

By the Committee on Education Pre-K - 12 Appropriations; and  
Senator Wise

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1                                   A bill to be entitled  
2           An act relating to education funding; amending s.  
3           1001.20, F.S.; requiring that the Office of Technology  
4           and Information Services within the Office of the  
5           Commissioner of Education assist school districts in  
6           securing Internet access and telecommunications  
7           services that are eligible for funding under the  
8           Schools and Libraries Program of the federal Universal  
9           Service Fund; creating s. 1001.271, F.S.; requiring  
10          that the Commissioner of Education purchase the  
11          nondiscounted portion of Internet access services for  
12          the Florida Information Resource Network; requiring  
13          that each user of the network identify the source of  
14          funds in its requisition; amending s. 1001.28, F.S.;  
15          revising the Department of Education's duties  
16          regarding distance learning; amending s. 1001.395,  
17          F.S.; requiring that the salary of district school  
18          board members be the same amount as the annual  
19          calculation or the salary of members of the  
20          Legislature, whichever is less, for a specified  
21          period; amending s. 1001.42, F.S.; clarifying  
22          provisions authorizing the payment of earned leave and  
23          benefits accrued by a district school board employee  
24          before his or her employment contract expires;  
25          amending s. 1001.451, F.S.; deleting certain dates  
26          relating to the amount of funding distributed to each  
27          school district and eligible member of a regional  
28          consortium service organization; amending s. 1001.47,  
29          F.S.; authorizing elected district school

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

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

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

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

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

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175 Legislature for the 2009-2010 fiscal year; providing  
176 an effective date.

177

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

179

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

182 1001.20 Department under direction of state board.—

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

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

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

201 Section 2. Section 1001.271, Florida Statutes, is created  
202 to read:

203 1001.271 Florida Information Resource Network.—Upon

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

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

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

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

227  
228 Nothing in this section shall be construed to abrogate,  
229 supersede, alter, or amend the powers and duties of any state  
230 agency, district school board, community college board of  
231 trustees, university board of trustees, the Board of Governors,  
232 or the State Board of Education.



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

236 1001.395 District school board members; compensation.—

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

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

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

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

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

260 1001.451 Regional consortium service organizations.—In  
261 order to provide a full range of programs to larger numbers of

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262 students, minimize duplication of services, and encourage the  
263 development of new programs and services:

264 (2)

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

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

273 1001.47 District school superintendent; salary.—

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

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

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

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

287 (2) The district school board of each of such districts  
288 shall enter into contracts of employment with the district  
289 school superintendent and shall adopt rules relating to his or  
290 her appointment; however, ~~on or after February 1, 2009,~~ the

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

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

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

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

317 1002.33 Charter schools.—

318 (16) EXEMPTION FROM STATUTES.—

319 (a) A charter school shall operate in accordance with its

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320 charter and shall be exempt from all statutes in chapters 1000-  
321 1013. However, a charter school shall be in compliance with the  
322 following statutes in chapters 1000-1013:

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

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

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

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

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

333 6. Those statutes pertaining to class size.

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

336 1002.37 The Florida Virtual School.—

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

339 (a) A "full-time equivalent student" for the Florida  
340 Virtual School is one student who has successfully completed six  
341 credits in core curricula courses which ~~that~~ shall count toward  
342 the minimum number of credits required for high school  
343 graduation. A student who completes fewer ~~less~~ than six credits  
344 in core curricula courses shall be a fraction of a full-time  
345 equivalent student. Half-credit completions shall be included in  
346 determining a full-time equivalent student. Credit completed by  
347 a student in excess of the minimum required for that student for  
348 high school graduation is not eligible for funding.

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

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

362 1002.45 School district virtual instruction programs.-

363 (7) FUNDING.-

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

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

373 1002.71 Funding; financial and attendance reporting.-

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

375 (a) A child who, for any of the prekindergarten programs  
376 listed in s. 1002.53(3), has not completed more than 70 ~~10~~  
377 percent of the hours authorized to be reported for funding under

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

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

397 (6)

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

405 1. Beginning with the 2009-2010 fiscal year for school-year  
406 programs, a student's attendance may be reported on a pro rata

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407 basis as a fractional part of a full-time equivalent student and  
408 ~~the 2009 summer program, a student who meets the minimum~~  
409 ~~requirement of 80 percent of the total number of hours for the~~  
410 ~~program may be reported as a full-time equivalent student for~~  
411 ~~funding purposes.~~

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

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

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

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

433 1003.03 Maximum class size.—

434 (2) IMPLEMENTATION.—

435 (b) Determination of the number of students per classroom

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436 in paragraph (a) shall be calculated as follows:

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

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

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

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

449 (4) ACCOUNTABILITY.—

450 (a)1. Beginning in the 2009-2010 ~~2003-2004~~ fiscal year, if  
451 the department determines for any year that a school district  
452 has not reduced average class size as required in subsection (2)  
453 at the time of the third FEFP calculation, the department shall  
454 calculate an amount from the class size reduction operating  
455 categorical which is proportionate to the amount of class size  
456 reduction not accomplished. Upon verification of the  
457 department's calculation by the Florida Education Finance  
458 Program Appropriation Allocation Conference and not later than  
459 March 1 of each year, the Executive Office of the Governor shall  
460 transfer undistributed funds equivalent to the calculated amount  
461 from the district's class size reduction operating categorical  
462 to an approved fixed capital outlay appropriation for class size  
463 reduction in the affected district pursuant to s. 216.292(2)(d).  
464 The amount of funds transferred shall be the lesser of the



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465 amount verified by the Florida Education Finance Program  
466 Appropriation Allocation Conference or the undistributed balance  
467 of the district's class size reduction operating categorical.

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

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

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

493 1. Identify, for each grade group, the number of classes in

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494 which the enrollment exceeds the maximum, the number of students  
495 which exceed the maximum for each such class, and the total  
496 number of students which exceed the maximum for all classes.

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

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

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

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

516 (d) In lieu of the reduction calculation in paragraph (b),  
517 the Commissioner of Education may recommend a budget amendment,  
518 subject to approval of the Legislative Budget Commission, to  
519 reduce an alternative amount of funds from the district's class-  
520 size-reduction operating categorical allocation. The  
521 commissioner's budget amendment must be submitted to the  
522 Legislative Budget Commission by February 15 of each year.

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

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

541 ~~1. Year-round schools;~~

542 ~~2. Double sessions;~~

543 ~~3. Rezoning; or~~

544 ~~4. Maximizing use of instructional staff by changing~~  
545 ~~required teacher loads and scheduling of planning periods,~~  
546 ~~deploying school district employees who have professional~~  
547 ~~certification to the classroom, using adjunct educators,~~  
548 ~~operating schools beyond the normal operating hours to provide~~  
549 ~~classes in the evening, or operating more than one session~~  
550 ~~during the day.~~

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

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

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

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581 1006.06 School food service programs.—

582 (5)

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

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

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

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

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

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

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

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

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

633 1006.36 Term of adoption for instructional materials.—

634 (1) The term of adoption of any instructional materials  
635 must be an 8-year ~~a 6-year~~ period beginning on April 1 following  
636 the adoption, except that the commissioner may approve terms of  
637 adoption of less than 8 ~~6~~ years for materials in content areas  
638 which require more frequent revision. Any contract for

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639 instructional materials may be extended as prescribed in s.  
640 1006.34(3).

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

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

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

660 (2) (a) Each district school board must purchase current  
661 instructional materials to provide each student with a textbook  
662 or other instructional materials as a major tool of instruction  
663 in core courses of the appropriate subject areas of mathematics,  
664 language arts, science, social studies, reading, and literature  
665 for kindergarten through grade 12. Such purchase must be made  
666 within the first 2 years after the effective date of the  
667 adoption cycle; however, this requirement is waived for the

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

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

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

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

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

687 1008.41 Workforce education; management information  
688 system.-

689 (1) The Commissioner of Education shall coordinate uniform  
690 program structures, common definitions, and uniform management  
691 information systems for workforce education for all divisions  
692 within the department. In performing these functions, the  
693 commissioner shall designate deadlines after which data elements  
694 may not be changed for the coming fiscal or school year. School  
695 districts and community colleges shall be notified of data  
696 element changes at least 90 days prior to the start of the



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697 subsequent fiscal or school year. Such systems must provide for:

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

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

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

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

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

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

722 1011.09 Expenditure of funds by district school board.—All  
723 state funds apportioned to the credit of any district constitute  
724 a part of the district school fund of that district and must be  
725 budgeted and expended under authority of the district school

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726 board subject to the provisions of law and rules of the State  
727 Board of Education.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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871 education programs and the Florida Virtual School.

872

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

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

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

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

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

898 (m) ~~(l)~~ Calculation of additional full-time equivalent  
899 membership based on international baccalaureate examination

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

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

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

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

926 ~~(n) (m)~~ Calculation of additional full-time equivalent  
927 membership based on Advanced International Certificate of  
928 Education examination scores of students.—A value of 0.08 ~~0.16~~



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

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

954 2. An additional bonus of \$400 ~~\$500~~ to each Advanced  
955 International Certificate of Education teacher in a school  
956 designated with a grade of "D" or "F" who has at least one  
957 student scoring E or higher on the full-credit Advanced

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958 International Certificate of Education examination, regardless  
959 of the number of classes taught or of the number of students  
960 scoring an E or higher on the full-credit Advanced International  
961 Certificate of Education examination.

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

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

977 ~~(o)-(n)~~ *Calculation of additional full-time equivalent*  
978 *membership based on college board advanced placement scores of*  
979 *students.*—A value of 0.08 ~~0.16~~ full-time equivalent student  
980 membership shall be calculated for each student in each advanced  
981 placement course who receives a score of 3 or higher on the  
982 College Board Advanced Placement Examination for the prior year  
983 and added to the total full-time equivalent student membership  
984 in basic programs for grades 9 through 12 in the subsequent  
985 fiscal year. Each district must allocate at least 80 percent of  
986 the funds provided to the district for advanced placement

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987 instruction, in accordance with this paragraph, to the high  
988 school that generates the funds. The school district shall  
989 distribute to each classroom teacher who provided advanced  
990 placement instruction:

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

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

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

1006 ~~(p)(e)~~ *Calculation of additional full-time equivalent*  
1007 *membership based on certification of successful completion of*  
1008 *industry-certified career and professional academy programs*  
1009 *pursuant to s. 1003.492.—A value of 0.16 ~~0.3~~ full-time*  
1010 *equivalent student membership shall be calculated for each*  
1011 *student who completes an industry-certified career and*  
1012 *professional academy program under s. 1003.492 and who is issued*  
1013 *the highest level of industry certification and a high school*  
1014 *diploma. Such value shall be added to the total full-time*  
1015 *equivalent student membership in secondary career education*

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

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

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

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

1037 1.a. Not later than 2 working days prior to July 19, the  
1038 Department of Revenue shall certify to the Commissioner of  
1039 Education its most recent estimate of the taxable value for  
1040 school purposes in each school district and the total for all  
1041 school districts in the state for the current calendar year  
1042 based on the latest available data obtained from the local  
1043 property appraisers. Not later than July 19, the Commissioner of  
1044 Education shall compute a millage rate, rounded to the next

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1045 highest one one-thousandth of a mill, which, when applied to 95  
1046 percent of the estimated state total taxable value for school  
1047 purposes, would generate the prescribed aggregate required local  
1048 effort for that year for all districts. The Commissioner of  
1049 Education shall certify to each district school board the  
1050 millage rate, computed as prescribed in this subparagraph, as  
1051 the minimum millage rate necessary to provide the district  
1052 required local effort for that year.

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

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

1068       (6) CATEGORICAL FUNDS.—

1069       (b) If a district school board finds and declares in a  
1070 resolution adopted at a regular meeting of the school board that  
1071 the funds received for any of the following categorical  
1072 appropriations are urgently needed to maintain school board  
1073 specified academic classroom instruction, the school board may

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1074 consider and approve an amendment to the school district  
1075 operating budget transferring the identified amount of the  
1076 categorical funds to the appropriate account for expenditure:

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

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

1089 ~~(a) The basic amount for current operation for the FEFP as~~  
1090 ~~determined in subsection (1), multiplied by the district cost~~  
1091 ~~differential factor as determined in subsection (2), plus the~~  
1092 ~~amounts provided for categorical components within the FEFP,~~  
1093 ~~plus the discretionary millage compression supplement as~~  
1094 ~~determined in subsection (5), the amount for the sparsity~~  
1095 ~~supplement as determined in subsection (7), the decline in full-~~  
1096 ~~time equivalent students as determined in subsection (8), the~~  
1097 ~~research-based reading instruction allocation as determined in~~  
1098 ~~subsection (9), the allocation for juvenile justice education~~  
1099 ~~programs as determined in subsection (10), the quality assurance~~  
1100 ~~guarantee as determined in subsection (11), less the required~~  
1101 ~~local effort as determined in subsection (4). If the funds~~  
1102 ~~appropriated for the purpose of funding the total amount for~~

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1103 current operation for the FEFP ~~as provided in this paragraph~~ are  
1104 not sufficient to pay the state requirement in full, the  
1105 department shall prorate the available state funds to each  
1106 district in the following manner:

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

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

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

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

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

1126 1011.675 Discretionary bonus allocation for outstanding  
1127 performance.-

1128 (1) A discretionary bonus allocation is created for school  
1129 districts to recognize and reward the outstanding performance of  
1130 students, teachers, and school-based administrators in an amount  
1131 to be determined by the Legislature. The funds shall be

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1132 allocated to each school district as provided in the General  
1133 Appropriations Act.

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

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

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

1146 1011.685 Class size reduction; operating categorical fund.—

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

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

1157 ~~(a) To reduce class size in any lawful manner, if the~~  
1158 ~~district has not met the constitutional maximums identified in~~  
1159 ~~s. 1003.03(1) or the reduction of two students per year required~~  
1160 ~~by s. 1003.03(2).~~



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

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

1172           1011.71 District school tax.—

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

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

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

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

1188           (d) Effective July 1, 2008, the purchase, lease-purchase,  
1189 or lease of new and replacement equipment, and enterprise

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1190 resource software applications that are classified as capital  
1191 assets in accordance with definitions of the Governmental  
1192 Accounting Standards Board, have a useful life of at least 5  
1193 years, and are used to support districtwide administration or  
1194 state-mandated reporting requirements.

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

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

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

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

1214 (i) Payment of the cost of school buses when a school  
1215 district contracts with a private entity to provide student  
1216 transportation services if the district meets the requirements  
1217 of this paragraph.

1218 1. The district's contract must require that the private

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1219 entity purchase, lease-purchase, or lease, and operate and  
1220 maintain, one or more school buses of a specific type and size  
1221 that meet the requirements of s. 1006.25.

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

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

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

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

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

1241 (4) Effective July 1, 2008, ~~and through June 30, 2010,~~ a  
1242 school district may expend, subject to the provisions of s.  
1243 200.065, up to \$100 per unweighted full-time equivalent student  
1244 from the revenue generated by the millage levy authorized by  
1245 subsection (2) to fund, in addition to expenditures authorized  
1246 in paragraphs (2)(a)-(j), expenses for the following:

1247 (a) The purchase, lease-purchase, or lease of driver's

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1248 education vehicles; motor vehicles used for the maintenance or  
1249 operation of plants and equipment; security vehicles; or  
1250 vehicles used in storing or distributing materials and  
1251 equipment.

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

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

1275 Section 32. If the Commissioner of Education determines  
1276 that a school district acted in good faith, he or she may waive

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1277 the equal-dollar reduction, required in s. 1011.71(5), Florida  
1278 Statutes, for audit findings during the 2007-2008 fiscal year  
1279 which were related to the purchase of software.

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

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

1285 (3)

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

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

1304 Section 34. Subsection (6) is added to section 1012.71,  
1305 Florida Statutes, to read:

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1306 1012.71 The Florida Teachers Lead Program.—

1307 (6) For the 2009-2010 fiscal year, the Department of  
1308 Education is authorized to conduct a pilot program to determine  
1309 the feasibility of managing the Florida Teachers Lead Program  
1310 through a centralized electronic system. The pilot program must:

1311 (a) Be established through a competitive process;

1312 (b) Provide the capability for participating teachers to  
1313 purchase from online sources;

1314 (c) Provide the capability for participating teachers to  
1315 purchase from local vendors by means other than online  
1316 purchasing;

1317 (d) Generally comply with the provisions of this section;

1318 (e) Be subject to annual auditing requirements to ensure  
1319 accountability for funds received and disbursed; and

1320 (f) Provide for all unused funds to be returned to the  
1321 state at the close of each fiscal year.

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

1331 Section 35. Paragraph (b) of subsection (6) of section  
1332 1013.64, Florida Statutes, is amended, as amended by section 14  
1333 of chapter 2009-3, Laws of Florida, and subsection (7) is added  
1334 to that section, to read:

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

1340           (6)

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

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

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

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

1358

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

1361           2. A district school board must not use funds from the  
 1362 Public Education Capital Outlay and Debt Service Trust Fund or  
 1363 the School District and Community College District Capital

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1364 Outlay and Debt Service Trust Fund for any new construction of  
1365 an ancillary plant that exceeds 70 percent of the average cost  
1366 per square foot of new construction for all schools.

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

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

1376 Section 37. In order to implement Specific Appropriations  
1377 5B, 6, 7, 76, and 77 of the General Appropriations Act for the  
1378 2009-2010 fiscal year, the calculations of the Florida Education  
1379 Finance Program for the 2009-2010 fiscal year in the document  
1380 entitled "Public School Funding - The Florida Education Finance  
1381 Program," dated April 17, 2009, and filed with the Secretary of  
1382 the Senate are incorporated by reference for the purpose of  
1383 displaying the calculations used by the Legislature, consistent  
1384 with requirements of the Florida Statutes, in making  
1385 appropriations for the Florida Education Finance Program.

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