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LEGISLATIVE ACTION

Senate	.	House
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05/08/2009 01:05 PM	.	
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The Conference Committee on CS/CS/SB 1676, 1st Eng. recommended the following:

**Senate Conference Committee Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Part IX of chapter 159, Florida Statutes, consisting of sections 159.841, 159.842, 159.843, 159.844, and 159.845, is created to read:

PART IX

QUALIFIED SCHOOL CONSTRUCTION BONDS

159.841 Short title.—This part may be cited as the "Florida



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12 Qualified School Construction Bond Allocation Act.”

13 159.842 Purpose.—The purpose of this part is to allocate  
14 the state volume limitation imposed by s. 54F(d) of the code on  
15 qualified school construction bonds to finance qualified school  
16 construction facilities. Any bond issued which uses a portion of  
17 the limitation imposed by s. 54F(d) (1) of the code, or uses a  
18 portion of the limitation reallocated to the state pursuant to  
19 s.54F(d) (2) (D) of the code, may not be issued in this state  
20 unless a written confirmation therefor is issued pursuant to  
21 this part.

22 159.843 Definitions.—As used in this part, the term:

23 (1) “Board” means the State Board of Education, created  
24 pursuant to s. 2, Art. IX of the State Constitution.

25 (2) “Code” means the Internal Revenue Code of 1986, as  
26 amended, and the regulations and rulings issued thereunder.

27 (3) “Commissioner” means the Commissioner of Education.

28 (4) “Department” means the Department of Education, created  
29 pursuant to s. 20.15.

30 (5) “Issued” has the same meaning as in the code.

31 (6) “Qualified school construction bond” means a bond  
32 described in s. 54F(a) of the code.

33 (7) “Qualified school construction facility” means a  
34 facility permitted to be financed with qualified school  
35 construction bonds pursuant to s.54F(a) of the code.

36 159.844 Allocation of state volume limitation.—

37 (1) The board shall establish a program for allocating the  
38 state volume limitation imposed by s. 54F(d) (1) of the code, or  
39 reallocated to the state pursuant to s. 54F(d) (2) (D) of the  
40 code, on qualified school construction bonds to finance



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41 qualified school construction facilities. The Department of  
42 Education shall administer the program for allocation of the  
43 state volume limitation pursuant to an application and issuance  
44 reporting process. Such program must include objective criteria  
45 to be considered in determining whether to grant a request for  
46 the volume limitation, including, but not limited to, the need  
47 for a qualified school construction facility in the area  
48 proposed in the application, the number of students to be served  
49 by such facility, and the cost-effectiveness of the proposed  
50 facility.

51 (2) The department shall annually determine the amount of  
52 qualified school construction bonds permitted to be issued in  
53 this state under s. 54F(d) (1) of the code and shall make such  
54 information available upon request to any person or agency.

55 (3) The department shall ensure that any volume limitation  
56 that is unused at the end of each calendar year is carried  
57 forward pursuant to s. 54F(e) of the code.

58 (4) The commissioner shall sign any certificate required by  
59 the code which relates to the allocation of the state volume  
60 limitation on qualified school construction bonds to finance  
61 qualified school construction facilities.

62 159.845 Rules.—The board and the department shall adopt any  
63 rules necessary to ensure the orderly implementation of this  
64 part.

65 Section 2. Paragraph (a) of subsection (4) of section  
66 1001.20, Florida Statutes, is amended to read:

67 1001.20 Department under direction of state board.—

68 (4) The Department of Education shall establish the  
69 following offices within the Office of the Commissioner of



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70 Education which shall coordinate their activities with all other  
71 divisions and offices:

72 (a) *Office of Technology and Information Services.*—  
73 Responsible for developing a systemwide technology plan, making  
74 budget recommendations to the commissioner, providing data  
75 collection and management for the system, assisting school  
76 districts in securing Internet access and telecommunications  
77 services, including those eligible for funding under the Schools  
78 and Libraries Program of the federal Universal Service Fund, and  
79 coordinating services with other state, local, and private  
80 agencies. The office shall develop a method to address the need  
81 for a statewide approach to planning and operations of library  
82 and information services to achieve a single K-20 education  
83 system library information portal and a unified higher education  
84 library management system. The Florida Virtual School shall be  
85 administratively housed within the office.

86 Section 3. Section 1001.271, Florida Statutes, is created  
87 to read:

88 1001.271 Florida Information Resource Network.—Upon  
89 requisition by school districts, community colleges,  
90 universities, or other eligible users of the Florida Information  
91 Resource Network, the Commissioner of Education shall purchase  
92 the nondiscounted portion of Internet access services,  
93 including, but not limited to, circuits, encryption, content  
94 filtering, support, and any other services needed for the  
95 effective and efficient operation of the network. For the 2009-  
96 2010 fiscal year, each school district, the Florida School for  
97 the Deaf and the Blind, and the Regional Education Consortia  
98 eligible for the e-rate must submit a requisition to the



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99 Commissioner of Education for at least the same level of  
100 Internet access services used through the Florida Information  
101 Resource Network contract in the 2008-2009 fiscal year. Each  
102 user shall identify in its requisition the source of funds from  
103 which the commissioner is to make payments.

104 Section 4. Subsection (2) of section 1001.28, Florida  
105 Statutes, is amended to read:

106 1001.28 Distance learning duties.—The duties of the  
107 Department of Education concerning distance learning include,  
108 but are not limited to, the duty to:

109 (2) Coordinate the use of existing resources, including,  
110 but not limited to, the state's satellite transponders ~~on the~~  
111 ~~education satellites, the SUNCOM Network, the Florida~~  
112 ~~Information Resource Network (FIRN), the Florida Knowledge~~  
113 ~~Network, the Department of Management Services, the Department~~  
114 ~~of Corrections, and the Department of Children and Family~~  
115 ~~Services' satellite communication facilities to support a~~  
116 ~~statewide advanced telecommunications services and distance~~  
117 ~~learning initiatives network.~~

118  
119 Nothing in this section shall be construed to abrogate,  
120 supersede, alter, or amend the powers and duties of any state  
121 agency, district school board, community college board of  
122 trustees, university board of trustees, the Board of Governors,  
123 or the State Board of Education.

124 Section 5. Subsection (3) is added to section 1001.395,  
125 Florida Statutes, as amended by section 1 of chapter 2009-3,  
126 Laws of Florida, to read:

127 1001.395 District school board members; compensation.—



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128           (3) Notwithstanding the provisions of this section and s.  
129 145.19, for the 2009-2010 fiscal year, the salary of each  
130 district school board member shall be the amount calculated  
131 pursuant to subsection (1) or the district's beginning salary  
132 for teachers who hold baccalaureate degrees, whichever is less.

133           Section 6. Paragraph (a) of subsection (12) and subsection  
134 (25) of section 1001.42, Florida Statutes, as created by section  
135 2 of chapter 2009-3, Laws of Florida, are amended to read:

136           1001.42 Powers and duties of district school board.—The  
137 district school board, acting as a board, shall exercise all  
138 powers and perform all duties listed below:

139           (12) FINANCE.—Take steps to assure students adequate  
140 educational facilities through the financial procedure  
141 authorized in chapters 1010 and 1011 and as prescribed below:

142           (a) *Provide for all schools to operate ~~at least~~ 180 days.*—  
143 Provide for the operation of all public schools, both elementary  
144 and secondary, as free schools for a term of ~~at least~~ 180 days  
145 or the equivalent on an hourly basis as specified by rules of  
146 the State Board of Education; determine district school funds  
147 necessary in addition to state funds to operate all schools for  
148 such minimum term; and arrange for the levying of district  
149 school taxes necessary to provide the amount needed from  
150 district sources.

151           (25) EMPLOYMENT CONTRACTS.—~~On or after February 1, 2009,~~ A  
152 district school board may not enter into an employment contract  
153 ~~that is funded from state funds and~~ that requires the district  
154 to pay from state funds an employee an amount in excess of 1  
155 year of the employee's annual salary for termination, buy-out,  
156 or any other type of contract settlement. This subsection does



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157 not prohibit the payment of earned leave and benefits in  
158 accordance with the district's leave and benefits policies which  
159 were accrued by the employee before the contract terminates.

160 Section 7. Paragraph (c) of subsection (2) of section  
161 1001.451, Florida Statutes, is amended to read:

162 1001.451 Regional consortium service organizations.—In  
163 order to provide a full range of programs to larger numbers of  
164 students, minimize duplication of services, and encourage the  
165 development of new programs and services:

166 (2)

167 (c) Notwithstanding paragraph (a), the appropriation for  
168 the 2009-2010 ~~2008-2009~~ fiscal year may be less than \$50,000 per  
169 school district and eligible member. If the amount appropriated  
170 is insufficient to provide \$50,000, the funds available must be  
171 prorated among all eligible districts and members. This  
172 paragraph expires July 1, 2010 ~~2009~~.

173 Section 8. Subsections (6) and (7) are added to section  
174 1001.47, Florida Statutes, to read:

175 1001.47 District school superintendent; salary.—

176 (6) Notwithstanding the provisions of this section and s.  
177 145.19, elected district school superintendents may reduce their  
178 salary rate on a voluntary basis.

179 (7) Notwithstanding the provisions of this section and s.  
180 145.19, for the 2009-2010 fiscal year the salary of each elected  
181 district school superintendent calculated pursuant to s. 1001.47  
182 shall be reduced by 2 percent.

183 Section 9. Subsection (2) of section 1001.50, Florida  
184 Statutes, as amended by section 3 of chapter 2009-3, Laws of  
185 Florida, is amended, and subsections (5) and (6) are added to



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186 that section, to read:

187 1001.50 Superintendents employed under Art. IX of the State  
188 Constitution.—

189 (2) The district school board of each of such districts  
190 shall enter into contracts of employment with the district  
191 school superintendent and shall adopt rules relating to his or  
192 her appointment; however, ~~on or after February 1, 2009,~~ the  
193 district school board may not enter into an employment contract  
194 ~~that is funded from state funds and~~ that requires the district  
195 to pay from state funds a superintendent an amount in excess of  
196 1 year of the superintendent's annual salary for termination,  
197 buy-out, or any other type of contract settlement. This  
198 subsection does not prohibit the payment of earned leave and  
199 benefits in accordance with the district's leave and benefits  
200 policies which were accrued by the superintendent before the  
201 contract terminates.

202 (5) Notwithstanding any other law, resolution, or rule to  
203 the contrary, a district school superintendent employed under  
204 this section may not receive more than \$225,000 in remuneration  
205 annually from state funds. As used in this subsection, the term  
206 "remuneration" means salary, bonuses, and cash-equivalent  
207 compensation paid to a district school superintendent by his or  
208 her employer for work performed, excluding health insurance  
209 benefits and retirement benefits. Only compensation, as defined  
210 in s. 121.021(22), provided to a district school superintendent  
211 may be used in calculating benefits under chapter 121.

212 (6) District school boards and superintendents employed  
213 pursuant to this section are encouraged to review the  
214 superintendent's annual remuneration for the 2009-2010 fiscal





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215 year and mutually agree to a reduction of at least 5 percent.

216 Section 10. Paragraph (g) of subsection (3) of section  
217 1002.37, Florida Statutes, is amended to read:

218 1002.37 The Florida Virtual School.—

219 (3) Funding for the Florida Virtual School shall be  
220 provided as follows:

221 (g) The Florida Virtual School shall receive additional  
222 state funds as may be provided in the General Appropriations  
223 Act; however, such funds may not be provided for the purpose of  
224 fulfilling the class size requirements in ss. 1003.03 and  
225 1011.685.

226 Section 11. Section 1002.45, Florida Statutes, is amended  
227 to read:

228 1002.45 School district virtual instruction programs.—

229 (1) PROGRAM.—

230 (a) For purposes of this section, the term:

231 1. "Approved provider" means a provider that is approved by  
232 the Department of Education under subsection (2), the Florida  
233 Virtual School, or a franchise of the Florida Virtual School.

234 2. "Virtual instruction program" means a program of  
235 instruction provided in an interactive learning environment  
236 created through technology in which students are separated from  
237 their teachers by time or space, or both, and in which a  
238 Florida-certified teacher under chapter 1012 is responsible for  
239 at least:

240 a. Fifty percent of the direct instruction to students in  
241 kindergarten through grade 5; or

242 b. Eighty percent of the direct instruction to students in  
243 grades 6 through 12.



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244        (b) ~~(a)~~ Beginning with the 2009-2010 school year, each  
245 school district shall provide eligible students within its  
246 boundaries the option of participating in a virtual instruction  
247 program. The purpose of the program is to make instruction  
248 available to students using online and distance learning  
249 technology in the nontraditional classroom. The program shall  
250 be:

251        1. ~~provide virtual instruction to~~ Full-time for students  
252 enrolled in ~~full-time virtual courses in~~ kindergarten through  
253 grade ~~12.~~ ~~8~~

254        2. ~~or in~~ Full-time or part-time for students enrolled in  
255 dropout prevention and academic intervention programs under s.  
256 1003.53 or Department of Juvenile Justice education programs  
257 under s. 1003.52 ~~virtual courses~~ in grades 9 through 12 ~~as~~  
258 authorized in paragraph ~~(7) (c).~~

259        (c) To provide students with the option of participating in  
260 virtual instruction programs as required by paragraph (b), a  
261 school district may:

262        1. Contract with the Florida Virtual School or establish a  
263 franchise of the Florida Virtual School for the provision of a  
264 program under paragraph (b). Using this option is subject to the  
265 requirements of this section and s. 1011.61(1)(c)1.b.(III) and  
266 (IV).

267        2. Contract with an approved provider under subsection (2)  
268 for the provision of a full-time program under subparagraph  
269 (b)1. or a full-time or part-time program under subparagraph  
270 (b)2.

271        3. Enter into an agreement with another school district to  
272 allow the participation of its students in an approved virtual



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273 instruction program provided by the other school district. The  
274 agreement must indicate a process for the transfer of funds  
275 required by paragraph (7) (b).

276  
277 Contracts under subparagraph 1. or subparagraph 2. may include  
278 multidistrict contractual arrangements that may be executed by a  
279 regional consortium for its member districts. A multidistrict  
280 contractual arrangement or an agreement under subparagraph 3. is  
281 not subject to s. 1001.42(4) (d) and does not require the  
282 participating school districts to be contiguous.

283 ~~(b) Each school district's virtual instruction program may~~  
284 ~~consist of one or more schools that are operated by the district~~  
285 ~~or by contracted providers approved by the Department of~~  
286 ~~Education under subsection (2). School districts may participate~~  
287 ~~in multidistrict contractual arrangements, which may include~~  
288 ~~contracts executed by a regional consortium for its member~~  
289 ~~districts, to provide such programs.~~

290 ~~(d)-(e)~~ A charter school may enter into a joint agreement  
291 with the school district in which it is located for the charter  
292 school's students to participate in the an approved district  
293 school district's virtual instruction program.

294 (2) PROVIDER QUALIFICATIONS. ~~On or before March 1, 2009,~~  
295 ~~and annually thereafter,~~

296 (a) The department shall annually provide school districts  
297 with a list of providers approved to offer virtual instruction  
298 programs. To be approved by the department, a ~~contract~~ provider  
299 must annually document that it:

300 1.-(a) Is nonsectarian in its programs, admission policies,  
301 employment practices, and operations;



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302           ~~2.(b)~~ Complies with the antidiscrimination provisions of s.  
303 1000.05;

304           ~~3.(e)~~ Locates an administrative office or offices in this  
305 state, requires its administrative staff to be state residents,  
306 ~~and~~ requires all instructional staff ~~members~~ to be Florida-  
307 certified teachers under chapter 1012, and conducts background  
308 screenings for all employees or contracted personnel, as  
309 required by s. 1012.32, using state and national criminal  
310 history records;

311           ~~4.(d)~~ Possesses prior, successful experience offering  
312 online courses to elementary, middle, or high school students;  
313 and

314           ~~(e) Utilizes an instructional model that relies on~~  
315 ~~certified teachers, not parents, to provide at least 85 percent~~  
316 ~~of the instruction to the student;~~

317           ~~5.(f)~~ Is accredited by the Southern Association of Colleges  
318 and Schools Council on Accreditation and School Improvement, the  
319 North Central Association Commission on Accreditation and School  
320 Improvement, the Middle States Association of Colleges and  
321 Schools Commission on Elementary Schools and Commission on  
322 Secondary Schools, the New England Association of Schools and  
323 Colleges, the Northwest Association of Accredited Schools, the  
324 Western Association of Schools and Colleges, or the Commission  
325 on International and Trans-Regional Accreditation. ~~Commission on~~  
326 ~~Colleges of the Southern Association of Colleges and Schools,~~  
327 ~~the Middle States Association of Colleges and Schools, the North~~  
328 ~~Central Association of Colleges and Schools, or the New England~~  
329 ~~Association of Colleges and Schools; and~~

330           (b) An approved provider shall retain its approved status



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331 for a period of 3 years after the date of the department's  
332 approval under paragraph (a) as long as the provider continues  
333 to comply with all requirements of this section.

334 ~~(g) Complies with all requirements under this section.~~

335

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

339 (3) SCHOOL DISTRICT VIRTUAL INSTRUCTION PROGRAM  
340 REQUIREMENTS.—Each school district virtual instruction program  
341 under this section ~~operated or contracted by a school district~~  
342 must:

343 ~~(a) Require all instructional staff to be certified~~  
344 ~~professional educators under chapter 1012.~~

345 ~~(b) Conduct a background screening of all employees or~~  
346 ~~contracted personnel, as required by s. 1012.32, using state and~~  
347 ~~national criminal history records.~~

348 ~~(a)-(e)~~ Align virtual course curriculum and course content  
349 to the Sunshine State Standards under s. 1003.41.

350 ~~(b)-(d)~~ Offer instruction that is designed to enable a  
351 student to gain proficiency in each virtually delivered course  
352 of study.

353 ~~(c)-(e)~~ Provide each student enrolled in the program with  
354 all the necessary instructional materials.

355 ~~(d)-(f)~~ Provide, when appropriate, each ~~household having a~~  
356 full-time student enrolled in the program with:

357 1. All equipment necessary for participants in the school  
358 district virtual instruction program, including, but not limited  
359 to, a computer, computer monitor, and printer; and



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360 2. Access to or reimbursement for all Internet services  
361 necessary for online delivery of instruction.

362 ~~(e)(g)~~ Not require tuition or student registration fees.

363 (4) CONTRACT REQUIREMENTS PROGRAM CAPACITY; ENROLLMENT.—  
364 Each contract with an approved provider must at minimum:

365 (a) Set forth a detailed curriculum plan that illustrates  
366 how students will be provided services to attain proficiency in  
367 the Sunshine State Standards.

368 (b) Provide a method for determining that a student has  
369 satisfied the requirements for graduation in s. 1003.428, s.  
370 1003.429, or s. 1003.43 if the contract is for the provision of  
371 a full-time virtual instruction program to students in grades 9  
372 through 12.

373 (c) Specify a method for resolving conflicts among the  
374 parties.

375 (d) Specify authorized reasons for termination of the  
376 contract.

377 (e) Require the approved provider to be responsible for all  
378 debts of the school district virtual instruction program if the  
379 contract is not renewed or is terminated.

380 (f) Require the approved provider to comply with all  
381 requirements of this section. Beginning with the 2010-2011  
382 school year, except for courses offered by the Florida Virtual  
383 School under s. 1002.37, a school district may not increase the  
384 enrollment for its full-time virtual instruction program in  
385 excess of its prior school year enrollment unless the program  
386 for the previous school year is designated with a grade of "C,"  
387 making satisfactory progress, or better under the school grading  
388 system provided in s. 1008.34.



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389           (5) STUDENT ELIGIBILITY.—A student may enroll in a  
390 ~~Enrollment in a school district~~ virtual instruction program  
391 provided by the school district in which he or she resides is  
392 ~~open to any student residing within the district's attendance~~  
393 ~~area~~ if the student meets at least one of the following  
394 conditions:

395           (a) The student has spent the prior school year in  
396 attendance at a public school in this state and was enrolled and  
397 reported by a public school district for funding during the  
398 preceding October and February for purposes of the Florida  
399 Education Finance Program surveys.

400           (b) The student is a dependent child of a member of the  
401 United States Armed Forces who was transferred within the last  
402 12 months to this state from another state or from a foreign  
403 country pursuant to the parent's permanent change of station  
404 orders.

405           (c) The student was enrolled during the prior school year  
406 in a school district virtual instruction program under this  
407 section or a K-8 Virtual School Program under s. 1002.415.

408           (6) STUDENT PARTICIPATION REQUIREMENTS.—Each student  
409 enrolled in a school district virtual instruction program must:

410           (a) Comply with the compulsory attendance requirements of  
411 s. 1003.21. Student attendance must be verified by the school  
412 district.

413           (b) Take state assessment tests within the school district  
414 in which such student resides, which must provide the student  
415 with access to the district's testing facilities.

416           (7) FUNDING.—

417           (a) For purposes of a school district virtual instruction



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418 program, "full-time equivalent student" has the same meaning as  
419 provided in s. 1011.61(1)(c)1.b.(III) or (IV).

420 (b) The school district in which the student resides shall  
421 report full-time equivalent students for the school district  
422 virtual instruction program ~~and for a charter school's students~~  
423 ~~who participate under paragraph (1)(c)~~ to the department ~~only~~ in  
424 a manner prescribed by the department, and funding shall be  
425 provided through the Florida Education Finance Program. Funds  
426 received by the school district of residence for a student in a  
427 virtual instruction program provided by another school district  
428 under this section shall be transferred to the school district  
429 providing the virtual instruction program.

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

435 (8) ASSESSMENT AND ACCOUNTABILITY.—

436 (a) ~~With the exception of the programs offered by the~~  
437 ~~Florida Virtual School under s. 1002.37, Each approved provider~~  
438 ~~contracted under this section school district virtual~~  
439 ~~instruction program must:~~

440 1. Participate in the statewide assessment program under s.  
441 1008.22 and in the state's education performance accountability  
442 system under s. 1008.31.

443 2. Receive a school grade under as provided in s. 1008.34  
444 or a school improvement rating under s. 1008.341, as applicable.  
445 The school grade or school improvement rating received by each  
446 approved provider shall be based upon the aggregated assessment





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447 scores of all students served by the provider statewide ~~A school~~  
448 ~~district virtual instruction program shall be considered a~~  
449 ~~school under s. 1008.34 for purposes of this section, regardless~~  
450 ~~of the number of individual providers participating in the~~  
451 ~~district's program. The department shall publish the school~~  
452 grade or school improvement rating received by each approved  
453 provider on its Internet website.

454 (b) The performance of part-time students in grades 9  
455 through 12 ~~under paragraph (7)(c)~~ shall not be included for  
456 purposes of school grades or school improvement ratings ~~grading~~  
457 under subparagraph (a)2.; however, their performance shall be  
458 included for school grading or school improvement rating  
459 purposes by the nonvirtual school providing the student's  
460 primary instruction.

461 (c) An approved provider ~~A program~~ that receives is  
462 ~~designated with a~~ school grade of "D<sub>7</sub>" ~~making less than~~  
463 ~~satisfactory progress,~~ or "F<sub>7</sub>" under s. 1008.34 or a school  
464 improvement rating of "Declining" under s. 1008.341 ~~failing to~~  
465 ~~make adequate progress,~~ must file a school improvement plan with  
466 the department for consultation to determine the causes for low  
467 performance and to develop a plan for correction and  
468 improvement.

469 (d) An approved provider's contract must be terminated ~~The~~  
470 ~~school district shall terminate its program, including all~~  
471 ~~contracts with providers for such program,~~ if the provider  
472 program receives a school grade of "D<sub>7</sub>" ~~making less than~~  
473 ~~satisfactory progress,~~ or "F<sub>7</sub>" under s. 1008.34 or a school  
474 improvement rating of "Declining" under s. 1008.341 ~~failing to~~  
475 ~~make adequate progress,~~ for 2 years during any consecutive 4-



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476 year period. A provider that has a contract terminated under  
477 this paragraph may not be an approved provider for a period of  
478 at least 1 year after the date upon which the contract was  
479 terminated and until the department determines that the provider  
480 is in compliance with subsection (2) and has corrected each  
481 cause of the provider's low performance. ~~If a contract is not~~  
482 ~~renewed or is terminated, the contracted provider is responsible~~  
483 ~~for all debts of the program or school operated by the provider.~~

484 ~~(c) A school district that terminates its program under~~  
485 ~~paragraph (d) shall contract with a provider selected and~~  
486 ~~approved by the department for the provision of virtual~~  
487 ~~instruction until the school district receives approval from the~~  
488 ~~department to operate a new school district virtual instruction~~  
489 ~~program.~~

490 (9) EXCEPTIONS.—A provider of digital or online content or  
491 curriculum that is used to supplement the instruction of  
492 students who are not enrolled in a school district virtual  
493 instruction program under this section is not required to meet  
494 the requirements of this section.

495 (10) MARKETING.—Each school district shall provide Any  
496 ~~information provided by a school district to parents and~~  
497 ~~students regarding the school district's virtual instruction~~  
498 ~~program must include information about opportunities available~~  
499 ~~at, and the parent's and student's right to participate access~~  
500 in a school district virtual instruction program under this  
501 section and in courses offered by, the Florida Virtual School  
502 under s. 1002.37.

503 ~~(11) 2008-2009 SCHOOL DISTRICT VIRTUAL INSTRUCTION~~  
504 ~~PROGRAM.—For the 2008-2009 school year, each school district in~~



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505 ~~the state may offer a school district virtual instruction~~  
506 ~~program to provide full-time virtual courses in kindergarten~~  
507 ~~through grade 8 or to provide full-time or part-time virtual~~  
508 ~~courses in grades 9 through 12 as authorized in paragraph~~  
509 ~~(7) (c). Such program may be operated or contracted as provided~~  
510 ~~under paragraph (1) (b) and must comply with all requirements of~~  
511 ~~this section, except that contracts under this subsection may~~  
512 ~~only be issued for virtual courses in kindergarten through grade~~  
513 ~~8 to providers operating under s. 1002.415 or for virtual~~  
514 ~~courses in grades 9 through 12 as authorized under paragraph~~  
515 ~~(7) (c) to providers who contracted with a regional consortium in~~  
516 ~~the 2007-2008 school year to provide such services.~~

517 (11) ~~(12)~~ RULES.—The State Board of Education shall adopt  
518 rules necessary to administer this section, including rules that  
519 prescribe school district ~~and charter school~~ reporting  
520 requirements under subsection (7).

521 (12) STUDY.—The department shall review the advisability of  
522 legislatively authorizing school districts to contract with  
523 approved private providers for the provision of part-time  
524 virtual instruction programs for students in grades 9 through 12  
525 who are not enrolled in programs under ss. 1003.52 and 1003.53.  
526 The department shall report its findings and recommendations to  
527 the presiding officers of the Legislature and the Governor by  
528 January 15, 2010.

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

533 1002.71 Funding; financial and attendance reporting.—



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534 (3)  
535 (d) For programs offered by school districts pursuant to s.  
536 1002.61 and beginning with the 2009 summer program, each  
537 district's funding shall be based on a ~~full-time equivalent~~  
538 student enrollment that is evenly divisible by 12. If the result  
539 of dividing a district's ~~full-time equivalent~~ student enrollment  
540 by 12 is not a whole number, the district's enrollment  
541 calculation shall be adjusted by adding the minimum number of  
542 ~~full-time equivalent~~ students to produce a ~~full-time equivalent~~  
543 student enrollment calculation that is evenly divisible by 12.

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

545 (a) A child who, for any of the prekindergarten programs  
546 listed in s. 1002.53(3), has not completed more than 70 ~~10~~  
547 percent of the hours authorized to be reported for funding under  
548 subsection (2) may withdraw from the program for good cause and  
549 reenroll in one of the programs, ~~and be reported for funding~~  
550 ~~purposes as a full-time equivalent student in the program for~~  
551 ~~which the child is reenrolled~~. The total funding for a child who  
552 reenrolls in one of the programs for good cause may shall not  
553 exceed one full-time equivalent student. Funding for a child who  
554 withdraws and reenrolls in one of the programs for good cause  
555 shall be issued in accordance with the agency's uniform  
556 attendance policy adopted pursuant to paragraph (6) (d).

557  
558 A child may reenroll only once in a prekindergarten program  
559 under this section. A child who reenrolls in a prekindergarten  
560 program under this subsection may not subsequently withdraw from  
561 the program and reenroll. The Agency for Workforce Innovation  
562 shall establish criteria specifying whether a good cause exists



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563 for a child to withdraw from a program under paragraph (a),  
564 whether a child has substantially completed a program under  
565 paragraph (b), and whether an extreme hardship exists which is  
566 beyond the child's or parent's control under paragraph (b).

567 (6)

568 (d) The Agency for Workforce Innovation shall adopt, for  
569 funding purposes, a uniform attendance policy for the Voluntary  
570 Prekindergarten Education Program. The attendance policy must  
571 apply statewide and apply equally to all private prekindergarten  
572 providers and public schools. The attendance policy must  
573 ~~establish a minimum requirement for student attendance and~~  
574 include at least the following provisions:

575 1. Beginning with the 2009-2010 fiscal year for school-year  
576 programs, a student's attendance may be reported on a pro rata  
577 basis as a fractional part of a full-time equivalent student and  
578 ~~the 2009 summer program, a student who meets the minimum~~  
579 ~~requirement of 80 percent of the total number of hours for the~~  
580 ~~program may be reported as a full-time equivalent student for~~  
581 ~~funding purposes.~~

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

588 3. A private prekindergarten provider or public school may  
589 not receive payment for absences that occur before a student's  
590 first day of attendance or after a student's last day of  
591 attendance. A student who does not meet the minimum requirement



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592 ~~may be reported as a full-time equivalent student if the student~~  
593 ~~is absent for good cause in accordance with exceptions specified~~  
594 ~~in the uniform attendance policy.~~

595  
596 The uniform attendance policy shall be used only for funding  
597 purposes and does not prohibit a private prekindergarten  
598 provider or public school from adopting and enforcing its  
599 attendance policy under paragraphs (a) and (c).

600 Section 13. Paragraph (g) of subsection (1) of section  
601 1003.02, Florida Statutes, is amended to read:

602 1003.02 District school board operation and control of  
603 public K-12 education within the school district.—As provided in  
604 part II of chapter 1001, district school boards are  
605 constitutionally and statutorily charged with the operation and  
606 control of public K-12 education within their school district.  
607 The district school boards must establish, organize, and operate  
608 their public K-12 schools and educational programs, employees,  
609 and facilities. Their responsibilities include staff  
610 development, public K-12 school student education including  
611 education for exceptional students and students in juvenile  
612 justice programs, special programs, adult education programs,  
613 and career education programs. Additionally, district school  
614 boards must:

615 (1) Provide for the proper accounting for all students of  
616 school age, for the attendance and control of students at  
617 school, and for proper attention to health, safety, and other  
618 matters relating to the welfare of students in the following  
619 fields:

620 (g) *School operation.*—



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621           1. Provide for the operation of all public schools as free  
622 schools for a term of ~~at least~~ 180 days or the equivalent on an  
623 hourly basis as specified by rules of the State Board of  
624 Education; determine district school funds necessary in addition  
625 to state funds to operate all schools for the minimum term; and  
626 arrange for the levying of district school taxes necessary to  
627 provide the amount needed from district sources.

628           2. Prepare, adopt, and timely submit to the Department of  
629 Education, as required by law and by rules of the State Board of  
630 Education, the annual school budget, so as to promote the  
631 improvement of the district school system.

632           Section 14. Paragraph (b) of subsection (2) and subsection  
633 (4) of section 1003.03, Florida Statutes, as amended by section  
634 9 of chapter 2009-3, Laws of Florida, are amended to read:

635           1003.03 Maximum class size.—

636           (2) IMPLEMENTATION.—

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

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

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

645           3. For fiscal year 2010-2011 ~~2009-2010~~ and thereafter, the  
646 calculation for compliance shall be at the individual classroom  
647 level.

648           4. For fiscal years 2006-2007 through 2009-2010 and  
649 thereafter, each teacher assigned to any classroom shall be



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650 included in the calculation for compliance.

651 (4) ACCOUNTABILITY.—

652 (a)1. Beginning in the 2003-2004 fiscal year, if the  
653 department determines for any year that a school district has  
654 not reduced average class size as required in subsection (2) at  
655 the time of the third FEFP calculation, the department shall  
656 calculate an amount from the class size reduction operating  
657 categorical which is proportionate to the amount of class size  
658 reduction not accomplished. Upon verification of the  
659 department's calculation by the Florida Education Finance  
660 Program Appropriation Allocation Conference and not later than  
661 March 1 of each year, the Executive Office of the Governor shall  
662 transfer undistributed funds equivalent to the calculated amount  
663 from the district's class size reduction operating categorical  
664 to an approved fixed capital outlay appropriation for class size  
665 reduction in the affected district pursuant to s. 216.292(2)(d).  
666 The amount of funds transferred shall be the lesser of the  
667 amount verified by the Florida Education Finance Program  
668 Appropriation Allocation Conference or the undistributed balance  
669 of the district's class size reduction operating categorical.

670 2. In lieu of the transfer required by subparagraph 1., the  
671 Commissioner of Education may recommend a budget amendment,  
672 subject to approval by the Legislative Budget Commission, to  
673 transfer an alternative amount of funds from the district's  
674 class size reduction operating categorical to its approved fixed  
675 capital outlay account for class size reduction if the  
676 commissioner finds that the State Board of Education has  
677 reviewed evidence indicating that a district has been unable to  
678 meet class size reduction requirements despite appropriate





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679 effort to do so. The commissioner's budget amendment must be  
680 submitted to the Legislative Budget Commission by February 15 of  
681 each year.

682 3. For the 2007-2008 fiscal year and thereafter, if in any  
683 fiscal year funds from a district's class size operating  
684 categorical are required to be transferred to its fixed capital  
685 outlay fund and the district's class size operating categorical  
686 allocation in the General Appropriations Act for that fiscal  
687 year has been reduced by a subsequent appropriation, the  
688 Commissioner of Education may recommend a 50-percent reduction  
689 in the amount of the transfer.

690 (b) Beginning in the 2010-2011 fiscal year and each year  
691 thereafter, if the department determines that the number of  
692 students assigned to any individual class exceeds the class size  
693 maximum, as required in subsection (2), at the time of the third  
694 FEFP calculation, the department shall:

695 1. Identify, for each grade group, the number of classes in  
696 which the enrollment exceeds the maximum, the number of students  
697 which exceed the maximum for each class, and the total number of  
698 students which exceed the maximum for all classes.

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

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

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



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708           (c) Upon verification of the department's calculation by  
709 the Florida Education Finance Program Appropriation Allocation  
710 Conference and no later than March 1 of each year, the Executive  
711 Office of the Governor shall place these funds in reserve and  
712 the undistributed funds shall revert to the General Revenue Fund  
713 unallocated at the end of the fiscal year. The amount of funds  
714 reduced shall be the lesser of the amount verified by the  
715 Florida Education Finance Program Appropriation Allocation  
716 Conference or the undistributed balance of the district's class-  
717 size-reduction operating categorical allocation.

718           (d) In lieu of the reduction calculation in paragraph (b),  
719 the Commissioner of Education may recommend a budget amendment,  
720 subject to approval of the Legislative Budget Commission, to  
721 reduce an alternative amount of funds from the district's class-  
722 size-reduction operating categorical allocation. The  
723 commissioner's budget amendment must be submitted to the  
724 Legislative Budget Commission by February 15 of each year.

725           (e) In addition to the calculation required in paragraph  
726 (a), at the time of the third FEFP calculation for the 2009-2010  
727 fiscal year, the department shall also prepare a simulated  
728 calculation based on the requirements in paragraphs (b) and (c).  
729 This simulated calculation shall be provided to the school  
730 districts and the Legislature.

731           ~~(b) Beginning in the 2005-2006 school year, the department~~  
732 ~~shall determine by January 15 of each year which districts have~~  
733 ~~not met the two-student-per-year reduction required in~~  
734 ~~subsection (2) based upon a comparison of the district's October~~  
735 ~~student membership survey for the current school year and the~~  
736 ~~February 2003 baseline student membership survey. The department~~



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737 ~~shall report such districts to the Legislature. Each district~~  
738 ~~that has not met the two-student-per-year reduction shall be~~  
739 ~~required to implement one of the following policies in the~~  
740 ~~subsequent school year unless the department finds that the~~  
741 ~~district comes into compliance based upon the February student~~  
742 ~~membership survey:~~

- 743       ~~1. Year-round schools;~~  
744       ~~2. Double sessions;~~  
745       ~~3. Rezoning; or~~  
746       ~~4. Maximizing use of instructional staff by changing~~  
747 ~~required teacher loads and scheduling of planning periods,~~  
748 ~~deploying school district employees who have professional~~  
749 ~~certification to the classroom, using adjunct educators,~~  
750 ~~operating schools beyond the normal operating hours to provide~~  
751 ~~classes in the evening, or operating more than one session~~  
752 ~~during the day.~~

753  
754 ~~A school district that is required to implement one of the~~  
755 ~~policies outlined in subparagraphs 1.-4. shall correct in the~~  
756 ~~year of implementation any past deficiencies and bring the~~  
757 ~~district into compliance with the two-student-per-year reduction~~  
758 ~~goals established for the district by the department pursuant to~~  
759 ~~subsection (2). A school district may choose to implement more~~  
760 ~~than one of these policies. The district school superintendent~~  
761 ~~shall report to the Commissioner of Education the extent to~~  
762 ~~which the district implemented any of the policies outlined in~~  
763 ~~subparagraphs 1.-4. in a format to be specified by the~~  
764 ~~Commissioner of Education. The Department of Education shall use~~  
765 ~~the enforcement authority provided in s. 1008.32 to ensure that~~



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766 ~~districts comply with the provisions of this paragraph.~~

767 ~~(c) Beginning in the 2006-2007 school year, the department~~  
768 ~~shall annually determine which districts do not meet the~~  
769 ~~requirements described in subsection (2). In addition to~~  
770 ~~enforcement authority provided in s. 1008.32, the Department of~~  
771 ~~Education shall develop a constitutional compliance plan for~~  
772 ~~each such district which includes, but is not limited to,~~  
773 ~~redrawing school attendance zones to maximize use of facilities~~  
774 ~~while minimizing the additional use of transportation unless the~~  
775 ~~department finds that the district comes into compliance based~~  
776 ~~upon the February student membership survey and the other~~  
777 ~~accountability policies listed in paragraph (b). Each district~~  
778 ~~school board shall implement the constitutional compliance plan~~  
779 ~~developed by the state board until the district complies with~~  
780 ~~the constitutional class size maximums.~~

781 Section 15. Paragraph (a) of subsection (1) of section  
782 1004.55, Florida Statutes, is amended to read:

783 1004.55 Regional autism centers.-

784 (1) Seven regional autism centers are established to  
785 provide nonresidential resource and training services for  
786 persons of all ages and of all levels of intellectual  
787 functioning who have autism, as defined in s. 393.063; who have  
788 a pervasive developmental disorder that is not otherwise  
789 specified; who have an autistic-like disability; who have a dual  
790 sensory impairment; or who have a sensory impairment with other  
791 handicapping conditions. Each center shall be operationally and  
792 fiscally independent and shall provide services within its  
793 geographical region of the state. Service delivery shall be  
794 consistent for all centers. Each center shall coordinate



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795 services within and between state and local agencies and school  
796 districts but may not duplicate services provided by those  
797 agencies or school districts. The respective locations and  
798 service areas of the centers are:

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

804 Section 16. Paragraphs (a) and (b) of subsection (5) of  
805 section 1006.06, Florida Statutes, are amended to read:

806 1006.06 School food service programs.—

807 (5) (a) Each district school board shall implement school  
808 breakfast programs that make breakfast meals available to all  
809 students in each elementary school. By the beginning of the  
810 2010-2011 school year, universal ~~the~~ school breakfast programs  
811 shall be offered in schools in which 80 percent or more of the  
812 students are eligible for free or reduced-price meals ~~make~~  
813 ~~breakfast meals available to all students in each elementary,~~  
814 ~~middle, and high school.~~ Each school shall, to the maximum  
815 extent practicable, make breakfast meals available to students  
816 at an alternative site location, which may include, but need not  
817 be limited to, alternative breakfast options as described in  
818 publications of the Food and Nutrition Service of the United  
819 States Department of Agriculture for the federal School  
820 Breakfast Program.

821 (b) Beginning with the 2009-2010 school year, each school  
822 district must annually set prices for breakfast meals at rates  
823 that, combined with federal reimbursements and state



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824 allocations, are sufficient to defray costs of school breakfast  
825 programs without requiring allocations from the district's  
826 operating funds, except if the district school board approves  
827 lower rates.

828 Section 17. Subsection (5) is added to section 1006.21,  
829 Florida Statutes, to read:

830 1006.21 Duties of district school superintendent and  
831 district school board regarding transportation.—

832 (5) Contiguous school districts shall make provisions for  
833 reciprocal policies and agreements for contracts for school bus  
834 transportation services, inspections, and screening requirements  
835 for public schools and public charter schools.

836 Section 18. Subsection (1) of section 1006.28, Florida  
837 Statutes, is amended to read:

838 1006.28 Duties of district school board, district school  
839 superintendent; and school principal regarding K-12  
840 instructional materials.—

841 (1) DISTRICT SCHOOL BOARD.—The district school board has  
842 the duty to provide adequate instructional materials for all  
843 students in accordance with the requirements of this part. The  
844 term "adequate instructional materials" means a sufficient  
845 number of textbooks or sets of materials that are available in  
846 bound, unbound, kit, or package form and may consist of hard-  
847 backed or soft-backed textbooks, consumables, learning  
848 laboratories, manipulatives, electronic media, and computer  
849 courseware or software that serve ~~serve~~ as the basis for  
850 instruction for each student in the core courses of mathematics,  
851 language arts, social studies, science, reading, and literature,  
852 except for instruction for which the school advisory council



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853 approves the use of a program that does not include a textbook  
854 as a major tool of instruction. The district school board has  
855 the following specific duties:

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

858 (b) *Textbooks.*—Provide for proper requisitioning,  
859 distribution, accounting, storage, care, and use of all  
860 instructional materials furnished by the state and furnish such  
861 other instructional materials as may be needed. The district  
862 school board shall assure that instructional materials used in  
863 the district are consistent with the district goals and  
864 objectives and the curriculum frameworks adopted by rule of the  
865 State Board of Education, as well as with the state and district  
866 performance standards provided for in s. 1001.03(1).

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

870 (d) *School library media services; establishment and*  
871 *maintenance.*—Establish and maintain a program of school library  
872 media services for all public schools in the district, including  
873 school library media centers, or school library media centers  
874 open to the public, and, in addition such traveling or  
875 circulating libraries as may be needed for the proper operation  
876 of the district school system.

877 Section 19. Paragraph (a) of subsection (2) of section  
878 1006.40, Florida Statutes, as amended by section 10 of chapter  
879 2009-3, Laws of Florida, is amended to read:

880 1006.40 Use of instructional materials allocation;  
881 instructional materials, library books, and reference books;



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882 repair of books.-

883 (2) (a) Each district school board must purchase current  
884 instructional materials to provide each student with a textbook  
885 or other instructional materials as a major tool of instruction  
886 in core courses of the appropriate subject areas of mathematics,  
887 language arts, science, social studies, reading, and literature  
888 for kindergarten through grade 12. Such purchase must be made  
889 within the first 2 years after the effective date of the  
890 adoption cycle; however, this requirement is waived for the  
891 adoption cycle occurring in the 2008-2009 academic year for  
892 schools within the district which are identified in the top four  
893 categories of schools pursuant to s. 1008.33, as amended by  
894 CS/CS/HB 991, Engrossed 1. The Commissioner of Education may  
895 provide a waiver of this requirement for the adoption cycle  
896 occurring in the 2008-2009 academic year if the district  
897 demonstrates that it has intervention and support strategies to  
898 address the particular needs of schools in the lowest two  
899 categories. Unless specifically provided for in the General  
900 Appropriations Act, the cost of instructional materials  
901 purchases required by this paragraph shall not exceed the amount  
902 of the district's allocation for instructional materials,  
903 pursuant to s. 1011.67, for the previous 2 years.

904 Section 20. Subsection (12) is added to section 1007.25,  
905 Florida Statutes, to read:

906 1007.25 General education courses; common prerequisites;  
907 and other degree requirements.-

908 (12) (a) A public postsecondary educational institution may  
909 not confer an associate in arts or baccalaureate degree upon any  
910 student who fails to successfully complete one of the following





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911 requirements:

912 1. Achieve a score that meets or exceeds a minimum score on  
913 a nationally standardized examination, as established by the  
914 State Board of Education in conjunction with the Board of  
915 Governors; or

916 2. Demonstrate successful remediation of any academic  
917 deficiencies and achieve a cumulative grade point average of 2.5  
918 or above, on a 4.0 scale, in postsecondary-level coursework  
919 identified by the State Board of Education in conjunction with  
920 the Board of Governors. The Department of Education shall  
921 specify the means by which a student may demonstrate successful  
922 remediation.

923 (b) Any student who, in the best professional opinion of  
924 the postsecondary educational institution, has a specific  
925 learning disability such that the student cannot demonstrate  
926 successful mastery of one or more of the authorized examinations  
927 but is achieving at the college level in every area despite his  
928 or her disability, and whose diagnosis indicates that further  
929 remediation will not succeed in overcoming the disability, may  
930 appeal through the appropriate dean to a committee appointed by  
931 the president or the chief academic officer for special  
932 consideration. The committee shall examine the evidence of the  
933 student's academic and medical records and may hear testimony  
934 relevant to the case. The committee may grant a waiver for one  
935 or more of the authorized examinations based on the results of  
936 its review.

937 (c) Each public postsecondary educational institution  
938 president shall establish a committee to consider requests for  
939 waivers from the requirements in paragraph (a). The committee



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940 shall be chaired by the chief academic officer of the  
941 institution and shall have four additional members appointed by  
942 the president as follows:

- 943 1. One faculty member from the mathematics department;  
944 2. One faculty member from the English department;  
945 3. The institutional test administrator; and  
946 4. One faculty member from a department other than English  
947 or mathematics.

948 (d) Any student who has taken the authorized examinations  
949 and has not achieved a passing score, but has otherwise  
950 demonstrated proficiency in coursework in the same subject area,  
951 may request a waiver from the examination requirement. Waivers  
952 shall be considered only after students have been provided test  
953 accommodations or other administrative adjustments to permit the  
954 accurate measurement of the student's proficiency in the subject  
955 areas measured by the authorized examinations. The committee  
956 shall consider the student's educational records and other  
957 evidence as to whether the student should be able to pass the  
958 authorized examinations. A waiver may be recommended to the  
959 president upon a majority vote of the committee. The president  
960 may approve or disapprove the recommendation. The president may  
961 not approve a request that the committee has disapproved. If a  
962 waiver is approved, the student's transcript shall include a  
963 statement that the student did not meet the requirements of this  
964 subsection and that a waiver was granted.

965 Section 21. Section 1008.29, Florida Statutes, is repealed.

966 Section 22. Paragraph (c) of subsection (1) of section  
967 1008.41, Florida Statutes, is amended to read:

968 1008.41 Workforce education; management information



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969 system.-

970 (1) The Commissioner of Education shall coordinate uniform  
971 program structures, common definitions, and uniform management  
972 information systems for workforce education for all divisions  
973 within the department. In performing these functions, the  
974 commissioner shall designate deadlines after which data elements  
975 may not be changed for the coming fiscal or school year. School  
976 districts and community colleges shall be notified of data  
977 element changes at least 90 days prior to the start of the  
978 subsequent fiscal or school year. Such systems must provide for:

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

983 Section 23. Section 1010.06, Florida Statutes, is created  
984 to read:

985 1010.06 Indirect cost limitation.-State funds appropriated  
986 by the Legislature to the Division of Public Schools within the  
987 Department of Education may not be used to pay indirect costs to  
988 a university, community college, school district, or any other  
989 entity.

990 Section 24. Section 1010.11, Florida Statutes, is amended  
991 to read:

992 1010.11 Electronic transfer of funds.-Pursuant to the  
993 provisions of s. 215.85, each district school board, community  
994 college board of trustees, and university board of trustees  
995 shall adopt written policies prescribing the accounting and  
996 control procedures under which any funds under their control are  
997 allowed to be moved by electronic transaction for any purpose



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998 including direct deposit, wire transfer, withdrawal, ~~or~~  
999 investment, or payment. Electronic transactions shall comply  
1000 with the provisions of chapter 668.

1001 Section 25. Subsection (4) is added to section 1011.09,  
1002 Florida Statutes, to read:

1003 1011.09 Expenditure of funds by district school board.—All  
1004 state funds apportioned to the credit of any district constitute  
1005 a part of the district school fund of that district and must be  
1006 budgeted and expended under authority of the district school  
1007 board subject to the provisions of law and rules of the State  
1008 Board of Education.

1009 (4) During the 2009-2010 fiscal year, unless otherwise  
1010 specifically approved by the district school board, public funds  
1011 may not be expended for out-of-state travel or cellular phones,  
1012 cellular phone service, personal digital assistants, or any  
1013 other mobile wireless communication device or service, including  
1014 text messaging, whether through purchasing, leasing,  
1015 contracting, or any other method. The expenditure of public  
1016 funds for art programs, music programs, sports programs, and  
1017 extracurricular programs for students is a higher priority than  
1018 expending funds for employee travel and cellular phones.

1019 Section 26. Subsection (4) of section 1011.18, Florida  
1020 Statutes, is amended to read:

1021 1011.18 School depositories; payments into and withdrawals  
1022 from depositories.—

1023 (4) HOW FUNDS DRAWN FROM DEPOSITORIES.—All money drawn from  
1024 any district school depository holding same as prescribed herein  
1025 shall be upon a check or warrant drawn on authority of the  
1026 district school board as prescribed by law. Each check or



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1027 warrant shall be signed by the chair or, in his or her absence,  
1028 the vice chair of the district school board and countersigned by  
1029 the district school superintendent, with corporate seal of the  
1030 school board affixed. However, as a matter of convenience, the  
1031 corporate seal of the district school board may be printed upon  
1032 the warrant and a proper record of such warrant shall be  
1033 maintained. The district school board may by resolution, a copy  
1034 of which must be delivered to the depository, provide for  
1035 internal funds to be withdrawn from any district depository by a  
1036 check duly signed by at least two bonded school employees  
1037 designated by the board to be responsible for administering such  
1038 funds. However, the district school superintendent or his or her  
1039 designee, after having been by resolution specifically  
1040 authorized by the district school board, may transfer funds from  
1041 one depository to another, within a depository, to another  
1042 institution, or from another institution to a depository for  
1043 investment purposes and may transfer funds to pay expenses,  
1044 expenditures, or other disbursements that must be evidenced by  
1045 an invoice or other appropriate documentation in a similar  
1046 manner ~~when the transfer does not represent an expenditure,~~  
1047 ~~advance, or reduction of cash assets.~~ Such transfer may be made  
1048 by electronic, telephonic, or other medium; and each transfer  
1049 shall be confirmed in writing and signed by the district school  
1050 superintendent or his or her designee.

1051 Section 27. Subsection (2) and paragraphs (d) and (f) of  
1052 subsection (3) of section 1011.60, Florida Statutes, are amended  
1053 to read:

1054 1011.60 Minimum requirements of the Florida Education  
1055 Finance Program.—Each district which participates in the state



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1056 appropriations for the Florida Education Finance Program shall  
1057 provide evidence of its effort to maintain an adequate school  
1058 program throughout the district and shall meet at least the  
1059 following requirements:

1060 (2) MINIMUM TERM.—Operate all schools for a term of ~~at~~  
1061 ~~least~~ 180 actual teaching days or the equivalent on an hourly  
1062 basis as specified by rules of the State Board of Education each  
1063 school year. The State Board of Education may prescribe  
1064 procedures for altering, and, upon written application, may  
1065 alter, this requirement during a national, state, or local  
1066 emergency as it may apply to an individual school or schools in  
1067 any district or districts if, in the opinion of the board, it is  
1068 not feasible to make up lost days or hours, and the  
1069 apportionment may, at the discretion of the Commissioner of  
1070 Education and if the board determines that the reduction of  
1071 school days or hours is caused by the existence of a bona fide  
1072 emergency, be reduced for such district or districts in  
1073 proportion to the decrease in the length of term in any such  
1074 school or schools. A strike, as defined in s. 447.203(6), by  
1075 employees of the school district may not be considered an  
1076 emergency.

1077 (3) EMPLOYMENT POLICIES.—Adopt rules relating to the  
1078 appointment, promotion, transfer, suspension, and dismissal of  
1079 personnel.

1080 (d) District school boards may authorize a maximum of six  
1081 paid legal holidays which shall apply to the total annual number  
1082 of required ~~196~~ days of service adopted by the board.

1083 (f) Such rules must not require more than 10 ~~12~~ calendar  
1084 months of service for ~~such~~ principals, other school site



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1085 administrators, and instructional staff, as prescribed by rules  
1086 of the State Board of Education ~~and must require 10 months to~~  
1087 ~~include not less than 196 days of service,~~ excluding Sundays and  
1088 other holidays. Principals, other school site administrators,  
1089 and instructional staff may serve more than 10 calendar months  
1090 of service if specifically approved by the district school  
1091 board. Contracts for 12 months of service may, ~~for all members~~  
1092 ~~of the instructional staff, with any such service on a 12-month~~  
1093 ~~basis to~~ include reasonable allowance for vacation or further  
1094 study as prescribed by the school board in accordance with rules  
1095 of the State Board of Education.

1096 Section 28. Paragraph (c) of subsection (1) of section  
1097 1011.61, Florida Statutes, is amended to read:

1098 1011.61 Definitions.—Notwithstanding the provisions of s.  
1099 1000.21, the following terms are defined as follows for the  
1100 purposes of the Florida Education Finance Program:

1101 (1) A "full-time equivalent student" in each program of the  
1102 district is defined in terms of full-time students and part-time  
1103 students as follows:

1104 (c)1. A "full-time equivalent student" is:

1105 a. A full-time student in any one of the programs listed in  
1106 s. 1011.62(1)(c); or

1107 b. A combination of full-time or part-time students in any  
1108 one of the programs listed in s. 1011.62(1)(c) which is the  
1109 equivalent of one full-time student based on the following  
1110 calculations:

1111 (I) A full-time student, except a postsecondary or adult  
1112 student or a senior high school student enrolled in adult  
1113 education when such courses are required for high school



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1114 graduation, in a combination of programs listed in s.  
1115 1011.62(1)(c) shall be a fraction of a full-time equivalent  
1116 membership in each special program equal to the number of net  
1117 hours per school year for which he or she is a member, divided  
1118 by the appropriate number of hours set forth in subparagraph  
1119 (a)1. or subparagraph (a)2. The difference between that fraction  
1120 or sum of fractions and the maximum value as set forth in  
1121 subsection (4) for each full-time student is presumed to be the  
1122 balance of the student's time not spent in such special  
1123 education programs and shall be recorded as time in the  
1124 appropriate basic program.

1125 (II) A prekindergarten handicapped student shall meet the  
1126 requirements specified for kindergarten students.

1127 (III) A full-time equivalent student for students in  
1128 kindergarten through grade 5 ~~grades K-8~~ in a school district  
1129 virtual instruction program under ~~as provided in~~ s. 1002.45  
1130 shall consist of a student who has successfully completed a  
1131 basic program listed in s. 1011.62(1)(c)1.a. or b., and who is  
1132 promoted to a higher grade level.

1133 (IV) A full-time equivalent student for students in grades  
1134 6 through 12 ~~9-12~~ in a school district virtual instruction  
1135 program under s. 1002.45(1)(b)1. and 2. ~~as provided in s.~~  
1136 ~~1002.45~~ shall consist of six full credit completions in programs  
1137 listed in s. 1011.62(1)(c)1.b. or c. ~~s. 1011.62(1)(c)1. and 3~~ 4.  
1138 Credit completions can be a combination of either full credits  
1139 or half credits.

1140 (V) A Florida Virtual School full-time equivalent student  
1141 shall consist of six full credit completions in the programs  
1142 listed in s. 1011.62(1)(c)1.b. for grades 6 through 8 and the





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1143 programs listed in s. 1011.62(1)(c)1.c. for grades 9 through 12  
1144 s. 1011.62(1)(c)1. and 4. Credit completions can be a  
1145 combination of either full credits or half credits.

1146 (VI) Each successfully completed credit earned under the  
1147 alternative high school course credit requirements authorized in  
1148 s. 1002.375, which is not reported as a portion of the 900 net  
1149 hours of instruction pursuant to subparagraph (1)(a)1., shall be  
1150 calculated as 1/6 FTE.

1151 2. A student in membership in a program scheduled for more  
1152 or less than 180 school days or the equivalent on an hourly  
1153 basis as specified by rules of the State Board of Education is a  
1154 fraction of a full-time equivalent membership equal to the  
1155 number of instructional hours in membership divided by the  
1156 appropriate number of hours set forth in subparagraph (a)1.;  
1157 however, for the purposes of this subparagraph, membership in  
1158 programs scheduled for more than 180 days is limited to students  
1159 enrolled in juvenile justice education programs and the Florida  
1160 Virtual School.

1161  
1162 The department shall determine and implement an equitable method  
1163 of equivalent funding for experimental schools and for schools  
1164 operating under emergency conditions, which schools have been  
1165 approved by the department to operate for less than the minimum  
1166 school day.

1167 Section 29. Present paragraphs (l) through (p) of  
1168 subsection (1) of section 1011.62, Florida Statutes, are  
1169 redesignated as paragraphs (m) through (q), respectively, a new  
1170 paragraph (l) is added to that subsection, present paragraph (p)  
1171 of that subsection is amended, and subsections (4) and (5),



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1172 paragraph (b) of subsection (6), and paragraph (a) of subsection  
1173 (12) of that section are amended, to read:

1174 1011.62 Funds for operation of schools.—If the annual  
1175 allocation from the Florida Education Finance Program to each  
1176 district for operation of schools is not determined in the  
1177 annual appropriations act or the substantive bill implementing  
1178 the annual appropriations act, it shall be determined as  
1179 follows:

1180 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
1181 OPERATION.—The following procedure shall be followed in  
1182 determining the annual allocation to each district for  
1183 operation:

1184 (1) Study hall.—A student who is enrolled in study hall may  
1185 not be included in the calculation of full-time equivalent  
1186 student membership for funding under this section.

1187 (q) ~~(p)~~ Calculation of additional full-time equivalent  
1188 membership for the Florida Virtual School.—The ~~total~~ reported  
1189 full-time equivalent student membership for the Florida Virtual  
1190 School for students who are also enrolled in a school district  
1191 shall be multiplied by 0.114, and such value shall be added to  
1192 the total full-time equivalent student membership.

1193 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The  
1194 Legislature shall prescribe the aggregate required local effort  
1195 for all school districts collectively as an item in the General  
1196 Appropriations Act for each fiscal year. The amount that each  
1197 district shall provide annually toward the cost of the Florida  
1198 Education Finance Program for kindergarten through grade 12  
1199 programs shall be calculated as follows:

1200 (a) *Estimated taxable value calculations.*—



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1201           1.a. Not later than 2 working days prior to July 19, the  
1202 Department of Revenue shall certify to the Commissioner of  
1203 Education its most recent estimate of the taxable value for  
1204 school purposes in each school district and the total for all  
1205 school districts in the state for the current calendar year  
1206 based on the latest available data obtained from the local  
1207 property appraisers. The value certified shall be the taxable  
1208 value for school purposes for that year, and no further  
1209 adjustments shall be made, except those made pursuant to  
1210 paragraphs (c) and (d), or an assessment roll change required by  
1211 final judicial decisions as specified in paragraph (12) (b). Not  
1212 later than July 19, the Commissioner of Education shall compute  
1213 a millage rate, rounded to the next highest one one-thousandth  
1214 of a mill, which, when applied to 95 percent of the estimated  
1215 state total taxable value for school purposes, would generate  
1216 the prescribed aggregate required local effort for that year for  
1217 all districts. The Commissioner of Education shall certify to  
1218 each district school board the millage rate, computed as  
1219 prescribed in this subparagraph, as the minimum millage rate  
1220 necessary to provide the district required local effort for that  
1221 year.

1222           b. The General Appropriations Act shall direct the  
1223 computation of the statewide adjusted aggregate amount for  
1224 required local effort for all school districts collectively from  
1225 ad valorem taxes to ensure that no school district's revenue  
1226 from required local effort millage will produce more than 90  
1227 percent of the district's total Florida Education Finance  
1228 Program calculation as calculated and adopted by the  
1229 Legislature, and the adjustment of the required local effort



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1230 millage rate of each district that produces more than 90 percent  
1231 of its total Florida Education Finance Program entitlement to a  
1232 level that will produce only 90 percent of its total Florida  
1233 Education Finance Program entitlement in the July calculation.

1234 2. On the same date as the certification in sub-  
1235 subparagraph 1.a., the Department of Revenue shall certify to  
1236 the Commissioner of Education for each district:

1237 a. Each year for which the property appraiser has certified  
1238 the taxable value pursuant to s. 193.122(2) or (3), if  
1239 applicable, since the prior certification under sub-subparagraph  
1240 1.a.

1241 b. For each year identified in sub-subparagraph a., the  
1242 taxable value certified by the appraiser pursuant to s.  
1243 193.122(2) or (3), if applicable, since the prior certification  
1244 under sub-subparagraph 1.a. This is the certification that  
1245 reflects all final administrative actions of the value  
1246 adjustment board. As revised data are received from property  
1247 appraisers, the Department of Revenue shall amend the  
1248 certification of the estimate of the taxable value for school  
1249 purposes.

1250 ~~(b) Final calculation.-~~

1251 ~~1. The taxable value for school purposes certified by the~~  
1252 ~~Department of Revenue which is used in the fourth calculation~~  
1253 ~~with the annualized full-time student membership from the~~  
1254 ~~February student survey shall be the final taxable value used in~~  
1255 ~~the final calculation.~~

1256 ~~2. For purposes of this paragraph, the final taxable value~~  
1257 ~~for school purposes shall be the taxable value for school~~  
1258 ~~purposes on which the tax bills are computed and mailed to the~~



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1259 ~~taxpayers, adjusted to reflect final administrative actions of~~  
1260 ~~value adjustment boards and judicial decisions pursuant to~~  
1261 ~~chapter 194. For each county that has not submitted a revised~~  
1262 ~~tax roll reflecting final value adjustment board actions and~~  
1263 ~~final judicial decisions, the Department of Revenue shall~~  
1264 ~~certify the most recent revision of the taxable value for school~~  
1265 ~~purposes. The value certified under subparagraph 1. shall be the~~  
1266 ~~final taxable value for school purposes for that year, and no~~  
1267 ~~further adjustments shall be made, except those made pursuant to~~  
1268 ~~paragraph (12) (b).~~

1269 (b)(e) *Equalization of required local effort.-*

1270 1. The Department of Revenue shall include with its  
1271 certifications provided pursuant to paragraph (a) its most  
1272 recent determination of the assessment level of the prior year's  
1273 assessment roll for each county and for the state as a whole.

1274 2. The Commissioner of Education shall adjust the required  
1275 local effort millage of each district for the current year,  
1276 computed pursuant to paragraph (a), as follows:

1277 a. The equalization factor for the prior year's assessment  
1278 roll of each district shall be multiplied by 95 percent of the  
1279 taxable value for school purposes shown on that roll and by the  
1280 prior year's required local-effort millage, exclusive of any  
1281 equalization adjustment made pursuant to this paragraph. The  
1282 dollar amount so computed shall be the additional required local  
1283 effort for equalization for the current year.

1284 b. Such equalization factor shall be computed as the  
1285 quotient of the prior year's assessment level of the state as a  
1286 whole divided by the prior year's assessment level of the  
1287 county, from which quotient shall be subtracted 1.



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1288           c. The dollar amount of additional required local effort  
1289 for equalization for each district shall be converted to a  
1290 millage rate, based on 95 percent of the current year's taxable  
1291 value for that district, and added to the required local effort  
1292 millage determined pursuant to paragraph (a).

1293           3. Notwithstanding the limitations imposed pursuant to s.  
1294 1011.71(1), the total required local-effort millage, including  
1295 additional required local effort for equalization, shall be an  
1296 amount not to exceed 10 minus the maximum millage allowed as  
1297 nonvoted discretionary millage, exclusive of millage authorized  
1298 pursuant to s. 1011.71(2). Nothing herein shall be construed to  
1299 allow a millage in excess of that authorized in s. 9, Art. VII  
1300 of the State Constitution.

1301           4. For the purposes of this chapter, the term "assessment  
1302 level" means the value-weighted mean assessment ratio for the  
1303 county or state as a whole, as determined pursuant to s.  
1304 195.096, or as subsequently adjusted. However, for those parcels  
1305 studied pursuant to s. 195.096(3)(a)1. which are receiving the  
1306 assessment limitation set forth in s. 193.155, and for which the  
1307 assessed value is less than the just value, the department shall  
1308 use the assessed value in the numerator and the denominator of  
1309 such assessment ratio. In the event a court has adjudicated that  
1310 the department failed to establish an accurate estimate of an  
1311 assessment level of a county and recomputation resulting in an  
1312 accurate estimate based upon the evidence before the court was  
1313 not possible, that county shall be presumed to have an  
1314 assessment level equal to that of the state as a whole.

1315           5. If, in the prior year, taxes were levied against an  
1316 interim assessment roll pursuant to s. 193.1145, the assessment



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1317 level and prior year's nonexempt assessed valuation used for the  
1318 purposes of this paragraph shall be those of the interim  
1319 assessment roll.

1320 (c)~~(d)~~ *Exclusion.*—

1321 1. In those instances in which:

1322 a. There is litigation either attacking the authority of  
1323 the property appraiser to include certain property on the tax  
1324 assessment roll as taxable property or contesting the assessed  
1325 value of certain property on the tax assessment roll, and

1326 b. The assessed value of the property in contest involves  
1327 more than 6 percent of the total nonexempt assessment roll, the  
1328 plaintiff shall provide to the district school board of the  
1329 county in which the property is located and to the Department of  
1330 Education a certified copy of the petition and receipt for the  
1331 good faith payment at the time they are filed with the court.

1332 2. For purposes of computing the required local effort for  
1333 each district affected by such petition, the Department of  
1334 Education shall exclude from the district's total nonexempt  
1335 assessment roll the assessed value of the property in contest  
1336 and shall add the amount of the good faith payment to the  
1337 district's required local effort.

1338 (d)~~(e)~~ *Recomputation.*—Following final adjudication of any  
1339 litigation on the basis of which an adjustment in taxable value  
1340 was made pursuant to paragraph (c) ~~(d)~~, the department shall  
1341 recompute the required local effort for each district for each  
1342 year affected by such adjustments, utilizing taxable values  
1343 approved by the court, and shall adjust subsequent allocations  
1344 to such districts accordingly.

1345 (e) Prior period funding adjustment millage.—



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1346           1. There shall be an additional millage to be known as the  
1347 Prior Period Funding Adjustment Millage levied by a school  
1348 district if the prior period unrealized required local effort  
1349 funds are greater than zero. The Commissioner of Education shall  
1350 calculate the amount of the prior period unrealized required  
1351 local effort funds as specified in subparagraph 2. and the  
1352 millage required to generate that amount as specified in this  
1353 subparagraph. The Prior Period Funding Adjustment Millage shall  
1354 be the quotient of the prior period unrealized required local  
1355 effort funds divided by the current year taxable value certified  
1356 to the Commissioner of Education pursuant to sub-subparagraph  
1357 (a)1.a. This levy shall be in addition to the required local  
1358 effort millage certified pursuant to this subsection. Such  
1359 millage shall not affect the calculation of the current year's  
1360 required local effort and the funds generated by such levy shall  
1361 not be included in the district's Florida Education Finance  
1362 Program allocation for that fiscal year. For purpose of the  
1363 millage to be included on the Notice of Proposed Taxes, the  
1364 Commissioner of Education shall adjust the required local effort  
1365 millage computed pursuant to paragraph (a) as adjusted by  
1366 paragraph (b) for the current year for any district that levies  
1367 a Prior Period Funding Adjustment Millage to include all Prior  
1368 Period Funding Adjustment Millage. For the purpose of this  
1369 paragraph, there shall be a Prior Period Funding Adjustment  
1370 Millage levied for each year certified by the Department of  
1371 Revenue pursuant to sub-subparagraph (a)2.a. since the previous  
1372 year certification and for which the calculation in sub-  
1373 subparagraph 2.b. is greater than zero.

1374           2.a. As used in this subparagraph, the term:





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1375 (I) "Prior year" means a year certified under sub-  
1376 subparagraph (a)2.a.

1377 (II) "Preliminary taxable value" means:

1378 (A) If the prior year is the 2009-2010 fiscal year or  
1379 later, the taxable value certified to the Commissioner of  
1380 Education pursuant to sub-subparagraph (a)1.a.

1381 (B) If the prior year is the 2008-2009 fiscal year or  
1382 earlier, the taxable value certified pursuant to the final  
1383 calculation as specified in former paragraph (b) as that  
1384 paragraph existed in the prior year.

1385 (III) "Final taxable value" means the district's taxable  
1386 value as certified by the property appraiser pursuant to s.  
1387 193.122(2) or (3), if applicable. This is the certification that  
1388 reflects all final administrative actions of the value  
1389 adjustment board.

1390 b. For purposes of this subsection and with respect to each  
1391 year certified pursuant to sub-subparagraph (a)2.a., if the  
1392 district's prior year preliminary taxable value is greater than  
1393 the district's prior year final taxable value, the prior period  
1394 unrealized required local effort funds are the difference  
1395 between the district's prior year preliminary taxable value and  
1396 the district's prior year final taxable value, multiplied by the  
1397 prior year district required local effort millage. If the  
1398 district's prior year preliminary taxable value is less than the  
1399 district's prior year final taxable value, the prior period  
1400 unrealized required local effort funds are zero.

1401 (5) DISCRETIONARY MILLAGE COMPRESSION SUPPLEMENT.—The  
1402 Legislature shall prescribe in the General Appropriations Act,  
1403 pursuant to s. 1011.71(1), the rate of nonvoted current



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1404 operating discretionary millage that shall be used to calculate  
1405 a discretionary millage compression supplement. If the  
1406 prescribed millage generates an amount of funds per unweighted  
1407 FTE for the district that is less than the state average, the  
1408 district shall receive an amount per FTE that, when added to the  
1409 funds per FTE generated by the designated levy, shall equal the  
1410 state average. ~~To be eligible for the supplement, a district  
1411 must levy the maximum authorized millage pursuant to s. 1011.71.~~

1412 (6) CATEGORICAL FUNDS.—

1413 (b) If a district school board finds and declares in a  
1414 resolution adopted at a regular meeting of the school board that  
1415 the funds received for any of the following categorical  
1416 appropriations are urgently needed to maintain school board  
1417 specified academic classroom instruction, the school board may  
1418 consider and approve an amendment to the school district  
1419 operating budget transferring the identified amount of the  
1420 categorical funds to the appropriate account for expenditure:

- 1421 1. Funds for student transportation.
- 1422 2. Funds for safe schools.
- 1423 3. Funds for supplemental academic instruction.
- 1424 4. Funds for research-based reading instruction.
- 1425 5. Funds for instructional materials if all instructional  
1426 material purchases have been completed for that fiscal year, but  
1427 no sooner than March 1, 2010 ~~2009~~.

1428 (12) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR  
1429 CURRENT OPERATION.—The total annual state allocation to each  
1430 district for current operation for the FEFP shall be distributed  
1431 periodically in the manner prescribed in the General  
1432 Appropriations Act.



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1433           ~~(a) The basic amount for current operation for the FEFP as~~  
1434 ~~determined in subsection (1), multiplied by the district cost~~  
1435 ~~differential factor as determined in subsection (2), plus the~~  
1436 ~~amounts provided for categorical components within the FEFP,~~  
1437 ~~plus the discretionary millage compression supplement as~~  
1438 ~~determined in subsection (5), the amount for the sparsity~~  
1439 ~~supplement as determined in subsection (7), the decline in full-~~  
1440 ~~time equivalent students as determined in subsection (8), the~~  
1441 ~~research-based reading instruction allocation as determined in~~  
1442 ~~subsection (9), the allocation for juvenile justice education~~  
1443 ~~programs as determined in subsection (10), the quality assurance~~  
1444 ~~guarantee as determined in subsection (11), less the required~~  
1445 ~~local effort as determined in subsection (4). If the funds~~  
1446 ~~appropriated for the purpose of funding the total amount for~~  
1447 ~~current operation of the FEFP as provided in this paragraph are~~  
1448 ~~not sufficient to pay the state requirement in full, the~~  
1449 ~~department shall prorate the available state funds to each~~  
1450 ~~district in the following manner:~~

1451           1. Determine the percentage of proration by dividing the  
1452 sum of the total amount for current operation, as provided in  
1453 this paragraph for all districts collectively, and the total  
1454 district required local effort into the sum of the state funds  
1455 available for current operation and the total district required  
1456 local effort.

1457           2. Multiply the percentage so determined by the sum of the  
1458 total amount for current operation as provided in this paragraph  
1459 and the required local effort for each individual district.

1460           3. From the product of such multiplication, subtract the  
1461 required local effort of each district; and the remainder shall



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1462 be the amount of state funds allocated to the district for  
1463 current operation.

1464 Section 30. Subsection (7) of section 1011.68, Florida  
1465 Statutes, is repealed.

1466 Section 31. Section 1011.685, Florida Statutes, is amended  
1467 to read:

1468 1011.685 Class size reduction; operating categorical fund.-

1469 (1) There is created an operating categorical fund for  
1470 implementing the class size reduction provisions of s. 1, Art.  
1471 IX of the State Constitution. These funds shall be allocated to  
1472 each school district in the amount prescribed by the Legislature  
1473 in the General Appropriations Act.

1474 (2) Class size reduction operating categorical funds shall  
1475 be used by school districts to reduce class size as required in  
1476 s. 1003.03, or the funds may be used for any lawful operating  
1477 expenditure; however, priority shall be given to increasing  
1478 salaries of classroom teachers. ~~for the following:~~

1479 ~~(a) To reduce class size in any lawful manner, if the~~  
1480 ~~district has not met the constitutional maximums identified in~~  
1481 ~~s. 1003.03(1) or the reduction of two students per year required~~  
1482 ~~by s. 1003.03(2).~~

1483 ~~(b) For any lawful operating expenditure, if the district~~  
1484 ~~has met the constitutional maximums identified in s. 1003.03(1)~~  
1485 ~~or the reduction of two students per year required by s.~~  
1486 ~~1003.03(2); however, priority shall be given to increase~~  
1487 ~~salaries of classroom teachers as defined in s. 1012.01(2) (a)~~  
1488 ~~and to implement the differentiated pay provisions detailed in~~  
1489 ~~s. 1012.22.~~

1490 Section 32. Paragraph (b) of subsection (4) of section



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1491 1011.69, Florida Statutes, is repealed.

1492 Section 33. Section 1011.71, Florida Statutes, as amended  
1493 by section 12 of chapter 2009-3, Laws of Florida, is amended to  
1494 read:

1495 1011.71 District school tax.—

1496 (1) If the district school tax is not provided in the  
1497 General Appropriations Act or the substantive bill implementing  
1498 the General Appropriations Act, each district school board  
1499 desiring to participate in the state allocation of funds for  
1500 current operation as prescribed by s. 1011.62(12) shall levy on  
1501 the taxable value for school purposes of the district, exclusive  
1502 of millage voted under the provisions of s. 9(b) or s. 12, Art.  
1503 VII of the State Constitution, a millage rate not to exceed the  
1504 amount certified by the commissioner as the minimum millage rate  
1505 necessary to provide the district required local effort for the  
1506 current year, pursuant to s. 1011.62(4)(a)1. In addition to the  
1507 required local effort millage levy, each district school board  
1508 may levy a nonvoted current operating discretionary millage. The  
1509 Legislature shall prescribe annually in the appropriations act  
1510 the maximum amount of millage a district may levy.

1511 (2) In addition to the maximum millage levy as provided in  
1512 subsection (1), each school board may levy not more than 1.5  
1513 ~~1.75~~ mills against the taxable value for school purposes for  
1514 district schools, including charter schools at the discretion of  
1515 the school board, to fund:

1516 (a) New construction and remodeling projects, as set forth  
1517 in s. 1013.64(3)(b) and (6)(b) and included in the district's  
1518 educational plant survey pursuant to s. 1013.31, without regard  
1519 to prioritization, sites and site improvement or expansion to



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1520 new sites, existing sites, auxiliary facilities, athletic  
1521 facilities, or ancillary facilities.

1522 (b) Maintenance, renovation, and repair of existing school  
1523 plants or of leased facilities to correct deficiencies pursuant  
1524 to s. 1013.15(2).

1525 (c) The purchase, lease-purchase, or lease of school buses.

1526 (d) Effective July 1, 2008, the purchase, lease-purchase,  
1527 or lease of new and replacement equipment, and enterprise  
1528 resource software applications that are classified as capital  
1529 assets in accordance with definitions of the Governmental  
1530 Accounting Standards Board, have a useful life of at least 5  
1531 years, and are used to support districtwide administration or  
1532 state-mandated reporting requirements.

1533 (e) Payments for educational facilities and sites due under  
1534 a lease-purchase agreement entered into by a district school  
1535 board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not  
1536 exceeding, in the aggregate, an amount equal to three-fourths of  
1537 the proceeds from the millage levied by a district school board  
1538 pursuant to this subsection. For the 2009-2010 fiscal year, the  
1539 three-fourths limit is waived for lease-purchase agreements  
1540 entered into before June 30, 2009, by a district school board  
1541 pursuant to this paragraph.

1542 (f) Payment of loans approved pursuant to ss. 1011.14 and  
1543 1011.15.

1544 (g) Payment of costs directly related to complying with  
1545 state and federal environmental statutes, rules, and regulations  
1546 governing school facilities.

1547 (h) Payment of costs of leasing relocatable educational  
1548 facilities, of renting or leasing educational facilities and



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1549 sites pursuant to s. 1013.15(2), or of renting or leasing  
1550 buildings or space within existing buildings pursuant to s.  
1551 1013.15(4).

1552 (i) Payment of the cost of school buses when a school  
1553 district contracts with a private entity to provide student  
1554 transportation services if the district meets the requirements  
1555 of this paragraph.

1556 1. The district's contract must require that the private  
1557 entity purchase, lease-purchase, or lease, and operate and  
1558 maintain, one or more school buses of a specific type and size  
1559 that meet the requirements of s. 1006.25.

1560 2. Each such school bus must be used for the daily  
1561 transportation of public school students in the manner required  
1562 by the school district.

1563 3. Annual payment for each such school bus may not exceed  
1564 10 percent of the purchase price of the state pool bid.

1565 4. The proposed expenditure of the funds for this purpose  
1566 must have been included in the district school board's notice of  
1567 proposed tax for school capital outlay as provided in s.  
1568 200.065(10).

1569 (j) Payment of the cost of the opening day collection for  
1570 the library media center of a new school.

1571 (3) (a) Notwithstanding subsection (2), if the revenue from  
1572 1.5 mills is insufficient to meet the payments due under a  
1573 lease-purchase agreement entered into before June 30, 2009, by a  
1574 district school board pursuant to paragraph (2) (e), or to meet  
1575 other critical district fixed capital outlay needs, the board,  
1576 in addition to the 1.5 mills, may levy up to 0.25 mills for  
1577 fixed capital outlay in lieu of levying an equivalent amount of



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1578 the discretionary mills for operations as provided in the  
1579 General Appropriations Act. Millage levied pursuant to this  
1580 subsection is subject to the provisions of s. 200.065 and,  
1581 combined with the 1.5 mills authorized in subsection (2), may  
1582 not exceed 1.75 mills. If the district chooses to use up to 0.25  
1583 mills for fixed capital outlay, the compression adjustment  
1584 pursuant to s. 1011.62(5) shall be calculated for the standard  
1585 discretionary millage that is not eligible for transfer to  
1586 capital outlay.

1587 (b) In addition to the millage authorized in this section,  
1588 each district school board may, by a super majority vote, levy  
1589 an additional 0.25 mills for critical capital outlay needs or  
1590 for critical operating needs. If levied for capital outlay,  
1591 expenditures shall be subject to the requirements of this  
1592 section. If levied for operations, expenditures shall be  
1593 consistent with the requirements for operating funds received  
1594 pursuant to s. 1011.62. If the district levies this additional  
1595 0.25 mills for operations, the compression adjustment pursuant  
1596 to s. 1011.62(5) shall be calculated and added to the district's  
1597 FEFP allocation. Millage levied pursuant to this paragraph is  
1598 subject to the provisions of s. 200.065. In order to be  
1599 continued, millage levied pursuant to this paragraph must be  
1600 approved by the voters of the district at the next general  
1601 election.

1602 (4)~~(3)~~ If the revenue from the millage authorized in  
1603 subsection (2) is insufficient to make payments due under a  
1604 lease-purchase agreement entered into prior to June 30, 2008, by  
1605 a district school board pursuant to paragraph (2) (e), an amount  
1606 up to 0.5 ~~0.25~~ mills of the taxable value for school purposes





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1607 within the school district shall be legally available for such  
1608 payments, notwithstanding other restrictions on the use of such  
1609 revenues imposed by law.

1610 (5)~~(4)~~ Effective July 1, 2008, ~~and through June 30, 2010,~~ a  
1611 school district may expend, subject to the provisions of s.  
1612 200.065, up to \$100 per unweighted full-time equivalent student  
1613 from the revenue generated by the millage levy authorized by  
1614 subsection (2) to fund, in addition to expenditures authorized  
1615 in paragraphs (2) (a)-(j), expenses for the following:

1616 (a) The purchase, lease-purchase, or lease of driver's  
1617 education vehicles; motor vehicles used for the maintenance or  
1618 operation of plants and equipment; security vehicles; or  
1619 vehicles used in storing or distributing materials and  
1620 equipment.

1621 (b) Payment of the cost of premiums for property and  
1622 casualty insurance necessary to insure school district  
1623 educational and ancillary plants. Operating revenues that are  
1624 made available through the payment of property and casualty  
1625 insurance premiums from revenues generated under this subsection  
1626 may be expended only for nonrecurring operational expenditures  
1627 of the school district.

1628 (6)~~(5)~~ Violations of the expenditure provisions in  
1629 subsection (2) or subsection (4) shall result in an equal dollar  
1630 reduction in the Florida Education Finance Program (FEFP) funds  
1631 for the violating district in the fiscal year following the  
1632 audit citation.

1633 (7)~~(6)~~ These taxes shall be certified, assessed, and  
1634 collected as prescribed in s. 1011.04 and shall be expended as  
1635 provided by law.



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1636           ~~(8)~~ Nothing in s. 1011.62(4)(a)1. shall in any way be  
1637 construed to increase the maximum school millage levies as  
1638 provided for in subsection (1).

1639           ~~(9)~~ In addition to the maximum millage levied under this  
1640 section and the General Appropriations Act, a school district  
1641 may levy, by local referendum or in a general election,  
1642 additional millage for school operational purposes up to an  
1643 amount that, when combined with nonvoted millage levied under  
1644 this section, does not exceed the 10-mill limit established in  
1645 s. 9(b), Art. VII of the State Constitution. Any such levy shall  
1646 be for a maximum of 4 years and shall be counted as part of the  
1647 10-mill limit established in s. 9(b), Art. VII of the State  
1648 Constitution. Millage elections conducted under the authority  
1649 granted pursuant to this section are subject to s. 1011.73.  
1650 Funds generated by such additional millage do not become a part  
1651 of the calculation of the Florida Education Finance Program  
1652 total potential funds in 2001-2002 or any subsequent year and  
1653 must not be incorporated in the calculation of any hold-harmless  
1654 or other component of the Florida Education Finance Program  
1655 formula in any year. If an increase in required local effort,  
1656 when added to existing millage levied under the 10-mill limit,  
1657 would result in a combined millage in excess of the 10-mill  
1658 limit, any millage levied pursuant to this subsection shall be  
1659 considered to be required local effort to the extent that the  
1660 district millage would otherwise exceed the 10-mill limit.

1661           Section 34. If the Commissioner of Education determines  
1662 that a school district acted in good faith, he or she may waive  
1663 the equal-dollar reduction, required in s. 1011.71, Florida  
1664 Statutes, for audit findings during the 2007-2008 fiscal year



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1665 which were related to the purchase of software.

1666 Section 35. Paragraph (g) of subsection (3) of section  
1667 1012.33, Florida Statutes, is amended, and subsection (9) is  
1668 added to that section, to read:

1669 1012.33 Contracts with instructional staff, supervisors,  
1670 and school principals.—

1671 (3)

1672 (g) Beginning July 1, 2001, for each employee who enters  
1673 into a written contract, pursuant to this section, in a school  
1674 district in which the employee was not employed as of June 30,  
1675 2001, or was employed as of June 30, 2001, but has since broken  
1676 employment with that district for 1 school year or more, for  
1677 purposes of pay, a district school board must recognize and  
1678 accept each year of full-time public school teaching service  
1679 earned in the State of Florida ~~or outside the state~~ and for  
1680 which the employee received a satisfactory performance  
1681 evaluation; however, an employee may voluntarily waive this  
1682 provision. Instructional personnel employed pursuant to s.  
1683 121.091(9)(b)3. are exempt from the provisions of this  
1684 paragraph.

1685 (9) Notwithstanding this section or any other law or rule  
1686 to the contrary, for the 2009-2010 and 2010-2011 fiscal years,  
1687 district school boards should not enter into a new professional  
1688 service contract if the only funds available to pay such  
1689 contract are from nonrecurring Federal Stabilization Funds.

1690 Section 36. Subsection (1) of section 1012.59, Florida  
1691 Statutes, is amended to read:

1692 1012.59 Certification fees.—

1693 (1) The State Board of Education, by rule, shall establish



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1694 separate fees for applications, examinations, certification,  
1695 certification renewal, late renewal, recordmaking, and  
1696 recordkeeping, and may establish procedures for scheduling and  
1697 administering an examination upon an applicant's request. Each  
1698 fee shall be based on department estimates of the revenue  
1699 required to implement the provisions of law with respect to  
1700 certification of school personnel. The application fee shall be  
1701 nonrefundable. Each examination fee shall be sufficient to cover  
1702 the actual cost of developing and administering the examination,  
1703 ~~but shall not exceed \$100 for an examination.~~

1704 Section 37. Subsection (6) is added to section 1012.71,  
1705 Florida Statutes, to read:

1706 1012.71 The Florida Teachers Lead Program.-

1707 (6) For the 2009-2010 fiscal year, the Department of  
1708 Education is authorized to conduct a pilot program to determine  
1709 the feasibility of managing the Florida Teachers Lead Program  
1710 through a centralized electronic system. The pilot program must:

1711 (a) Be established through a competitive procurement  
1712 process;

1713 (b) Provide the capability for participating teachers to  
1714 purchase from online sources;

1715 (c) Provide the capability for participating teachers to  
1716 purchase from local vendors by means other than online  
1717 purchasing;

1718 (d) Generally comply with the provisions of this section;

1719 (e) Be subject to annual auditing requirements to ensure  
1720 accountability for funds received and disbursed; and

1721 (f) Provide for all unused funds to be returned to the  
1722 state at the close of each fiscal year.



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1723  
1724 Any participation in this pilot program by school districts and  
1725 individual teachers must be on a voluntary basis. The department  
1726 may limit the number of participating districts to the number it  
1727 deems feasible to adequately measure the viability of the pilot  
1728 program. The department is not required to implement this pilot  
1729 program if it determines that the number of school districts  
1730 willing to participate is insufficient to adequately measure the  
1731 viability of the pilot program.

1732 Section 38. Subsection (6) is added to section 1013.37,  
1733 Florida Statutes, to read:

1734 1013.37 State uniform building code for public educational  
1735 facilities construction.-

1736 (6) Notwithstanding the requirements of section 22 of  
1737 chapter 2008-227, Laws of Florida, the standards for new school  
1738 construction, remodeling, and renovation projects shall be  
1739 limited to the minimum standards for construction of educational  
1740 facilities contained in section 423 of the Florida Building Code  
1741 and the State Requirements for Educational Facilities contained  
1742 in rules adopted by the Department of Education. This subsection  
1743 expires July 1, 2010.

1744 Section 39. Subsection (1) of section 1013.62, Florida  
1745 Statutes, is amended, and paragraphs (f), (g), and (h) are added  
1746 to subsection (2) of that section, to read:

1747 1013.62 Charter schools capital outlay funding.-

1748 (1) In each year in which funds are appropriated for  
1749 charter school capital outlay purposes, the Commissioner of  
1750 Education shall allocate the funds among eligible charter  
1751 schools.



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1752           (a) To be eligible for a funding allocation, a charter  
1753 school must:

1754           1.a.~~(a)~~1. Have been in operation for 3 or more years;  
1755           b. Be governed by a governing board established in the  
1756 state for 3 or more years which operates both charter schools  
1757 and conversion charter schools within the state;

1758           c.~~2.~~ Be an expanded feeder chain of a charter school within  
1759 the same school district that is currently receiving charter  
1760 school capital outlay funds; or

1761           d.~~3.~~ Have been accredited by the Commission on Schools of  
1762 the Southern Association of Colleges and Schools.

1763           2.~~(b)~~ Have financial stability for future operation as a  
1764 charter school.

1765           3.~~(e)~~ Have satisfactory student achievement based on state  
1766 accountability standards applicable to the charter school.

1767           4.~~(d)~~ Have received final approval from its sponsor  
1768 pursuant to s. 1002.33 for operation during that fiscal year.

1769           5.~~(e)~~ Serve students in facilities that are not provided by  
1770 the charter school's sponsor.

1771           (b) The first priority for charter school capital outlay  
1772 funding is ~~shall be~~ to allocate to ~~the~~ charter schools that  
1773 received funding in the 2005-2006 fiscal year an allocation of  
1774 the same amount per capital outlay full-time equivalent student,  
1775 up to the lesser of the actual number of capital outlay full-  
1776 time equivalent students in the current year, or the capital  
1777 outlay full-time equivalent students in the 2005-2006 fiscal  
1778 year. After calculating the first priority, the second priority  
1779 is ~~shall be~~ to allocate excess funds remaining in the  
1780 appropriation in an amount equal to the per capital outlay full-



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1781 time equivalent student amount in the first priority calculation  
1782 to eligible charter schools not included in the first priority  
1783 calculation and to schools in the first priority calculation  
1784 with growth greater than ~~in excess of~~ the 2005-2006 capital  
1785 outlay full-time equivalent students. After calculating the  
1786 first and second priorities, excess funds remaining in the  
1787 appropriation must ~~shall~~ be allocated to all eligible charter  
1788 schools.

1789 (c) A charter school's allocation may ~~shall~~ not exceed one-  
1790 fifteenth of the cost per student station specified in s.  
1791 1013.64(6)(b). Before releasing ~~Prior to the release of~~ capital  
1792 outlay funds to a school district on behalf of the charter  
1793 school, the Department of Education must ~~shall~~ ensure that the  
1794 district school board and the charter school governing board  
1795 enter into a written agreement that provides ~~includes provisions~~  
1796 for the reversion of any unencumbered funds and all equipment  
1797 and property purchased with public education funds to the  
1798 ownership of the district school board, as provided for in  
1799 subsection (3) if, ~~in the event that~~ the school terminates  
1800 operations. Any funds recovered by the state shall be deposited  
1801 in the General Revenue Fund.

1802 (d) A charter school is not eligible for a funding  
1803 allocation if it was created by the conversion of a public  
1804 school and operates in facilities provided by the charter  
1805 school's sponsor for a nominal fee, or at no charge, or if it is  
1806 directly or indirectly operated by the school district.

1807 (e) Unless otherwise provided in the General Appropriations  
1808 Act, the funding allocation for each eligible charter school is  
1809 ~~shall be~~ determined by multiplying the school's projected



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1810 student enrollment by one-fifteenth of the cost-per-student  
1811 station specified in s. 1013.64(6)(b) for an elementary, middle,  
1812 or high school, as appropriate. If the funds appropriated are  
1813 not sufficient, the commissioner shall prorate the available  
1814 funds among eligible charter schools. However, a ~~ne~~ charter  
1815 school or charter lab school may not ~~shall~~ receive state charter  
1816 school capital outlay funds greater than ~~in excess of~~ the one-  
1817 fifteenth cost per student station formula if the charter  
1818 school's combination of state charter school capital outlay  
1819 funds, capital outlay funds calculated through the reduction in  
1820 the administrative fee provided in s. 1002.33(20), and capital  
1821 outlay funds allowed in s. 1002.32(9)(e) and (h) exceeds the  
1822 one-fifteenth cost per student station formula.

1823 (f) Funds shall be distributed on the basis of the capital  
1824 outlay full-time equivalent membership by grade level, which is  
1825 ~~shall be~~ calculated by averaging the results of the second and  
1826 third enrollment surveys. The Department of Education shall  
1827 distribute capital outlay funds monthly, beginning in the first  
1828 quarter of the fiscal year, based on one-twelfth of the amount  
1829 the department reasonably expects the charter school to receive  
1830 during that fiscal year. The commissioner shall adjust  
1831 subsequent distributions as necessary to reflect each charter  
1832 school's actual student enrollment as reflected in the second  
1833 and third enrollment surveys. The commissioner shall establish  
1834 the intervals and procedures for determining the projected and  
1835 actual student enrollment of eligible charter schools.

1836 (2) A charter school's governing body may use charter  
1837 school capital outlay funds for the following purposes:

1838 (f) Effective July 1, 2008, purchase, lease-purchase, or





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1839 lease of new and replacement equipment, and enterprise resource  
1840 software applications that are classified as capital assets in  
1841 accordance with definitions of the Governmental Accounting  
1842 Standards Board, have a useful life of at least 5 years, and are  
1843 used to support schoolwide administration or state-mandated  
1844 reporting requirements.

1845 (g) Payment of the cost of premiums for property and  
1846 casualty insurance necessary to insure the school facilities.

1847 (h) Purchase, lease-purchase, or lease of driver's  
1848 education vehicles; motor vehicles used for the maintenance or  
1849 operation of plants and equipment; security vehicles; or  
1850 vehicles used in storing or distributing materials and  
1851 equipment.

1852  
1853 Conversion charter schools may use capital outlay funds received  
1854 through the reduction in the administrative fee provided in s.  
1855 1002.33(20) for renovation, repair, and maintenance of school  
1856 facilities that are owned by the sponsor.

1857 Section 40. Paragraph (b) of subsection (6) of section  
1858 1013.64, Florida Statutes, as amended by section 14 of chapter  
1859 2009-3, Laws of Florida, is amended, and subsection (7) is added  
1860 to that section, to read:

1861 1013.64 Funds for comprehensive educational plant needs;  
1862 construction cost maximums for school district capital  
1863 projects.—Allocations from the Public Education Capital Outlay  
1864 and Debt Service Trust Fund to the various boards for capital  
1865 outlay projects shall be determined as follows:

1866 (6)

1867 (b)1. A district school board, including a district school



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1868 board of an academic performance-based charter school district,  
1869 must not use funds from the following sources: Public Education  
1870 Capital Outlay and Debt Service Trust Fund; School District and  
1871 Community College District Capital Outlay and Debt Service Trust  
1872 Fund; Classrooms First Program funds provided in s. 1013.68;  
1873 effort index grant funds provided in s. 1013.73; nonvoted 1.5-  
1874 mill ~~1.75-mill~~ levy of ad valorem property taxes provided in s.  
1875 1011.71(2); Classrooms for Kids Program funds provided in s.  
1876 1013.735; District Effort Recognition Program funds provided in  
1877 s. 1013.736; or High Growth District Capital Outlay Assistance  
1878 Grant Program funds provided in s. 1013.738 for any new  
1879 construction of educational plant space with a total cost per  
1880 student station, including change orders, that equals more than:  
1881 a. \$17,952 for an elementary school,  
1882 b. \$19,386 for a middle school, or  
1883 c. \$25,181 for a high school,

1884  
1885 (January 2006) as adjusted annually to reflect increases or  
1886 decreases in the Consumer Price Index.

1887 2. A district school board must not use funds from the  
1888 Public Education Capital Outlay and Debt Service Trust Fund or  
1889 the School District and Community College District Capital  
1890 Outlay and Debt Service Trust Fund for any new construction of  
1891 an ancillary plant that exceeds 70 percent of the average cost  
1892 per square foot of new construction for all schools.

1893 (7) Notwithstanding subsection (2), the district school  
1894 board of Wakulla County shall contribute 1 mill in the 2009-2010  
1895 fiscal year and 0.5 mill in the 2010-2011 fiscal year to the  
1896 cost of currently funded special facilities construction



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1897 projects. The district school board of Liberty County shall  
1898 contribute 1 mill for each of the fiscal years 2009-2010 through  
1899 2011-2012 to the cost of currently funded special facilities  
1900 construction projects. If funds are made available in the  
1901 General Appropriations Act for the 2009-2010 fiscal year for the  
1902 district school board of Calhoun County from the Special  
1903 Facilities Construction Account, the district school board shall  
1904 contribute 1.125 mills for each of the fiscal years from 2009-  
1905 2010 through 2012-2013 to the cost of funded special facilities  
1906 construction projects.

1907 Section 41. Section 9 of chapter 2008-142, Laws of Florida,  
1908 is repealed.

1909 Section 42. In order to implement Specific Appropriations  
1910 5A, 6, 7, 76, and 77 of the General Appropriations Act for the  
1911 2009-2010 fiscal year, the calculations of the Florida Education  
1912 Finance Program for the 2009-2010 fiscal year in the document  
1913 entitled "Public School Funding - The Florida Education Finance  
1914 Program," dated May 5, 2009, and filed with the Secretary of the  
1915 Senate are incorporated by reference for the purpose of  
1916 displaying the calculations used by the Legislature, consistent  
1917 with requirements of the Florida Statutes, in making  
1918 appropriations for the Florida Education Finance Program.

1919 Section 43. This act shall take effect July 1, 2009.

1920  
1921 ===== T I T L E A M E N D M E N T =====

1922 And the title is amended as follows:

1923 Delete everything before the enacting clause  
1924 and insert:

1925 A bill to be entitled



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1926 An act relating to education funding; creating part IX  
1927 of ch. 159, F.S.; providing a short title; providing a  
1928 purpose; providing definitions; requiring that the  
1929 State Board of Education establish a program for  
1930 allocating the state volume limitation imposed by the  
1931 Internal Revenue Code on qualified school  
1932 constructions bonds; requiring that the Department of  
1933 Education administer such program; providing criteria  
1934 for determining whether to grant a request for the  
1935 volume limitation; requiring that the department  
1936 annually determine the amount of qualified school  
1937 construction bonds permitted to be issued and make  
1938 such information available to the public; requiring  
1939 that any unused volume limitation at the end of each  
1940 calendar year be carried forward; requiring that the  
1941 State Board of Education and the Department of  
1942 Education adopt rules; amending s. 1001.20, F.S.;  
1943 requiring that the Office of Technology and  
1944 Information Services within the Office of the  
1945 Commissioner of Education assist school districts in  
1946 securing Internet access and telecommunications  
1947 services that are eligible for funding under the  
1948 Schools and Libraries Program of the federal Universal  
1949 Service Fund; creating s. 1001.271, F.S.; requiring  
1950 that the Commissioner of Education purchase the  
1951 nondiscounted portion of Internet access services for  
1952 the Florida Information Resource Network; requiring  
1953 each school district, the Florida School for the Deaf  
1954 and the Blind, and the Regional Education Consortia



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1955 that are eligible for the e-rate to submit a  
1956 requisition to the commissioner for at least the same  
1957 level of Internet access services used in the 2008-  
1958 2009 fiscal year; requiring that each user of the  
1959 network identify the source of funds in its  
1960 requisition; amending s. 1001.28, F.S.; revising the  
1961 Department of Education's duties regarding distance  
1962 learning; amending s. 1001.395, F.S.; requiring that  
1963 the salary of district school board members be the  
1964 same amount as the annual calculation or the  
1965 district's beginning salary for teachers who hold  
1966 baccalaureate degrees, whichever is less, for a  
1967 specified period; amending s. 1001.42, F.S.; revising  
1968 provisions relating to the number of days that all  
1969 schools are required to operate; clarifying provisions  
1970 authorizing the payment of earned leave and benefits  
1971 accrued by a district school board employee before his  
1972 or her employment contract expires; amending s.  
1973 1001.451, F.S.; delaying the expiration of provisions  
1974 relating to the amount of funding distributed to each  
1975 school district and eligible member of a regional  
1976 consortium service organization; amending s. 1001.47,  
1977 F.S.; authorizing elected district school  
1978 superintendents to reduce their salary rates on a  
1979 voluntary basis; requiring that each elected district  
1980 school superintendent's salary be reduced by 2 percent  
1981 for the 2009-2010 fiscal year; amending s. 1001.50,  
1982 F.S.; clarifying provisions authorizing the payment of  
1983 earned leave and benefits accrued by a district school



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1984 superintendent before his or her employment contract  
1985 terminates; limiting the amount of remuneration that a  
1986 district school superintendent receives annually from  
1987 state funds; providing a definition for the term  
1988 "remuneration"; limiting the use of the  
1989 superintendent's compensation in calculating benefits  
1990 under ch. 121, F.S.; encouraging district school  
1991 boards and superintendents to review the  
1992 superintendent's annual remuneration for the 2009-2010  
1993 fiscal year and mutually agree to at least a 5 percent  
1994 reduction; amending s. 1002.37, F.S.; providing that  
1995 the Florida Virtual School may not receive additional  
1996 state funds for the purpose of fulfilling the class  
1997 size requirements; amending s. 1002.45, F.S.; revising  
1998 provisions relating to school district virtual  
1999 instruction programs; providing definitions;  
2000 authorizing school districts to offer virtual  
2001 instruction programs through various methods;  
2002 specifying additional requirements for providers of  
2003 virtual instruction programs; providing requirements  
2004 for retention of approved provider status; providing  
2005 requirements for school district contracts with  
2006 providers; revising student eligibility criteria for  
2007 enrollment in school district virtual instruction  
2008 programs; revising funding and reporting provisions;  
2009 revising assessment and accountability provisions for  
2010 approved providers; providing for publication of  
2011 school grades and school improvement ratings; revising  
2012 contract termination requirements; deleting obsolete



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2013 provisions; requiring that the Department of Education  
2014 review and report on the advisability of authorizing  
2015 approved private providers to provide specified  
2016 virtual instruction programs; amending s. 1002.71,  
2017 F.S.; revising provisions relating to the funding of  
2018 prekindergarten programs; amending s. 1003.02, F.S.;  
2019 conforming provisions to changes made by the act;  
2020 amending s. 1003.03, F.S.; extending dates relating to  
2021 the calculation of the number of students for purposes  
2022 of complying with the maximum-class-size requirement;  
2023 providing duties for the Department of Education if  
2024 the department determines that the number of students  
2025 assigned to any individual class exceeds the class  
2026 size maximum; providing for the reduction of the  
2027 class-size-reduction operating categorical allocation  
2028 under certain circumstances; requiring that the  
2029 department prepare a simulated calculation; amending  
2030 s. 1004.55, F.S.; providing that the regional autism  
2031 center at Florida State University, which is currently  
2032 located at the Department of Communication Disorders,  
2033 be located at the College of Medicine at Florida State  
2034 University; amending s. 1006.06, F.S.; providing that  
2035 universal school breakfast programs be offered only in  
2036 schools in which 80 percent or more of the students  
2037 are eligible for free or reduced price meals; revising  
2038 provisions relating to school breakfast programs to  
2039 include state allocations; amending s. 1006.21, F.S.;  
2040 revising provisions relating to the duties of district  
2041 school superintendents and district school boards



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2042 regarding transportation; requiring that contiguous  
2043 school districts make provisions for reciprocal  
2044 policies and agreements for contracts for school bus  
2045 transportation services, inspections, and screening  
2046 requirements for public schools and public charter  
2047 schools; amending s. 1006.28, F.S.; clarifying the  
2048 definition of the term "adequate instructional  
2049 materials"; amending s. 1006.40, F.S.; revising  
2050 provisions relating to the use of the instructional  
2051 materials allocation; authorizing the Commissioner of  
2052 Education to waive for certain schools within a  
2053 district a requirement to purchase current  
2054 instructional materials; amending s. 1007.25, F.S.;  
2055 prohibiting public postsecondary educational  
2056 institutions from conferring an associate in arts or  
2057 baccalaureate degree upon any student who fails to  
2058 successfully complete certain requirements; providing  
2059 for a waiver and appeal process for students who have  
2060 a specific learning disability; requiring that each  
2061 public postsecondary educational institution establish  
2062 a committee to consider requests for such waivers;  
2063 providing for committee membership; repealing s.  
2064 1008.29, F.S., relating to the college-level  
2065 communication and mathematics skills examination;  
2066 amending s. 1008.41, F.S.; authorizing rather than  
2067 requiring the Commissioner of Education to employ the  
2068 Florida Information Resource Network to perform  
2069 certain functions relating to workforce education;  
2070 creating s. 1010.06, F.S.; prohibiting the Division of





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2071 Public Schools within the Department of Education from  
2072 using state funds appropriated by the Legislature to  
2073 pay indirect costs to a university, community college,  
2074 school district, or other entity; amending s. 1010.11,  
2075 F.S.; authorizing each district school board,  
2076 community college board of trustees, and university  
2077 board of trustees to electronically transfer funds for  
2078 payment; amending s. 1011.09, F.S.; prohibiting a  
2079 district school board from using funds for out-of-  
2080 state travel, cellular phones, cellular phone service,  
2081 personal digital assistants, or any other mobile  
2082 wireless communication device or service through any  
2083 means, unless otherwise specifically approved by the  
2084 district school board; amending s. 1011.18, F.S.;  
2085 authorizing a district school superintendent to  
2086 transfer funds from a district school depository to  
2087 pay expenses, expenditures, or other disbursements if  
2088 proper documentation is provided; amending s. 1011.60,  
2089 F.S.; revising the minimum requirements for the  
2090 Florida Education Finance Program relating to the term  
2091 of operation; amending s. 1011.61, F.S.; redefining  
2092 the term "full-time equivalent student"; amending s.  
2093 1011.62, F.S.; requiring that a student who is  
2094 enrolled in study hall not be included in the  
2095 calculation of full-time equivalent student membership  
2096 for funding purposes; revising requirements for  
2097 calculating the district required local effort;  
2098 revising the requirements for the Department of  
2099 Revenue with respect to certification of taxable value



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2100 as reflected by final administrative actions of the  
2101 value adjustment board; providing for calculating a  
2102 prior period funding adjustment millage in addition to  
2103 the required local effort millage; providing  
2104 definitions; extending a date relating to categorical  
2105 funds for instructional materials; deleting provisions  
2106 relating to the total allocation of state funds to  
2107 each district for current operation for the FEFP;  
2108 repealing s. 1011.68(7), F.S., relating to funds for  
2109 student transportation; removing a provision that  
2110 authorizes a district school board to transfer funds  
2111 to its Florida Education Finance Program; amending s.  
2112 1011.685, F.S.; revising provisions relating to class  
2113 size reduction operating categorical funds; repealing  
2114 s. 1011.69(4)(b), relating to funds that are excluded  
2115 from the school-level allocation under the Equity in  
2116 School-Level Funding Act; amending s. 1011.71, F.S.;  
2117 revising certain provisions relating to the district  
2118 school tax; waiving the three-fourths limit for  
2119 certain lease-purchase agreements for a specified  
2120 period; authorizing a district school board to levy an  
2121 additional millage for fixed capital outlay under  
2122 certain circumstances; authorizing a district school  
2123 board to levy, by a super majority vote, an additional  
2124 millage for critical capital outlay needs or operating  
2125 needs, subject to approval of the electors at the next  
2126 general election; authorizing the Commissioner of  
2127 Education to waive the equal-dollar reduction in  
2128 Florida Education Finance Program funds if he or she



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2129 finds that a school district acted in good faith;  
2130 amending s. 1012.33, F.S.; revising provisions  
2131 relating to contracts for instructional staff;  
2132 advising a district school board not to enter into a  
2133 new professional service contract if the only  
2134 available funds are from nonrecurring Federal  
2135 Stabilization Funds; amending s. 1012.59, F.S.;;  
2136 revising provisions relating to fees for educator  
2137 certification; amending s. 1012.71, F.S.; authorizing  
2138 the Department of Education to conduct a pilot program  
2139 to determine the feasibility of managing the Florida  
2140 Teachers Lead Program through a centralized electronic  
2141 system; providing requirements for such pilot program;  
2142 providing that participation in the pilot program is  
2143 voluntary; authorizing the department to limit the  
2144 number of participants to adequately test the  
2145 viability of the pilot program; amending s. 1013.37,  
2146 F.S.; requiring that the standards for new school  
2147 construction, remodeling, and renovation projects be  
2148 limited to certain minimum standards for construction  
2149 of educational facilities in the Florida Building Code  
2150 and the State Requirements for Educational Facilities;  
2151 providing for future expiration; amending s. 1013.62,  
2152 F.S.; revising the criteria for determining a charter  
2153 school's eligibility for capital outlay funding;  
2154 amending s. 1013.64, F.S.; revising certain  
2155 limitations on the use of nonvoted millage for school  
2156 district capital projects; requiring that the school  
2157 districts of Wakulla County and Liberty County



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2158 contribute specific millage amounts to the cost of  
2159 current special facilities projects for specified  
2160 fiscal years; repealing s. 9, chapter 2008-142, Laws  
2161 of Florida; abrogating the expiration of certain  
2162 amendments relating to categorical funding for the  
2163 operation of schools; providing for implementation of  
2164 specified appropriations; providing for the  
2165 incorporation by reference of certain calculations  
2166 used by the Legislature for the 2009-2010 fiscal year;  
2167 providing an effective date.