section may not receive more than \$225,000 in remuneration
303 annually from state funds. As used in this subsection, the term
304 "remuneration" means salary, bonuses, and cash-equivalent
305 compensation paid to a district school superintendent by his or
306 her employer for work performed, excluding health insurance
307 benefits and retirement benefits. Only compensation, as defined
308 in s. 121.021(22), which is provided to a district school
309 superintendent may be used in calculating benefits under chapter
310 121.

311 (6) District school boards and superintendents employed
312 pursuant to this section are encouraged to review the
313 superintendent's annual remuneration for the 2009-2010 fiscal
314 year and mutually agree to a reduction of at least 5 percent.

315 Section 9. Paragraph (a) of subsection (16) of section
316 1002.33, Florida Statutes, is amended to read:

317 1002.33 Charter schools.-



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318 (16) EXEMPTION FROM STATUTES.—

319 (a) A charter school shall operate in accordance with its
320 charter and shall be exempt from all statutes in chapters 1000-
321 1013. However, a charter school shall be in compliance with the
322 following statutes in chapters 1000-1013:

323 1. Those statutes specifically applying to charter schools,
324 including this section.

325 2. Those statutes pertaining to the student assessment
326 program and school grading system.

327 3. Those statutes pertaining to the provision of services
328 to students with disabilities.

329 4. Those statutes pertaining to civil rights, including s.
330 1000.05, relating to discrimination.

331 5. Those statutes pertaining to student health, safety, and
332 welfare.

333 6. Those statutes pertaining to class size.

334 Section 10. Paragraphs (a) and (b) of subsection (3) of
335 section 1002.37, Florida Statutes, are amended to read:

336 1002.37 The Florida Virtual School.—

337 (3) Funding for the Florida Virtual School shall be
338 provided as follows:

339 (a) A "full-time equivalent student" for the Florida
340 Virtual School is one student who has successfully completed six
341 credits in core curricula courses which ~~that~~ shall count toward
342 the minimum number of credits required for high school
343 graduation. A student who completes fewer ~~less~~ than six credits
344 in core curricula courses shall be a fraction of a full-time
345 equivalent student. Half-credit completions shall be included in
346 determining a full-time equivalent student. Credit completed by



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347 a student in excess of the minimum required for that student for
348 high school graduation is not eligible for funding.

349 (b) Full-time equivalent student credit completed through
350 the Florida Virtual School, including credits completed during
351 the summer, shall be reported to the Department of Education in
352 the manner prescribed by the department and shall be funded
353 through the Florida Education Finance Program. The maximum value
354 for funding a full-time equivalent student in kindergarten
355 through grade 12, including credits earned through the Florida
356 Virtual School during the summer, combined with credits and FTE
357 earned through a school district may not exceed one full-time
358 equivalent membership per student per year as provided in s.
359 1011.61(4).

360 Section 11. Paragraph (c) of subsection (7) of section
361 1002.45, Florida Statutes, is amended to read:

362 1002.45 School district virtual instruction programs.-

363 (7) FUNDING.-

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

369 Section 12. Paragraph (a) of subsection (4) and paragraph
370 (d) of subsection (6) of section 1002.71, Florida Statutes, as
371 amended by section 7 of chapter 2009-3, Laws of Florida, are
372 amended to read:

373 1002.71 Funding; financial and attendance reporting.-

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

375 (a) A child who, for any of the prekindergarten programs



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376 listed in s. 1002.53(3), has not completed more than 70 ~~10~~
377 percent of the hours authorized to be reported for funding under
378 subsection (2) may withdraw from the program for good cause and~~r~~
379 reenroll in one of the programs, ~~and be reported for funding~~
380 ~~purposes as a full-time equivalent student in the program for~~
381 ~~which the child is reenrolled.~~ The total funding for a child who
382 reenrolls in one of the programs for good cause may ~~shall~~ not
383 exceed one full-time equivalent student. Funding for a child who
384 withdraws and reenrolls in one of the programs for good cause
385 shall be issued in accordance with the agency's uniform
386 attendance policy adopted pursuant to paragraph (6) (d).

387
388 A child may reenroll only once in a prekindergarten program
389 under this section. A child who reenrolls in a prekindergarten
390 program under this subsection may not subsequently withdraw from
391 the program and reenroll. The Agency for Workforce Innovation
392 shall establish criteria specifying whether a good cause exists
393 for a child to withdraw from a program under paragraph (a),
394 whether a child has substantially completed a program under
395 paragraph (b), and whether an extreme hardship exists which is
396 beyond the child's or parent's control under paragraph (b).

397 (6)

398 (d) The Agency for Workforce Innovation shall adopt, for
399 funding purposes, a uniform attendance policy for the Voluntary
400 Prekindergarten Education Program. The attendance policy must
401 apply statewide and apply equally to all private prekindergarten
402 providers and public schools. The attendance policy must
403 ~~establish a minimum requirement for student attendance and~~
404 include at least the following provisions:



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405 1. Beginning with the 2009-2010 fiscal year for school-year
406 programs, a student's attendance may be reported on a pro rata
407 basis as a fractional part of a full-time equivalent student and
408 ~~the 2009 summer program, a student who meets the minimum~~
409 ~~requirement of 80 percent of the total number of hours for the~~
410 ~~program may be reported as a full-time equivalent student for~~
411 ~~funding purposes.~~

412 2. At a maximum, 20 percent of the total payment made on
413 behalf of a student to a private prekindergarten provider or a
414 public school may be for hours a student is absent. A student
415 ~~who does not meet the minimum requirement may be reported only~~
416 ~~as a fractional part of a full-time equivalent student, reduced~~
417 ~~pro rata based on the student's attendance.~~

418 3. A private prekindergarten provider or public school may
419 not receive payment for absences that occur before a student's
420 first day of attendance or after a student's last day of
421 attendance. A student who does not meet the minimum requirement
422 ~~may be reported as a full-time equivalent student if the student~~
423 ~~is absent for good cause in accordance with exceptions specified~~
424 ~~in the uniform attendance policy.~~

425
426 The uniform attendance policy shall be used only for funding
427 purposes and does not prohibit a private prekindergarten
428 provider or public school from adopting and enforcing its
429 attendance policy under paragraphs (a) and (c).

430 Section 13. Paragraph (b) of subsection (2) and subsection
431 (4) of section 1003.03, Florida Statutes, as amended by section
432 9 of chapter 2009-3, Laws of Florida, are amended to read:

433 1003.03 Maximum class size.-



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434 (2) IMPLEMENTATION.—

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

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

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

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

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

449 (4) ACCOUNTABILITY.—

450 (a)1. Beginning in the 2009-2010 ~~2003-2004~~ fiscal year, if
451 the department determines for any year that a school district
452 has not reduced average class size as required in subsection (2)
453 at the time of the third FEFP calculation, the department shall
454 calculate an amount from the class size reduction operating
455 categorical which is proportionate to the amount of class size
456 reduction not accomplished. Upon verification of the
457 department's calculation by the Florida Education Finance
458 Program Appropriation Allocation Conference and not later than
459 March 1 of each year, the Executive Office of the Governor shall
460 transfer undistributed funds equivalent to the calculated amount
461 from the district's class size reduction operating categorical
462 to an approved fixed capital outlay appropriation for class size



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463 reduction in the affected district pursuant to s. 216.292(2)(d).
464 The amount of funds transferred shall be the lesser of the
465 amount verified by the Florida Education Finance Program
466 Appropriation Allocation Conference or the undistributed balance
467 of the district's class size reduction operating categorical.

468 2. In lieu of the transfer required by subparagraph 1., the
469 Commissioner of Education may recommend a budget amendment,
470 subject to approval by the Legislative Budget Commission, to
471 transfer an alternative amount of funds from the district's
472 class size reduction operating categorical to its approved fixed
473 capital outlay account for class size reduction if the
474 commissioner finds that the State Board of Education has
475 reviewed evidence indicating that a district has been unable to
476 meet class size reduction requirements despite appropriate
477 effort to do so. The commissioner's budget amendment must be
478 submitted to the Legislative Budget Commission by February 15 of
479 each year.

480 3. For the 2007-2008 fiscal year and thereafter, if in any
481 fiscal year funds from a district's class size operating
482 categorical are required to be transferred to its fixed capital
483 outlay fund and the district's class size operating categorical
484 allocation in the General Appropriations Act for that fiscal
485 year has been reduced by a subsequent appropriation, the
486 Commissioner of Education may recommend a 50-percent reduction
487 in the amount of the transfer.

488 (b) Beginning in the 2010-2011 fiscal year and each year
489 thereafter, if the department determines that the number of
490 students assigned to any individual class exceeds the class size
491 maximum, as required in subsection (2), at the time of the third



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492 FEFP calculation, the department shall:

493 1. Identify, for each grade group, the number of classes in
494 which the enrollment exceeds the maximum, the number of students
495 which exceed the maximum for each such class, and the total
496 number of students which exceed the maximum for all classes.

497 2. Determine the number of full-time equivalent students
498 which exceed the maximum class size for each grade group.

499 3. Multiply the total number of FTE students which exceed
500 the maximum class size for each grade group by the district's
501 FTE dollar amount of the class-size-reduction allocation for
502 that year and calculate the total for all three grade groups.

503 4. Reduce the district's class-size-reduction operating
504 categorical allocation by an amount equal to the sum of the
505 calculation in subparagraph 3.

506 (c) Upon verification of the department's calculation by
507 the Florida Education Finance Program Appropriation Allocation
508 Conference and no later than March 1 of each year, the Executive
509 Office of the Governor shall place these funds in reserve and
510 the undistributed funds shall revert to the General Revenue Fund
511 unallocated at the end of the fiscal year. The amount of funds
512 reduced shall be the lesser of the amount verified by the
513 Florida Education Finance Program Appropriation Allocation
514 Conference or the undistributed balance of the district's class-
515 size-reduction operating categorical allocation.

516 (d) In lieu of the reduction calculation in paragraph (b),
517 the Commissioner of Education may recommend a budget amendment,
518 subject to approval of the Legislative Budget Commission, to
519 reduce an alternative amount of funds from the district's class-
520 size-reduction operating categorical allocation. The



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521 commissioner's budget amendment must be submitted to the
522 Legislative Budget Commission by February 15 of each year.

523 (e) In addition to the calculation required in paragraph
524 (a), at the time of the third FEFP calculation for the 2009-2010
525 fiscal year, the department shall also prepare a simulated
526 calculation based on the requirements in paragraphs (b) and (c)
527 for the 2010-2011 fiscal year. This simulated calculation shall
528 be provided to the school districts and the Legislature.

529 ~~(b) Beginning in the 2005-2006 school year, the department~~
530 ~~shall determine by January 15 of each year which districts have~~
531 ~~not met the two-student-per-year reduction required in~~
532 ~~subsection (2) based upon a comparison of the district's October~~
533 ~~student membership survey for the current school year and the~~
534 ~~February 2003 baseline student membership survey. The department~~
535 ~~shall report such districts to the Legislature. Each district~~
536 ~~that has not met the two-student-per-year reduction shall be~~
537 ~~required to implement one of the following policies in the~~
538 ~~subsequent school year unless the department finds that the~~
539 ~~district comes into compliance based upon the February student~~
540 ~~membership survey:~~

- 541 ~~1. Year-round schools;~~
- 542 ~~2. Double sessions;~~
- 543 ~~3. Rezoning; or~~
- 544 ~~4. Maximizing use of instructional staff by changing~~
545 ~~required teacher loads and scheduling of planning periods,~~
546 ~~deploying school district employees who have professional~~
547 ~~certification to the classroom, using adjunct educators,~~
548 ~~operating schools beyond the normal operating hours to provide~~
549 ~~classes in the evening, or operating more than one session~~



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550 ~~during the day.~~

551

552 ~~A school district that is required to implement one of the~~
553 ~~policies outlined in subparagraphs 1.-4. shall correct in the~~
554 ~~year of implementation any past deficiencies and bring the~~
555 ~~district into compliance with the two-student-per-year reduction~~
556 ~~goals established for the district by the department pursuant to~~
557 ~~subsection (2). A school district may choose to implement more~~
558 ~~than one of these policies. The district school superintendent~~
559 ~~shall report to the Commissioner of Education the extent to~~
560 ~~which the district implemented any of the policies outlined in~~
561 ~~subparagraphs 1.-4. in a format to be specified by the~~
562 ~~Commissioner of Education. The Department of Education shall use~~
563 ~~the enforcement authority provided in s. 1008.32 to ensure that~~
564 ~~districts comply with the provisions of this paragraph.~~

565 ~~(c) Beginning in the 2006-2007 school year, the department~~
566 ~~shall annually determine which districts do not meet the~~
567 ~~requirements described in subsection (2). In addition to~~
568 ~~enforcement authority provided in s. 1008.32, the Department of~~
569 ~~Education shall develop a constitutional compliance plan for~~
570 ~~each such district which includes, but is not limited to,~~
571 ~~redrawing school attendance zones to maximize use of facilities~~
572 ~~while minimizing the additional use of transportation unless the~~
573 ~~department finds that the district comes into compliance based~~
574 ~~upon the February student membership survey and the other~~
575 ~~accountability policies listed in paragraph (b). Each district~~
576 ~~school board shall implement the constitutional compliance plan~~
577 ~~developed by the state board until the district complies with~~
578 ~~the constitutional class size maximums.~~



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579 Section 14. Paragraph (b) of subsection (5) of section
580 1006.06, Florida Statutes, is amended to read:

581 1006.06 School food service programs.—

582 (5)

583 (b) Beginning with the 2009-2010 school year, each school
584 district must annually set prices for breakfast meals at rates
585 that, combined with federal reimbursements and state
586 allocations, are sufficient to defray costs of school breakfast
587 programs without requiring allocations from the district's
588 operating funds, except if the district school board approves
589 lower rates.

590 Section 15. Subsection (1) of section 1006.28, Florida
591 Statutes, is amended to read:

592 1006.28 Duties of district school board, district school
593 superintendent; and school principal regarding K-12
594 instructional materials.—

595 (1) DISTRICT SCHOOL BOARD.—The district school board has
596 the duty to provide adequate instructional materials for all
597 students in accordance with the requirements of this part. The
598 term "adequate instructional materials" means a sufficient
599 number of textbooks or sets of materials that are available in
600 bound, unbound, kit, or package form and may consist of hard-
601 backed or soft-backed textbooks, consumables, learning
602 laboratories, manipulatives, electronic media, and computer
603 courseware or software that serve ~~servi~~ng as the basis for
604 instruction for each student in the core courses of mathematics,
605 language arts, social studies, science, reading, and literature,
606 except for instruction for which the school advisory council
607 approves the use of a program that does not include a textbook



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608 as a major tool of instruction. The district school board has
609 the following specific duties:

610 (a) *Courses of study; adoption.*—Adopt courses of study for
611 use in the schools of the district.

612 (b) *Textbooks.*—Provide for proper requisitioning,
613 distribution, accounting, storage, care, and use of all
614 instructional materials furnished by the state and furnish such
615 other instructional materials as may be needed. The district
616 school board shall assure that instructional materials used in
617 the district are consistent with the district goals and
618 objectives and the curriculum frameworks adopted by rule of the
619 State Board of Education, as well as with the state and district
620 performance standards provided for in s. 1001.03(1).

621 (c) *Other instructional materials.*—Provide such other
622 teaching accessories and aids as are needed for the school
623 district's educational program.

624 (d) *School library media services; establishment and*
625 *maintenance.*—Establish and maintain a program of school library
626 media services for all public schools in the district, including
627 school library media centers, or school library media centers
628 open to the public, and, in addition such traveling or
629 circulating libraries as may be needed for the proper operation
630 of the district school system.

631 Section 16. Section 1006.36, Florida Statutes, is amended
632 to read:

633 1006.36 Term of adoption for instructional materials.—

634 (1) The term of adoption of any instructional materials
635 must be an 8-year ~~a 6-year~~ period beginning on April 1 following
636 the adoption, except that the commissioner may approve terms of



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637 adoption of less than 8 ~~6~~ years for materials in content areas
638 which require more frequent revision. Any contract for
639 instructional materials may be extended as prescribed in s.
640 1006.34(3).

641 (2) The department shall publish annually an official
642 schedule of subject areas to be called for adoption for each of
643 the succeeding 2 years, and a tentative schedule for years 3, 4,
644 5, ~~and 6,~~ 7, and 8. If extenuating circumstances warrant, the
645 commissioner may order the department to add one or more subject
646 areas to the official schedule, in which event the commissioner
647 shall develop criteria for such additional subject area or areas
648 and make them available to publishers as soon as practicable
649 before the date on which bids are due. The schedule shall be
650 developed so as to promote balance among the subject areas so
651 that the required expenditure for new instructional materials is
652 approximately the same each year in order to maintain curricular
653 consistency.

654 Section 17. Paragraph (a) of subsection (2) of section
655 1006.40, Florida Statutes, as amended by section 10 of chapter
656 2009-3, Laws of Florida, is amended to read:

657 1006.40 Use of instructional materials allocation;
658 instructional materials, library books, and reference books;
659 repair of books.-

660 (2) (a) Each district school board must purchase current
661 instructional materials to provide each student with a textbook
662 or other instructional materials as a major tool of instruction
663 in core courses of the appropriate subject areas of mathematics,
664 language arts, science, social studies, reading, and literature
665 for kindergarten through grade 12. Such purchase must be made



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666 within the first 2 years after the effective date of the
667 adoption cycle; however, this requirement is waived for the
668 adoption cycle occurring in the 2008-2009 academic year, and is
669 waived for the 2009-2010 academic year if the district certifies
670 to the Commissioner of Education that the district has
671 sufficient instructional materials to implement the newly
672 adopted state standards for mathematics. Unless specifically
673 provided for in the General Appropriations Act, the cost of
674 instructional materials purchases required by this paragraph
675 shall not exceed the amount of the district's allocation for
676 instructional materials, pursuant to s. 1011.67, for the
677 previous 2 years.

678 Section 18. Subsection (7) of section 1008.29, Florida
679 Statutes, is amended to read:

680 1008.29 College-level communication and mathematics skills
681 examination (CLAST).—

682 (7) The State Board of Education, by rule, shall establish
683 fees for the administration of the examination to public and
684 private postsecondary students.

685 Section 19. Paragraph (c) of subsection (1) of section
686 1008.41, Florida Statutes, is amended to read:

687 1008.41 Workforce education; management information
688 system.—

689 (1) The Commissioner of Education shall coordinate uniform
690 program structures, common definitions, and uniform management
691 information systems for workforce education for all divisions
692 within the department. In performing these functions, the
693 commissioner shall designate deadlines after which data elements
694 may not be changed for the coming fiscal or school year. School



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695 districts and community colleges shall be notified of data
696 element changes at least 90 days prior to the start of the
697 subsequent fiscal or school year. Such systems must provide for:

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

702 Section 20. Section 1010.06, Florida Statutes, is created
703 to read:

704 1010.06 Indirect cost limitation.—State funds appropriated
705 by the Legislature to the Division of Public Schools within the
706 Department of Education may not be used to pay indirect cost to
707 a university, community college, school district, or any other
708 entity.

709 Section 21. Section 1010.11, Florida Statutes, is amended
710 to read:

711 1010.11 Electronic transfer of funds.—Pursuant to the
712 provisions of s. 215.85, each district school board, community
713 college board of trustees, and university board of trustees
714 shall adopt written policies prescribing the accounting and
715 control procedures under which any funds under their control are
716 allowed to be moved by electronic transaction for any purpose
717 including direct deposit, wire transfer, withdrawal, ~~or~~
718 investment, or payment. Electronic transactions shall comply
719 with the provisions of chapter 668.

720 Section 22. Subsection (4) is added to section 1011.09,
721 Florida Statutes, to read:

722 1011.09 Expenditure of funds by district school board.—All
723 state funds apportioned to the credit of any district constitute



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724 a part of the district school fund of that district and must be
725 budgeted and expended under authority of the district school
726 board subject to the provisions of law and rules of the State
727 Board of Education.

728 (4) During the 2009-2010 fiscal year, unless specifically
729 approved by the district school board, public funds may not be
730 expended for out-of-state travel or cellular phones, cellular
731 phone service, personal digital assistants, or any other mobile
732 wireless communication device or service, including text
733 messaging, whether through purchasing, leasing, contracting, or
734 any other method.

735 Section 23. Subsection (4) of section 1011.18, Florida
736 Statutes, is amended to read:

737 1011.18 School depositories; payments into and withdrawals
738 from depositories.—

739 (4) HOW FUNDS DRAWN FROM DEPOSITORIES.—All money drawn from
740 any district school depository holding same as prescribed herein
741 shall be upon a check or warrant drawn on authority of the
742 district school board as prescribed by law. Each check or
743 warrant shall be signed by the chair or, in his or her absence,
744 the vice chair of the district school board and countersigned by
745 the district school superintendent, with corporate seal of the
746 school board affixed. However, as a matter of convenience, the
747 corporate seal of the district school board may be printed upon
748 the warrant and a proper record of such warrant shall be
749 maintained. The district school board may by resolution, a copy
750 of which must be delivered to the depository, provide for
751 internal funds to be withdrawn from any district depository by a
752 check duly signed by at least two bonded school employees



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753 designated by the board to be responsible for administering such
754 funds. However, the district school superintendent or his or her
755 designee, after having been by resolution specifically
756 authorized by the district school board, may transfer funds from
757 one depository to another, within a depository, to another
758 institution, or from another institution to a depository for
759 investment purposes and may transfer funds to pay expenses,
760 expenditures, or other disbursements that must be evidenced by
761 an invoice or other appropriate documentation in a similar
762 manner ~~when the transfer does not represent an expenditure,~~
763 ~~advance, or reduction of cash assets.~~ Such transfer may be made
764 by electronic, telephonic, or other medium; and each transfer
765 shall be confirmed in writing and signed by the district school
766 superintendent or his or her designee.

767 Section 24. Subsection (2) and paragraphs (d) and (f) of
768 subsection (3) of section 1011.60, Florida Statutes, are amended
769 to read:

770 1011.60 Minimum requirements of the Florida Education
771 Finance Program.—Each district which participates in the state
772 appropriations for the Florida Education Finance Program shall
773 provide evidence of its effort to maintain an adequate school
774 program throughout the district and shall meet at least the
775 following requirements:

776 (2) MINIMUM TERM.—Operate all schools for a term of ~~at~~
777 ~~least~~ 180 actual teaching days or the equivalent on an hourly
778 basis as specified by rules of the State Board of Education each
779 school year. The State Board of Education may prescribe
780 procedures for altering, and, upon written application, may
781 alter, this requirement during a national, state, or local



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782 emergency as it may apply to an individual school or schools in
783 any district or districts if, in the opinion of the board, it is
784 not feasible to make up lost days or hours, and the
785 apportionment may, at the discretion of the Commissioner of
786 Education and if the board determines that the reduction of
787 school days or hours is caused by the existence of a bona fide
788 emergency, be reduced for such district or districts in
789 proportion to the decrease in the length of term in any such
790 school or schools. A strike, as defined in s. 447.203(6), by
791 employees of the school district may not be considered an
792 emergency.

793 (3) EMPLOYMENT POLICIES.—Adopt rules relating to the
794 appointment, promotion, transfer, suspension, and dismissal of
795 personnel.

796 (d) District school boards may authorize a maximum of six
797 paid legal holidays which shall apply to the total annual number
798 of ~~196~~ days of service adopted by the board.

799 (f) Such rules must not require more than 10 ~~12~~ calendar
800 months of service for ~~such~~ principals and other school site
801 administrators as prescribed by rules of the State Board of
802 Education and may ~~must~~ require up to 10 months ~~to include not~~
803 ~~less than 196 days~~ of service, excluding Sundays and other
804 holidays, for all members of the instructional staff. Principals
805 and other school site administrators may serve more than 10
806 calendar months of service if specifically approved by the
807 district school board, and ~~with~~ any such service on a 12-month
808 basis may ~~to~~ include reasonable allowance for vacation or
809 further study as prescribed by the school board in accordance
810 with rules of the State Board of Education.



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811 Section 25. Paragraph (c) of subsection (1) of section
812 1011.61, Florida Statutes, is amended to read:

813 1011.61 Definitions.—Notwithstanding the provisions of s.
814 1000.21, the following terms are defined as follows for the
815 purposes of the Florida Education Finance Program:

816 (1) A “full-time equivalent student” in each program of the
817 district is defined in terms of full-time students and part-time
818 students as follows:

819 (c)1. A “full-time equivalent student” is:

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

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

826 (I) A full-time student, except a postsecondary or adult
827 student or a senior high school student enrolled in adult
828 education when such courses are required for high school
829 graduation, in a combination of programs listed in s.
830 1011.62(1)(c) shall be a fraction of a full-time equivalent
831 membership in each special program equal to the number of net
832 hours per school year for which he or she is a member, divided
833 by the appropriate number of hours set forth in subparagraph
834 (a)1. or subparagraph (a)2. The difference between that fraction
835 or sum of fractions and the maximum value as set forth in
836 subsection (4) for each full-time student is presumed to be the
837 balance of the student’s time not spent in such special
838 education programs and shall be recorded as time in the
839 appropriate basic program.



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

842 (III) A full-time equivalent student for students in grades
843 K-8 in a school district virtual instruction program as provided
844 in s. 1002.45 shall consist of a student who has successfully
845 completed a basic program listed in s. 1011.62(1)(c)1.a. or b.,
846 and who is promoted to a higher grade level.

847 (IV) A full-time equivalent student for students in grades
848 9-12 in a school district virtual instruction program as
849 provided in s. 1002.45 shall consist of six full credit
850 completions in programs listed in s. 1011.62(1)(c)1. and 3 4.
851 Credit completions can be a combination of either full credits
852 or half credits.

853 (V) A Florida Virtual School full-time equivalent student
854 shall consist of six full credit completions in the programs
855 listed in s. 1011.62(1)(c)1.b. for grades 6 through 8 and the
856 programs listed in s. 1011.62(1)(c)1.c. for grades 9 through 12
857 ~~s. 1011.62(1)(c)1. and 4.~~ Credit completions can be a
858 combination of either full credits or half credits.

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

864 2. A student in membership in a program scheduled for more
865 or less than 180 school days is a fraction of a full-time
866 equivalent membership equal to the number of instructional hours
867 in membership divided by the appropriate number of hours set
868 forth in subparagraph (a)1.; however, for the purposes of this



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869 subparagraph, membership in programs scheduled for more than 180
870 days is limited to students enrolled in juvenile justice
871 education programs and the Florida Virtual School.

872
873 The department shall determine and implement an equitable method
874 of equivalent funding for experimental schools and for schools
875 operating under emergency conditions, which schools have been
876 approved by the department to operate for less than the minimum
877 school day.

878 Section 26. Present paragraphs (l) through (o) of
879 subsection (1) of section 1011.62, Florida Statutes, are amended
880 and redesignated as paragraphs (m) through (p), respectively,
881 present paragraph (p) is deleted, paragraph (l) is added to that
882 subsection, and paragraph (a) of subsection (4), paragraph (b)
883 of subsection (6), and paragraph (a) of subsection (12) of that
884 section are amended, to read:

885 1011.62 Funds for operation of schools.—If the annual
886 allocation from the Florida Education Finance Program to each
887 district for operation of schools is not determined in the
888 annual appropriations act or the substantive bill implementing
889 the annual appropriations act, it shall be determined as
890 follows:

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

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



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898 (m) ~~(l)~~ Calculation of additional full-time equivalent
899 membership based on international baccalaureate examination
900 scores of students.—A value of 0.08 ~~0.16~~ full-time equivalent
901 student membership shall be calculated for each student enrolled
902 in an international baccalaureate course who receives a score of
903 4 or higher on a subject examination. A value of 0.16 ~~0.3~~ full-
904 time equivalent student membership shall be calculated for each
905 student who receives an international baccalaureate diploma.
906 Such value shall be added to the total full-time equivalent
907 student membership in basic programs for grades 9 through 12 in
908 the subsequent fiscal year. The school district shall distribute
909 to each classroom teacher who provided international
910 baccalaureate instruction:

911 1. A bonus in the amount of \$40 ~~\$50~~ for each student taught
912 by the International Baccalaureate teacher in each international
913 baccalaureate course who receives a score of 4 or higher on the
914 international baccalaureate examination.

915 2. An additional bonus of \$400 ~~\$500~~ to each International
916 Baccalaureate teacher in a school designated with a grade of "D"
917 or "F" who has at least one student scoring 4 or higher on the
918 international baccalaureate examination, regardless of the
919 number of classes taught or of the number of students scoring a
920 4 or higher on the international baccalaureate examination.

921
922 Bonuses awarded to a teacher according to this paragraph shall
923 not exceed \$1,600 ~~\$2,000~~ in any given school year and shall be
924 in addition to any regular wage or other bonus the teacher
925 received or is scheduled to receive.

926 (n) ~~(m)~~ Calculation of additional full-time equivalent



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927 *membership based on Advanced International Certificate of*
928 *Education examination scores of students.*—A value of 0.08 ~~0.16~~
929 full-time equivalent student membership shall be calculated for
930 each student enrolled in a full-credit Advanced International
931 Certificate of Education course who receives a score of E or
932 higher on a subject examination. A value of 0.04 ~~0.08~~ full-time
933 equivalent student membership shall be calculated for each
934 student enrolled in a half-credit Advanced International
935 Certificate of Education course who receives a score of E or
936 higher on a subject examination. A value of 0.16 ~~0.3~~ full-time
937 equivalent student membership shall be calculated for each
938 student who receives an Advanced International Certificate of
939 Education diploma. Such value shall be added to the total full-
940 time equivalent student membership in basic programs for grades
941 9 through 12 in the subsequent fiscal year. The school district
942 shall distribute to each classroom teacher who provided Advanced
943 International Certificate of Education instruction:

944 1. A bonus in the amount of \$40 ~~\$50~~ for each student taught
945 by the Advanced International Certificate of Education teacher
946 in each full-credit Advanced International Certificate of
947 Education course who receives a score of E or higher on the
948 Advanced International Certificate of Education examination. A
949 bonus in the amount of \$20 ~~\$25~~ for each student taught by the
950 Advanced International Certificate of Education teacher in each
951 half-credit Advanced International Certificate of Education
952 course who receives a score of E or higher on the Advanced
953 International Certificate of Education examination.

954 2. An additional bonus of \$400 ~~\$500~~ to each Advanced
955 International Certificate of Education teacher in a school



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956 designated with a grade of "D" or "F" who has at least one
957 student scoring E or higher on the full-credit Advanced
958 International Certificate of Education examination, regardless
959 of the number of classes taught or of the number of students
960 scoring an E or higher on the full-credit Advanced International
961 Certificate of Education examination.

962 3. Additional bonuses of \$200 ~~\$250~~ each to teachers of
963 half-credit Advanced International Certificate of Education
964 classes in a school designated with a grade of "D" or "F" which
965 has at least one student scoring an E or higher on the half-
966 credit Advanced International Certificate of Education
967 examination in that class. The maximum additional bonus for a
968 teacher awarded in accordance with this subparagraph shall not
969 exceed \$500 in any given school year. Teachers receiving an
970 award under subparagraph 2. are not eligible for a bonus under
971 this subparagraph.

972
973 Bonuses awarded to a teacher according to this paragraph shall
974 not exceed \$1,600 ~~\$2,000~~ in any given school year and shall be
975 in addition to any regular wage or other bonus the teacher
976 received or is scheduled to receive.

977 ~~(o)~~ ~~(n)~~ *Calculation of additional full-time equivalent*
978 *membership based on college board advanced placement scores of*
979 *students.—A value of 0.08 ~~0.16~~ full-time equivalent student*
980 *membership shall be calculated for each student in each advanced*
981 *placement course who receives a score of 3 or higher on the*
982 *College Board Advanced Placement Examination for the prior year*
983 *and added to the total full-time equivalent student membership*
984 *in basic programs for grades 9 through 12 in the subsequent*



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985 fiscal year. Each district must allocate at least 80 percent of
986 the funds provided to the district for advanced placement
987 instruction, in accordance with this paragraph, to the high
988 school that generates the funds. The school district shall
989 distribute to each classroom teacher who provided advanced
990 placement instruction:

991 1. A bonus in the amount of \$40 ~~\$50~~ for each student taught
992 by the Advanced Placement teacher in each advanced placement
993 course who receives a score of 3 or higher on the College Board
994 Advanced Placement Examination.

995 2. An additional bonus of \$400 ~~\$500~~ to each Advanced
996 Placement teacher in a school designated with a grade of "D" or
997 "F" who has at least one student scoring 3 or higher on the
998 College Board Advanced Placement Examination, regardless of the
999 number of classes taught or of the number of students scoring a
1000 3 or higher on the College Board Advanced Placement Examination.

1001
1002 Bonuses awarded to a teacher according to this paragraph shall
1003 not exceed \$1,600 ~~\$2,000~~ in any given school year and shall be
1004 in addition to any regular wage or other bonus the teacher
1005 received or is scheduled to receive.

1006 ~~(p)~~ ~~(e)~~ *Calculation of additional full-time equivalent*
1007 *membership based on certification of successful completion of*
1008 *industry-certified career and professional academy programs*
1009 *pursuant to s. 1003.492.—A value of 0.16 ~~0.3~~ full-time*
1010 *equivalent student membership shall be calculated for each*
1011 *student who completes an industry-certified career and*
1012 *professional academy program under s. 1003.492 and who is issued*
1013 *the highest level of industry certification and a high school*



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1014 diploma. Such value shall be added to the total full-time
1015 equivalent student membership in secondary career education
1016 programs for grades 9 through 12 in the subsequent year for
1017 courses that were not funded through dual enrollment. The
1018 additional full-time equivalent membership authorized under this
1019 paragraph may not exceed 0.16 ~~0.3~~ per student. Unless a
1020 different amount is specified in the General Appropriations Act,
1021 the appropriation for this calculation is limited to \$8 ~~\$15~~
1022 million annually. If the appropriation is insufficient to fully
1023 fund the total calculation, the appropriation shall be prorated.

1024 ~~(p) Calculation of additional full-time equivalent~~
1025 ~~membership for the Florida Virtual School. The total reported~~
1026 ~~full-time equivalent student membership for the Florida Virtual~~
1027 ~~School shall be multiplied by 0.114, and such value shall be~~
1028 ~~added to the total full-time equivalent student membership.~~

1029 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The
1030 Legislature shall prescribe the aggregate required local effort
1031 for all school districts collectively as an item in the General
1032 Appropriations Act for each fiscal year. The amount that each
1033 district shall provide annually toward the cost of the Florida
1034 Education Finance Program for kindergarten through grade 12
1035 programs shall be calculated as follows:

1036 (a) *Estimated taxable value calculations.*—

1037 1.a. Not later than 2 working days prior to July 19, the
1038 Department of Revenue shall certify to the Commissioner of
1039 Education its most recent estimate of the taxable value for
1040 school purposes in each school district and the total for all
1041 school districts in the state for the current calendar year
1042 based on the latest available data obtained from the local



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1043 property appraisers. Not later than July 19, the Commissioner of
1044 Education shall compute a millage rate, rounded to the next
1045 highest one one-thousandth of a mill, which, when applied to 95
1046 percent of the estimated state total taxable value for school
1047 purposes, would generate the prescribed aggregate required local
1048 effort for that year for all districts. The Commissioner of
1049 Education shall certify to each district school board the
1050 millage rate, computed as prescribed in this subparagraph, as
1051 the minimum millage rate necessary to provide the district
1052 required local effort for that year.

1053 b. The General Appropriations Act shall direct the
1054 computation of the statewide adjusted aggregate amount for
1055 required local effort for all school districts collectively from
1056 ad valorem taxes to ensure that no school district's revenue
1057 from required local effort millage will produce more than 90
1058 percent of the district's total Florida Education Finance
1059 Program calculation as calculated and adopted by the
1060 Legislature, and the adjustment of the required local effort
1061 millage rate of each district that produces more than 90 percent
1062 of its total Florida Education Finance Program entitlement to a
1063 level that will produce only 90 percent of its total Florida
1064 Education Finance Program entitlement in the July calculation.

1065 2. As revised data are received from property appraisers,
1066 the Department of Revenue shall amend the certification of the
1067 estimate of the taxable value for school purposes.

1068 (6) CATEGORICAL FUNDS.—

1069 (b) If a district school board finds and declares in a
1070 resolution adopted at a regular meeting of the school board that
1071 the funds received for any of the following categorical



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1072 appropriations are urgently needed to maintain school board
1073 specified academic classroom instruction, the school board may
1074 consider and approve an amendment to the school district
1075 operating budget transferring the identified amount of the
1076 categorical funds to the appropriate account for expenditure:

- 1077 1. Funds for student transportation.
- 1078 2. Funds for safe schools.
- 1079 3. Funds for supplemental academic instruction.
- 1080 4. Funds for research-based reading instruction.
- 1081 5. Funds for instructional materials if all instructional
1082 material purchases have been completed for that fiscal year, but
1083 no sooner than March 1, 2010 ~~2009~~.

1084 (12) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR
1085 CURRENT OPERATION.—The total annual state allocation to each
1086 district for current operation for the FEFP shall be distributed
1087 periodically in the manner prescribed in the General
1088 Appropriations Act.

1089 ~~(a) The basic amount for current operation for the FEFP as~~
1090 ~~determined in subsection (1), multiplied by the district cost~~
1091 ~~differential factor as determined in subsection (2), plus the~~
1092 ~~amounts provided for categorical components within the FEFP,~~
1093 ~~plus the discretionary millage compression supplement as~~
1094 ~~determined in subsection (5), the amount for the sparsity~~
1095 ~~supplement as determined in subsection (7), the decline in full-~~
1096 ~~time equivalent students as determined in subsection (8), the~~
1097 ~~research-based reading instruction allocation as determined in~~
1098 ~~subsection (9), the allocation for juvenile justice education~~
1099 ~~programs as determined in subsection (10), the quality assurance~~
1100 ~~guarantee as determined in subsection (11), less the required~~



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1101 ~~local effort as determined in subsection (4).~~ If the funds
1102 appropriated for ~~the purpose of funding the total amount for~~
1103 current operation for the FEFP as provided in this paragraph are
1104 not sufficient to pay the state requirement in full, the
1105 department shall prorate the available state funds to each
1106 district in the following manner:

1107 1. Determine the percentage of proration by dividing the
1108 sum of the total amount for current operation, as provided in
1109 this paragraph for all districts collectively, and the total
1110 district required local effort into the sum of the state funds
1111 available for current operation and the total district required
1112 local effort.

1113 2. Multiply the percentage so determined by the sum of the
1114 total amount for current operation as provided in this paragraph
1115 and the required local effort for each individual district.

1116 3. From the product of such multiplication, subtract the
1117 required local effort of each district; and the remainder shall
1118 be the amount of state funds allocated to the district for
1119 current operation.

1120 Section 27. The amendments made by this act to subsection
1121 (1) of section 1011.62, Florida Statutes, except for newly
1122 created paragraph (1), shall apply to bonuses earned in the
1123 2008-2009 fiscal year for funding in the 2009-2010 fiscal year.

1124 Section 28. Section 1011.675, Florida Statutes, is created
1125 to read:

1126 1011.675 Discretionary bonus allocation for outstanding
1127 performance.-

1128 (1) A discretionary bonus allocation is created for school
1129 districts to recognize and reward the outstanding performance of



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1130 students, teachers, and school-based administrators in an amount
1131 to be determined by the Legislature. The funds shall be
1132 allocated to each school district as provided in the General
1133 Appropriations Act.

1134 (2) Notwithstanding the provisions of s. 1012.225, relating
1135 to the Merit Award Program for Instructional Personnel and
1136 School-Based Administrators, and s. 1012.72, relating to the
1137 Excellent Teaching Program, during the 2009-2010 and 2010-2011
1138 fiscal years, school districts may use the funds received under
1139 this section for any or all of the programs listed in this
1140 subsection or for any other purpose that the district school
1141 board deems appropriate.

1142 Section 29. Subsection (7) of section 1011.68, Florida
1143 Statutes, is repealed.

1144 Section 30. Section 1011.685, Florida Statutes, is amended
1145 to read:

1146 1011.685 Class size reduction; operating categorical fund.-

1147 (1) There is created an operating categorical fund for
1148 implementing the class size reduction provisions of s. 1, Art.
1149 IX of the State Constitution. These funds shall be allocated to
1150 each school district in the amount prescribed by the Legislature
1151 in the General Appropriations Act.

1152 (2) Class size reduction operating categorical funds shall
1153 be used by school districts to reduce class size as required in
1154 s. 1003.03, or the funds may be used for any lawful operating
1155 expenditure; however, priority shall be given to increasing
1156 salaries of classroom teachers. ~~for the following:~~

1157 ~~(a) To reduce class size in any lawful manner, if the~~
1158 ~~district has not met the constitutional maximums identified in~~



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1159 ~~s. 1003.03(1) or the reduction of two students per year required~~
1160 ~~by s. 1003.03(2).~~

1161 ~~(b) For any lawful operating expenditure, if the district~~
1162 ~~has met the constitutional maximums identified in s. 1003.03(1)~~
1163 ~~or the reduction of two students per year required by s.~~
1164 ~~1003.03(2); however, priority shall be given to increase~~
1165 ~~salaries of classroom teachers as defined in s. 1012.01(2)(a)~~
1166 ~~and to implement the differentiated pay provisions detailed in~~
1167 ~~s. 1012.22.~~

1168 Section 31. Subsections (2), (3), and (4) of section
1169 1011.71, Florida Statutes, as amended by section 12 of chapter
1170 2009-3, Laws of Florida, are amended, and subsection (9) is
1171 added to that section, to read:

1172 1011.71 District school tax.—

1173 (2) In addition to the maximum millage levy as provided in
1174 subsection (1), each school board may levy not more than 1.5
1175 ~~1.75~~ mills against the taxable value for school purposes for
1176 district schools, including charter schools at the discretion of
1177 the school board, to fund:

1178 (a) New construction and remodeling projects, as set forth
1179 in s. 1013.64(3)(b) and (6)(b) and included in the district's
1180 educational plant survey pursuant to s. 1013.31, without regard
1181 to prioritization, sites and site improvement or expansion to
1182 new sites, existing sites, auxiliary facilities, athletic
1183 facilities, or ancillary facilities.

1184 (b) Maintenance, renovation, and repair of existing school
1185 plants or of leased facilities to correct deficiencies pursuant
1186 to s. 1013.15(2).

1187 (c) The purchase, lease-purchase, or lease of school buses.



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1188 (d) Effective July 1, 2008, the purchase, lease-purchase,
1189 or lease of new and replacement equipment, and enterprise
1190 resource software applications that are classified as capital
1191 assets in accordance with definitions of the Governmental
1192 Accounting Standards Board, have a useful life of at least 5
1193 years, and are used to support districtwide administration or
1194 state-mandated reporting requirements.

1195 (e) Payments for educational facilities and sites due under
1196 a lease-purchase agreement entered into by a district school
1197 board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
1198 exceeding, in the aggregate, an amount equal to three-fourths of
1199 the proceeds from the millage levied by a district school board
1200 pursuant to this subsection. For the 2009-2010 fiscal year, the
1201 three-fourths limit is waived for lease-purchase agreements
1202 entered into before June 30, 2009, by a district school board
1203 pursuant to this paragraph.

1204 (f) Payment of loans approved pursuant to ss. 1011.14 and
1205 1011.15.

1206 (g) Payment of costs directly related to complying with
1207 state and federal environmental statutes, rules, and regulations
1208 governing school facilities.

1209 (h) Payment of costs of leasing relocatable educational
1210 facilities, of renting or leasing educational facilities and
1211 sites pursuant to s. 1013.15(2), or of renting or leasing
1212 buildings or space within existing buildings pursuant to s.
1213 1013.15(4).

1214 (i) Payment of the cost of school buses when a school
1215 district contracts with a private entity to provide student
1216 transportation services if the district meets the requirements



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1217 of this paragraph.

1218 1. The district's contract must require that the private
1219 entity purchase, lease-purchase, or lease, and operate and
1220 maintain, one or more school buses of a specific type and size
1221 that meet the requirements of s. 1006.25.

1222 2. Each such school bus must be used for the daily
1223 transportation of public school students in the manner required
1224 by the school district.

1225 3. Annual payment for each such school bus may not exceed
1226 10 percent of the purchase price of the state pool bid.

1227 4. The proposed expenditure of the funds for this purpose
1228 must have been included in the district school board's notice of
1229 proposed tax for school capital outlay as provided in s.
1230 200.065(10).

1231 (j) Payment of the cost of the opening day collection for
1232 the library media center of a new school.

1233 (3) If the revenue from the millage authorized in
1234 subsection (2) is insufficient to make payments due under a
1235 lease-purchase agreement entered into prior to June 30, 2008, by
1236 a district school board pursuant to paragraph (2)(e), an amount
1237 up to 0.5 ~~0.25~~ mills of the taxable value for school purposes
1238 within the school district shall be legally available for such
1239 payments, notwithstanding other restrictions on the use of such
1240 revenues imposed by law.

1241 (4) Effective July 1, 2008, ~~and through June 30, 2010,~~ a
1242 school district may expend, subject to the provisions of s.
1243 200.065, up to \$100 per unweighted full-time equivalent student
1244 from the revenue generated by the millage levy authorized by
1245 subsection (2) to fund, in addition to expenditures authorized



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1246 in paragraphs (2) (a)-(j), expenses for the following:

1247 (a) The purchase, lease-purchase, or lease of driver's
1248 education vehicles; motor vehicles used for the maintenance or
1249 operation of plants and equipment; security vehicles; or
1250 vehicles used in storing or distributing materials and
1251 equipment.

1252 (b) Payment of the cost of premiums for property and
1253 casualty insurance necessary to insure school district
1254 educational and ancillary plants. Operating revenues that are
1255 made available through the payment of property and casualty
1256 insurance premiums from revenues generated under this subsection
1257 may be expended only for nonrecurring operational expenditures
1258 of the school district.

1259 (9) Notwithstanding subsection (2), for the 2009-2010
1260 fiscal year, if the revenue from 1.5 mills is insufficient to
1261 meet the payments due under a lease-purchase agreement entered
1262 into before June 30, 2009, by a district school board pursuant
1263 to paragraph (2) (e), or to meet other critical district fixed
1264 capital outlay needs, the board, in addition to the 1.5 mills,
1265 may levy up to 0.25 mills for fixed capital outlay in lieu of
1266 levying an equivalent amount of the discretionary mills for
1267 operations as provided in the General Appropriations Act for
1268 2009-2010. Millage levied pursuant to this subsection is subject
1269 to the provisions of s. 200.065 and, combined with the 1.5 mills
1270 authorized in subsection (2), may not exceed 1.75 mills. If the
1271 district chooses to use up to .25 mills for fixed capital
1272 outlay, the compression adjustment pursuant to s. 1011.62(5)
1273 shall be calculated for the standard discretionary millage that
1274 is not eligible for transfer to capital outlay.



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1275 Section 32. If the Commissioner of Education determines
1276 that a school district acted in good faith, he or she may waive
1277 the equal-dollar reduction, required in s. 1011.71(5), Florida
1278 Statutes, for audit findings during the 2007-2008 fiscal year
1279 which were related to the purchase of software.

1280 Section 33. Paragraph (g) of subsection (3) of section
1281 1012.33, Florida Statutes, is amended, and subsection (9) is
1282 added to that section, to read:

1283 1012.33 Contracts with instructional staff, supervisors,
1284 and school principals.-

1285 (3)

1286 (g) Beginning July 1, 2001, for each employee who enters
1287 into a written contract, pursuant to this section, in a school
1288 district in which the employee was not employed as of June 30,
1289 2001, or was employed as of June 30, 2001, but has since broken
1290 employment with that district for 1 school year or more, for
1291 purposes of pay, a district school board must recognize and
1292 accept each year of full-time public school teaching service
1293 earned in the State of Florida ~~or outside the state~~ and for
1294 which the employee received a satisfactory performance
1295 evaluation; however, an employee may voluntarily waive this
1296 provision. Instructional personnel employed pursuant to s.
1297 121.091(9)(b)3. are exempt from the provisions of this
1298 paragraph.

1299 (9) Notwithstanding this section or any other law or rule
1300 to the contrary, for the 2009-2010 and 2010-2011 fiscal years,
1301 district school boards should not enter into a new professional
1302 service contract if the only funds available to pay such
1303 contract are from nonrecurring Federal Stabilization Funds.



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1304 Section 34. Subsection (6) is added to section 1012.71,
1305 Florida Statutes, to read:
1306 1012.71 The Florida Teachers Lead Program.—
1307 (6) For the 2009-2010 fiscal year, the Department of
1308 Education is authorized to conduct a pilot program to determine
1309 the feasibility of managing the Florida Teachers Lead Program
1310 through a centralized electronic system. The pilot program must:
1311 (a) Be established through a competitive process;
1312 (b) Provide the capability for participating teachers to
1313 purchase from online sources;
1314 (c) Provide the capability for participating teachers to
1315 purchase from local vendors by means other than online
1316 purchasing;
1317 (d) Generally comply with the provisions of this section;
1318 (e) Be subject to annual auditing requirements to ensure
1319 accountability for funds received and disbursed; and
1320 (f) Provide for all unused funds to be returned to the
1321 state at the close of each fiscal year.

1322
1323 Any participation in this pilot program by school districts and
1324 individual teachers must be on a voluntary basis. The department
1325 may limit the number of participating districts to the number it
1326 deems feasible to adequately test the viability of the pilot
1327 program. The department is not required to implement this pilot
1328 program if it determines that the number of school districts
1329 willing to participate is insufficient to adequately test the
1330 viability of the pilot program.

1331 Section 35. Paragraph (b) of subsection (6) of section
1332 1013.64, Florida Statutes, is amended, as amended by section 14



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1333 of chapter 2009-3, Laws of Florida, and subsection (7) is added
1334 to that section, to read:

1335 1013.64 Funds for comprehensive educational plant needs;
1336 construction cost maximums for school district capital
1337 projects.—Allocations from the Public Education Capital Outlay
1338 and Debt Service Trust Fund to the various boards for capital
1339 outlay projects shall be determined as follows:

1340 (6)

1341 (b)1. A district school board, including a district school
1342 board of an academic performance-based charter school district,
1343 must not use funds from the following sources: Public Education
1344 Capital Outlay and Debt Service Trust Fund; School District and
1345 Community College District Capital Outlay and Debt Service Trust
1346 Fund; Classrooms First Program funds provided in s. 1013.68;
1347 effort index grant funds provided in s. 1013.73; nonvoted 1.5-
1348 mill ~~1.75-mill~~ levy of ad valorem property taxes provided in s.
1349 1011.71(2); Classrooms for Kids Program funds provided in s.
1350 1013.735; District Effort Recognition Program funds provided in
1351 s. 1013.736; or High Growth District Capital Outlay Assistance
1352 Grant Program funds provided in s. 1013.738 for any new
1353 construction of educational plant space with a total cost per
1354 student station, including change orders, that equals more than:

1355 a. \$17,952 for an elementary school,

1356 b. \$19,386 for a middle school, or

1357 c. \$25,181 for a high school,

1358

1359 (January 2006) as adjusted annually to reflect increases or
1360 decreases in the Consumer Price Index.

1361 2. A district school board must not use funds from the



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1362 Public Education Capital Outlay and Debt Service Trust Fund or
1363 the School District and Community College District Capital
1364 Outlay and Debt Service Trust Fund for any new construction of
1365 an ancillary plant that exceeds 70 percent of the average cost
1366 per square foot of new construction for all schools.

1367 (7) Notwithstanding subsection (2), the district school
1368 board of Wakulla County shall contribute 1 mill in the 2009-2010
1369 fiscal year and 0.50 mill in the 2010-2011 fiscal year to the
1370 cost of currently funded special facilities construction
1371 projects. The district school board of Liberty County shall
1372 contribute 1 mill in the 2009-2010 fiscal year, 1 mill in the
1373 2010-2011 fiscal year, and 1 mill in the 2011-2012 fiscal year.

1374 Section 36. Section 9 of chapter 2008-142, Laws of Florida,
1375 is repealed.

1376 Section 37. In order to implement Specific Appropriations
1377 ##,##, and ## through ## of the General Appropriations Act for
1378 the 2009-2010 fiscal year, the calculations of the Florida
1379 Education Finance Program for the 2009-2010 fiscal year in the
1380 document entitled "Public School Funding - The Florida Education
1381 Finance Program," dated April ##, 2009, and filed with the
1382 Secretary of the Senate are incorporated by reference for the
1383 purpose of displaying the calculations used by the Legislature,
1384 consistent with requirements of the Florida Statutes, in making
1385 appropriations for the Florida Education Finance Program.

1386 Section 38. This act shall take effect July 1, 2009.

1387