

By the Policy and Steering Committee on Ways and Means; 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.; delaying the expiration of
26 provisions relating to the amount of funding
27 distributed to each school district and eligible
28 member of a regional consortium service organization;
29 amending s. 1001.47, F.S.; authorizing elected

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30 district school superintendents to reduce their salary
31 rates on a voluntary basis; requiring that each
32 elected district school superintendent's salary be
33 reduced by 5 percent for the 2009-2010 fiscal year;
34 amending s. 1001.50, F.S.; clarifying provisions
35 authorizing the payment of earned leave and benefits
36 accrued by a district school superintendent before his
37 or her employment contract terminates; limiting the
38 amount of remuneration that a district school
39 superintendent receives annually from state funds;
40 providing a definition for the term "remuneration";
41 limiting the use of the superintendent's compensation
42 in calculating benefits under ch. 121, F.S.;

43 encouraging district school boards and superintendents
44 to review the superintendent's annual remuneration for
45 the 2009-2010 fiscal year and mutually agree to at
46 least a 5 percent reduction; amending s. 1002.33,
47 F.S.; requiring that a charter school comply with the
48 class-size requirements; amending s. 1002.37, F.S.;

49 redefining the definition of the term "full-time
50 equivalent student" as it relates to funding for the
51 Florida Virtual School and virtual instruction;
52 amending s. 1002.45, F.S.; conforming provisions to
53 changes made by the act; amending s. 1002.71, F.S.;

54 revising provisions relating to the funding of
55 prekindergarten programs; amending s. 1003.03, F.S.;

56 extending dates relating to the calculation of the
57 number of students for purposes of complying with the
58 maximum-class-size requirement; providing duties for

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

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

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

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146 authorizing district school boards to levy an
147 additional discretionary millage for certain
148 operations; authorizing the Commissioner of Education
149 to waive the equal-dollar reduction in Florida
150 Education Finance Program funds if he or she finds
151 that a school district acted in good faith; amending
152 s. 1012.33, F.S.; revising provisions relating to
153 contracts for instructional staff; advising a district
154 school board not to enter into a new professional
155 service contract if the only available funds are from
156 nonrecurring Federal Stabilization Funds; amending s.
157 1012.71, F.S.; authorizing the Department of Education
158 to conduct a pilot program to determine the
159 feasibility of managing the Florida Teachers Lead
160 Program through a centralized electronic system;
161 providing requirements for such pilot program;
162 providing that participation in the pilot program is
163 voluntary; authorizing the department to limit the
164 number of participants to adequately test the
165 viability of the pilot program; amending s. 1013.62,
166 F.S.; revising the criteria for determining a charter
167 school's eligibility for capital outlay funding;
168 amending s. 1013.64, F.S.; requiring that the school
169 districts of Wakulla County and Liberty County
170 contribute specific millage amounts to the cost of
171 current special facilities projects for specified
172 fiscal years; repealing s. 9 of chapter 2008-142, Laws
173 of Florida; abrogating the expiration of certain
174 amendments relating to categorical funding for the

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175 operation of schools; providing for implementation of
176 specified appropriations; providing for the
177 incorporation by reference of certain calculations
178 used by the Legislature for the 2009-2010 fiscal year;
179 providing an effective date.

180

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

182

183 Section 1. Paragraph (a) of subsection (4) of section
184 1001.20, Florida Statutes, is amended to read:

185 1001.20 Department under direction of state board.—

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

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

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

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204 Section 2. Section 1001.271, Florida Statutes, is created
205 to read:

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

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

218 1001.28 Distance learning duties.—The duties of the
219 Department of Education concerning distance learning include,
220 but are not limited to, the duty to:

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

230

231 Nothing in this section shall be construed to abrogate,
232 supersede, alter, or amend the powers and duties of any state

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233 agency, district school board, community college board of
234 trustees, university board of trustees, the Board of Governors,
235 or the State Board of Education.

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

239 1001.395 District school board members; compensation.—

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

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

249 1001.42 Powers and duties of district school board.—The
250 district school board, acting as a board, shall exercise all
251 powers and perform all duties listed below:

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

261 Section 6. Paragraph (c) of subsection (2) of section

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262 1001.451, Florida Statutes, is amended to read:

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

267 (2)

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

274 Section 7. Subsections (6) and (7) are added to section
275 1001.47, Florida Statutes, to read:

276 1001.47 District school superintendent; salary.—

277 (6) Notwithstanding the provisions of this section and s.
278 145.19, elected district school superintendents may reduce their
279 salary rate on a voluntary basis.

280 (7) Notwithstanding the provisions of this section and s.
281 145.19, for the 2009-2010 fiscal year the salary of each elected
282 district school superintendent calculated pursuant to s. 1001.47
283 shall be reduced by 5 percent.

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

288 1001.50 Superintendents employed under Art. IX of the State
289 Constitution.—

290 (2) The district school board of each of such districts

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

303 (5) Notwithstanding any other law, resolution, or rule to
304 the contrary, a district school superintendent employed under
305 this section may not receive more than \$225,000 in remuneration
306 annually from state funds. As used in this subsection, the term
307 "remuneration" means salary, bonuses, and cash-equivalent
308 compensation paid to a district school superintendent by his or
309 her employer for work performed, excluding health insurance
310 benefits and retirement benefits. Only compensation, as defined
311 in s. 121.021(22), which is provided to a district school
312 superintendent may be used in calculating benefits under chapter
313 121.

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

318 Section 9. Paragraph (a) of subsection (16) of section
319 1002.33, Florida Statutes, is amended to read:

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320 1002.33 Charter schools.—

321 (16) EXEMPTION FROM STATUTES.—

322 (a) A charter school shall operate in accordance with its
323 charter and shall be exempt from all statutes in chapters 1000-
324 1013. However, a charter school shall be in compliance with the
325 following statutes in chapters 1000-1013:

326 1. Those statutes specifically applying to charter schools,
327 including this section.

328 2. Those statutes pertaining to the student assessment
329 program and school grading system.

330 3. Those statutes pertaining to the provision of services
331 to students with disabilities.

332 4. Those statutes pertaining to civil rights, including s.
333 1000.05, relating to discrimination.

334 5. Those statutes pertaining to student health, safety, and
335 welfare.

336 6. Those statutes pertaining to class size.

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

339 1002.37 The Florida Virtual School.—

340 (3) Funding for the Florida Virtual School shall be
341 provided as follows:

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

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349 determining a full-time equivalent student. Credit completed by
350 a student in excess of the minimum required for that student for
351 high school graduation is not eligible for funding.

352 (b) Full-time equivalent student credit completed through
353 the Florida Virtual School, including credits completed during
354 the summer, shall be reported to the Department of Education in
355 the manner prescribed by the department and shall be funded
356 through the Florida Education Finance Program. The maximum value
357 for funding a full-time equivalent student in kindergarten
358 through grade 12, including credits earned through the Florida
359 Virtual School during the summer, combined with credits and FTE
360 earned through a school district may not exceed one full-time
361 equivalent membership per student per year as provided in s.
362 1011.61(4).

363 Section 11. Paragraph (c) of subsection (7) of section
364 1002.45, Florida Statutes, is amended to read:

365 1002.45 School district virtual instruction programs.-
366 (7) FUNDING.-

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

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

376 1002.71 Funding; financial and attendance reporting.-
377 (4) Notwithstanding s. 1002.53(3) and subsection (2):

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

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

400 (6)

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

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407 include at least the following provisions:

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

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

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

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

433 Section 13. Paragraph (b) of subsection (2) and subsection
434 (4) of section 1003.03, Florida Statutes, as amended by section
435 9 of chapter 2009-3, Laws of Florida, are amended to read:

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436 1003.03 Maximum class size.—

437 (2) IMPLEMENTATION.—

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

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

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

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

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

452 (4) ACCOUNTABILITY.—

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

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465 to an approved fixed capital outlay appropriation for class size
466 reduction in the affected district pursuant to s. 216.292(2)(d).
467 The amount of funds transferred shall be the lesser of the
468 amount verified by the Florida Education Finance Program
469 Appropriation Allocation Conference or the undistributed balance
470 of the district's class size reduction operating categorical.

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

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

491 (b) Beginning in the 2010-2011 fiscal year and each year
492 thereafter, if the department determines that the number of
493 students assigned to any individual class exceeds the class size

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494 maximum, as required in subsection (2), at the time of the third
495 FEFP calculation, the department shall:

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

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

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

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

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

519 (d) In lieu of the reduction calculation in paragraph (b),
520 the Commissioner of Education may recommend a budget amendment,
521 subject to approval of the Legislative Budget Commission, to
522 reduce an alternative amount of funds from the district's class-

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523 size-reduction operating categorical allocation. The
524 commissioner's budget amendment must be submitted to the
525 Legislative Budget Commission by February 15 of each year.

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

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

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

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552 ~~classes in the evening, or operating more than one session~~
553 ~~during the day.~~

554

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

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

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581 ~~the constitutional class size maximums.~~

582 Section 14. Paragraph (b) of subsection (5) of section
583 1006.06, Florida Statutes, is amended to read:

584 1006.06 School food service programs.—

585 (5)

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

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

595 1006.28 Duties of district school board, district school
596 superintendent; and school principal regarding K-12
597 instructional materials.—

598 (1) DISTRICT SCHOOL BOARD.—The district school board has
599 the duty to provide adequate instructional materials for all
600 students in accordance with the requirements of this part. The
601 term "adequate instructional materials" means a sufficient
602 number of textbooks or sets of materials that are available in
603 bound, unbound, kit, or package form and may consist of hard-
604 backed or soft-backed textbooks, consumables, learning
605 laboratories, manipulatives, electronic media, and computer
606 courseware or software that serve ~~serve~~ as the basis for
607 instruction for each student in the core courses of mathematics,
608 language arts, social studies, science, reading, and literature,
609 except for instruction for which the school advisory council

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

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

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

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

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

634 Section 16. Section 1006.36, Florida Statutes, is amended
635 to read:

636 1006.36 Term of adoption for instructional materials.—

637 (1) The term of adoption of any instructional materials
638 must be an 8-year ~~a 6-year~~ period beginning on April 1 following

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639 the adoption, except that the commissioner may approve terms of
640 adoption of less than 8 ~~6~~ years for materials in content areas
641 which require more frequent revision. Any contract for
642 instructional materials may be extended as prescribed in s.
643 1006.34(3).

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

657 Section 17. Paragraph (a) of subsection (2) of section
658 1006.40, Florida Statutes, as amended by section 10 of chapter
659 2009-3, Laws of Florida, is amended to read:

660 1006.40 Use of instructional materials allocation;
661 instructional materials, library books, and reference books;
662 repair of books.—

663 (2) (a) Each district school board must purchase current
664 instructional materials to provide each student with a textbook
665 or other instructional materials as a major tool of instruction
666 in core courses of the appropriate subject areas of mathematics,
667 language arts, science, social studies, reading, and literature

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668 for kindergarten through grade 12. Such purchase must be made
669 within the first 2 years after the effective date of the
670 adoption cycle; however, this requirement is waived for the
671 adoption cycle occurring in the 2008-2009 academic year, and is
672 waived for the 2009-2010 academic year if the district certifies
673 to the Commissioner of Education that the district has
674 sufficient instructional materials to implement the newly
675 adopted state standards for mathematics. Unless specifically
676 provided for in the General Appropriations Act, the cost of
677 instructional materials purchases required by this paragraph
678 shall not exceed the amount of the district's allocation for
679 instructional materials, pursuant to s. 1011.67, for the
680 previous 2 years.

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

683 1008.29 College-level communication and mathematics skills
684 examination (CLAST).—

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

688 Section 19. Paragraph (c) of subsection (1) of section
689 1008.41, Florida Statutes, is amended to read:

690 1008.41 Workforce education; management information
691 system.—

692 (1) The Commissioner of Education shall coordinate uniform
693 program structures, common definitions, and uniform management
694 information systems for workforce education for all divisions
695 within the department. In performing these functions, the
696 commissioner shall designate deadlines after which data elements

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697 may not be changed for the coming fiscal or school year. School
698 districts and community colleges shall be notified of data
699 element changes at least 90 days prior to the start of the
700 subsequent fiscal or school year. Such systems must provide for:

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

705 Section 20. Section 1010.06, Florida Statutes, is created
706 to read:

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

712 Section 21. Section 1010.11, Florida Statutes, is amended
713 to read:

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

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

725 1011.09 Expenditure of funds by district school board.—All

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726 state funds apportioned to the credit of any district constitute
727 a part of the district school fund of that district and must be
728 budgeted and expended under authority of the district school
729 board subject to the provisions of law and rules of the State
730 Board of Education.

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

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

740 1011.18 School depositories; payments into and withdrawals
741 from depositories.—

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

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

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

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

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

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

796 (3) EMPLOYMENT POLICIES.—Adopt rules relating to the
797 appointment, promotion, transfer, suspension, and dismissal of
798 personnel.

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

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

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813 with rules of the State Board of Education.

814 Section 25. Paragraph (c) of subsection (1) of section
815 1011.61, Florida Statutes, is amended to read:

816 1011.61 Definitions.—Notwithstanding the provisions of s.
817 1000.21, the following terms are defined as follows for the
818 purposes of the Florida Education Finance Program:

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

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

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

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

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

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842 appropriate basic program.

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

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

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

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

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

867 2. A student in membership in a program scheduled for more
868 or less than 180 school days is a fraction of a full-time
869 equivalent membership equal to the number of instructional hours
870 in membership divided by the appropriate number of hours set

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871 forth in subparagraph (a)1.; however, for the purposes of this
872 subparagraph, membership in programs scheduled for more than 180
873 days is limited to students enrolled in juvenile justice
874 education programs and the Florida Virtual School.

875

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

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

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

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

898 (1) Study hall.—A student who is enrolled in study hall may
899 not be included in the calculation of full-time equivalent

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900 student membership for funding under this section.

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

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

918 2. An additional bonus of \$400 ~~\$500~~ to each International
919 Baccalaureate teacher in a school designated with a grade of "D"
920 or "F" who has at least one student scoring 4 or higher on the
921 international baccalaureate examination, regardless of the
922 number of classes taught or of the number of students scoring a
923 4 or higher on the international baccalaureate examination.

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

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929 (n)~~(m)~~ Calculation of additional full-time equivalent
930 membership based on Advanced International Certificate of
931 Education examination scores of students.—A value of 0.08 ~~0.16~~
932 full-time equivalent student membership shall be calculated for
933 each student enrolled in a full-credit Advanced International
934 Certificate of Education course who receives a score of E or
935 higher on a subject examination. A value of 0.04 ~~0.08~~ full-time
936 equivalent student membership shall be calculated for each
937 student enrolled in a half-credit Advanced International
938 Certificate of Education course who receives a score of E or
939 higher on a subject examination. A value of 0.16 ~~0.3~~ full-time
940 equivalent student membership shall be calculated for each
941 student who receives an Advanced International Certificate of
942 Education diploma. Such value shall be added to the total full-
943 time equivalent student membership in basic programs for grades
944 9 through 12 in the subsequent fiscal year. The school district
945 shall distribute to each classroom teacher who provided Advanced
946 International Certificate of Education instruction:

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

957 2. An additional bonus of \$400 ~~\$500~~ to each Advanced

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

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

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

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

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987 in basic programs for grades 9 through 12 in the subsequent
988 fiscal year. Each district must allocate at least 80 percent of
989 the funds provided to the district for advanced placement
990 instruction, in accordance with this paragraph, to the high
991 school that generates the funds. The school district shall
992 distribute to each classroom teacher who provided advanced
993 placement instruction:

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

998 2. An additional bonus of \$400 ~~\$500~~ to each Advanced
999 Placement teacher in a school designated with a grade of "D" or
1000 "F" who has at least one student scoring 3 or higher on the
1001 College Board Advanced Placement Examination, regardless of the
1002 number of classes taught or of the number of students scoring a
1003 3 or higher on the College Board Advanced Placement Examination.

1004
1005 Bonuses awarded to a teacher according to this paragraph shall
1006 not exceed \$1,600 ~~\$2,000~~ in any given school year and shall be
1007 in addition to any regular wage or other bonus the teacher
1008 received or is scheduled to receive.

1009 (p) ~~(e)~~ *Calculation of additional full-time equivalent*
1010 *membership based on certification of successful completion of*
1011 *industry-certified career and professional academy programs*
1012 *pursuant to s. 1003.492.—A value of 0.16 ~~0.3~~ full-time*
1013 *equivalent student membership shall be calculated for each*
1014 *student who completes an industry-certified career and*
1015 *professional academy program under s. 1003.492 and who is issued*

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1016 the highest level of industry certification and a high school
1017 diploma. Such value shall be added to the total full-time
1018 equivalent student membership in secondary career education
1019 programs for grades 9 through 12 in the subsequent year for
1020 courses that were not funded through dual enrollment. The
1021 additional full-time equivalent membership authorized under this
1022 paragraph may not exceed 0.16 ~~0.3~~ per student. Unless a
1023 different amount is specified in the General Appropriations Act,
1024 the appropriation for this calculation is limited to \$8 ~~\$15~~
1025 million annually. If the appropriation is insufficient to fully
1026 fund the total calculation, the appropriation shall be prorated.

1027 ~~(p) Calculation of additional full-time equivalent~~
1028 ~~membership for the Florida Virtual School. The total reported~~
1029 ~~full-time equivalent student membership for the Florida Virtual~~
1030 ~~School shall be multiplied by 0.114, and such value shall be~~
1031 ~~added to the total full-time equivalent student membership.~~

1032 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The
1033 Legislature shall prescribe the aggregate required local effort
1034 for all school districts collectively as an item in the General
1035 Appropriations Act for each fiscal year. The amount that each
1036 district shall provide annually toward the cost of the Florida
1037 Education Finance Program for kindergarten through grade 12
1038 programs shall be calculated as follows:

1039 (a) *Estimated taxable value calculations.*—

1040 1.a. Not later than 2 working days prior to July 19, the
1041 Department of Revenue shall certify to the Commissioner of
1042 Education its most recent estimate of the taxable value for
1043 school purposes in each school district and the total for all
1044 school districts in the state for the current calendar year

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1045 based on the latest available data obtained from the local
1046 property appraisers. Not later than July 19, the Commissioner of
1047 Education shall compute a millage rate, rounded to the next
1048 highest one one-thousandth of a mill, which, when applied to 95
1049 percent of the estimated state total taxable value for school
1050 purposes, would generate the prescribed aggregate required local
1051 effort for that year for all districts. The Commissioner of
1052 Education shall certify to each district school board the
1053 millage rate, computed as prescribed in this subparagraph, as
1054 the minimum millage rate necessary to provide the district
1055 required local effort for that year.

1056 b. The General Appropriations Act shall direct the
1057 computation of the statewide adjusted aggregate amount for
1058 required local effort for all school districts collectively from
1059 ad valorem taxes to ensure that no school district's revenue
1060 from required local effort millage will produce more than 90
1061 percent of the district's total Florida Education Finance
1062 Program calculation as calculated and adopted by the
1063 Legislature, and the adjustment of the required local effort
1064 millage rate of each district that produces more than 90 percent
1065 of its total Florida Education Finance Program entitlement to a
1066 level that will produce only 90 percent of its total Florida
1067 Education Finance Program entitlement in the July calculation.

1068 2. As revised data are received from property appraisers,
1069 the Department of Revenue shall amend the certification of the
1070 estimate of the taxable value for school purposes.

1071 (6) CATEGORICAL FUNDS.—

1072 (b) If a district school board finds and declares in a
1073 resolution adopted at a regular meeting of the school board that

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1074 the funds received for any of the following categorical
1075 appropriations are urgently needed to maintain school board
1076 specified academic classroom instruction, the school board may
1077 consider and approve an amendment to the school district
1078 operating budget transferring the identified amount of the
1079 categorical funds to the appropriate account for expenditure:

- 1080 1. Funds for student transportation.
- 1081 2. Funds for safe schools.
- 1082 3. Funds for supplemental academic instruction.
- 1083 4. Funds for research-based reading instruction.
- 1084 5. Funds for instructional materials if all instructional
1085 material purchases have been completed for that fiscal year, but
1086 no sooner than March 1, 2010 ~~2009~~.

1087 (12) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR
1088 CURRENT OPERATION.—The total annual state allocation to each
1089 district for current operation for the FEFP shall be distributed
1090 periodically in the manner prescribed in the General
1091 Appropriations Act.

1092 (a) ~~The basic amount for current operation for the FEFP as~~
1093 ~~determined in subsection (1), multiplied by the district cost~~
1094 ~~differential factor as determined in subsection (2), plus the~~
1095 ~~amounts provided for categorical components within the FEFP,~~
1096 ~~plus the discretionary millage compression supplement as~~
1097 ~~determined in subsection (5), the amount for the sparsity~~
1098 ~~supplement as determined in subsection (7), the decline in full-~~
1099 ~~time equivalent students as determined in subsection (8), the~~
1100 ~~research-based reading instruction allocation as determined in~~
1101 ~~subsection (9), the allocation for juvenile justice education~~
1102 ~~programs as determined in subsection (10), the quality assurance~~

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1103 ~~guarantee as determined in subsection (11), less the required~~
1104 ~~local effort as determined in subsection (4).~~ If the funds
1105 appropriated for ~~the purpose of funding the total amount for~~
1106 current operation for the FEFP as provided in this paragraph are
1107 not sufficient to pay the state requirement in full, the
1108 department shall prorate the available state funds to each
1109 district in the following manner:

1110 1. Determine the percentage of proration by dividing the
1111 sum of the total amount for current operation, as provided in
1112 this paragraph for all districts collectively, and the total
1113 district required local effort into the sum of the state funds
1114 available for current operation and the total district required
1115 local effort.

1116 2. Multiply the percentage so determined by the sum of the
1117 total amount for current operation as provided in this paragraph
1118 and the required local effort for each individual district.

1119 3. From the product of such multiplication, subtract the
1120 required local effort of each district; and the remainder shall
1121 be the amount of state funds allocated to the district for
1122 current operation.

1123 Section 27. The amendments made by this act to subsection
1124 (1) of section 1011.62, Florida Statutes, except for newly
1125 created paragraph (1), shall apply to bonuses earned in the
1126 2008-2009 fiscal year for funding in the 2009-2010 fiscal year.

1127 Section 28. Section 1011.675, Florida Statutes, is created
1128 to read:

1129 1011.675 Discretionary bonus allocation for outstanding
1130 performance.-

1131 (1) A discretionary bonus allocation is created for school

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1132 districts to recognize and reward the outstanding performance of
1133 students, teachers, and school-based administrators in an amount
1134 to be determined by the Legislature. The funds shall be
1135 allocated to each school district as provided in the General
1136 Appropriations Act.

1137 (2) Notwithstanding the provisions of s. 1012.225, relating
1138 to the Merit Award Program for Instructional Personnel and
1139 School-Based Administrators, and s. 1012.72, relating to the
1140 Excellent Teaching Program, during the 2009-2010 and 2010-2011
1141 fiscal years, school districts may use the funds received under
1142 this section for any or all of the programs listed in this
1143 subsection or for any other purpose that the district school
1144 board deems appropriate.

1145 Section 29. Subsection (7) of section 1011.68, Florida
1146 Statutes, is repealed.

1147 Section 30. Section 1011.685, Florida Statutes, is amended
1148 to read:

1149 1011.685 Class size reduction; operating categorical fund.—

1150 (1) There is created an operating categorical fund for
1151 implementing the class size reduction provisions of s. 1, Art.
1152 IX of the State Constitution. These funds shall be allocated to
1153 each school district in the amount prescribed by the Legislature
1154 in the General Appropriations Act.

1155 (2) Class size reduction operating categorical funds shall
1156 be used by school districts to reduce class size as required in
1157 s. 1003.03, or the funds may be used for any lawful operating
1158 expenditure; however, priority shall be given to increasing
1159 salaries of classroom teachers. ~~for the following:~~

1160 ~~(a) To reduce class size in any lawful manner, if the~~

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1161 ~~district has not met the constitutional maximums identified in~~
1162 ~~s. 1003.03(1) or the reduction of two students per year required~~
1163 ~~by s. 1003.03(2).~~

1164 ~~(b) For any lawful operating expenditure, if the district~~
1165 ~~has met the constitutional maximums identified in s. 1003.03(1)~~
1166 ~~or the reduction of two students per year required by s.~~
1167 ~~1003.03(2); however, priority shall be given to increase~~
1168 ~~salaries of classroom teachers as defined in s. 1012.01(2)(a)~~
1169 ~~and to implement the differentiated pay provisions detailed in~~
1170 ~~s. 1012.22.~~

1171 Section 31. Subsections (2), (3), and (4) of section
1172 1011.71, Florida Statutes, as amended by section 12 of chapter
1173 2009-3, Laws of Florida, are amended, and subsection (9) is
1174 added to that section, to read:

1175 1011.71 District school tax.—

1176 (2) In addition to the maximum millage levy as provided in
1177 subsection (1), each school board may levy not more than 1.5
1178 ~~1.75~~ mills against the taxable value for school purposes for
1179 district schools, including charter schools at the discretion of
1180 the school board, to fund:

1181 (a) New construction and remodeling projects, as set forth
1182 in s. 1013.64(3)(b) and (6)(b) and included in the district's
1183 educational plant survey pursuant to s. 1013.31, without regard
1184 to prioritization, sites and site improvement or expansion to
1185 new sites, existing sites, auxiliary facilities, athletic
1186 facilities, or ancillary facilities.

1187 (b) Maintenance, renovation, and repair of existing school
1188 plants or of leased facilities to correct deficiencies pursuant
1189 to s. 1013.15(2).

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1190 (c) The purchase, lease-purchase, or lease of school buses.

1191 (d) Effective July 1, 2008, the purchase, lease-purchase,
1192 or lease of new and replacement equipment, and enterprise
1193 resource software applications that are classified as capital
1194 assets in accordance with definitions of the Governmental
1195 Accounting Standards Board, have a useful life of at least 5
1196 years, and are used to support districtwide administration or
1197 state-mandated reporting requirements.

1198 (e) Payments for educational facilities and sites due under
1199 a lease-purchase agreement entered into by a district school
1200 board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
1201 exceeding, in the aggregate, an amount equal to three-fourths of
1202 the proceeds from the millage levied by a district school board
1203 pursuant to this subsection. For the 2009-2010 fiscal year, the
1204 three-fourths limit is waived for lease-purchase agreements
1205 entered into before June 30, 2009, by a district school board
1206 pursuant to this paragraph.

1207 (f) Payment of loans approved pursuant to ss. 1011.14 and
1208 1011.15.

1209 (g) Payment of costs directly related to complying with
1210 state and federal environmental statutes, rules, and regulations
1211 governing school facilities.

1212 (h) Payment of costs of leasing relocatable educational
1213 facilities, of renting or leasing educational facilities and
1214 sites pursuant to s. 1013.15(2), or of renting or leasing
1215 buildings or space within existing buildings pursuant to s.
1216 1013.15(4).

1217 (i) Payment of the cost of school buses when a school
1218 district contracts with a private entity to provide student

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1219 transportation services if the district meets the requirements
1220 of this paragraph.

1221 1. The district's contract must require that the private
1222 entity purchase, lease-purchase, or lease, and operate and
1223 maintain, one or more school buses of a specific type and size
1224 that meet the requirements of s. 1006.25.

1225 2. Each such school bus must be used for the daily
1226 transportation of public school students in the manner required
1227 by the school district.

1228 3. Annual payment for each such school bus may not exceed
1229 10 percent of the purchase price of the state pool bid.

1230 4. The proposed expenditure of the funds for this purpose
1231 must have been included in the district school board's notice of
1232 proposed tax for school capital outlay as provided in s.
1233 200.065(10).

1234 (j) Payment of the cost of the opening day collection for
1235 the library media center of a new school.

1236 (3) If the revenue from the millage authorized in
1237 subsection (2) is insufficient to make payments due under a
1238 lease-purchase agreement entered into prior to June 30, 2008, by
1239 a district school board pursuant to paragraph (2)(e), an amount
1240 up to 0.5 ~~0.25~~ mills of the taxable value for school purposes
1241 within the school district shall be legally available for such
1242 payments, notwithstanding other restrictions on the use of such
1243 revenues imposed by law.

1244 (4) Effective July 1, 2008, ~~and through June 30, 2010,~~ a
1245 school district may expend, subject to the provisions of s.
1246 200.065, up to \$100 per unweighted full-time equivalent student
1247 from the revenue generated by the millage levy authorized by

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1248 subsection (2) to fund, in addition to expenditures authorized
1249 in paragraphs (2) (a)-(j), expenses for the following:

1250 (a) The purchase, lease-purchase, or lease of driver's
1251 education vehicles; motor vehicles used for the maintenance or
1252 operation of plants and equipment; security vehicles; or
1253 vehicles used in storing or distributing materials and
1254 equipment.

1255 (b) Payment of the cost of premiums for property and
1256 casualty insurance necessary to insure school district
1257 educational and ancillary plants. Operating revenues that are
1258 made available through the payment of property and casualty
1259 insurance premiums from revenues generated under this subsection
1260 may be expended only for nonrecurring operational expenditures
1261 of the school district.

1262 (9) Notwithstanding subsection (2), for the 2009-2010
1263 fiscal year, if the revenue from 1.5 mills is insufficient to
1264 meet the payments due under a lease-purchase agreement entered
1265 into before June 30, 2009, by a district school board pursuant
1266 to paragraph (2) (e), or to meet other critical district fixed
1267 capital outlay needs, the board, in addition to the 1.5 mills,
1268 may levy up to 0.25 mills for fixed capital outlay in lieu of
1269 levying an equivalent amount of the discretionary mills for
1270 operations as provided in the General Appropriations Act for
1271 2009-2010. Millage levied pursuant to this subsection is subject
1272 to the provisions of s. 200.065 and, combined with the 1.5 mills
1273 authorized in subsection (2), may not exceed 1.75 mills. If the
1274 district chooses to use up to .25 mills for fixed capital
1275 outlay, the compression adjustment pursuant to s. 1011.62(5)
1276 shall be calculated for the standard discretionary millage that

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1277 is not eligible for transfer to capital outlay.

1278 Section 32. If the Commissioner of Education determines
1279 that a school district acted in good faith, he or she may waive
1280 the equal-dollar reduction, required in s. 1011.71(5), Florida
1281 Statutes, for audit findings during the 2007-2008 fiscal year
1282 which were related to the purchase of software.

1283 Section 33. Paragraph (g) of subsection (3) of section
1284 1012.33, Florida Statutes, is amended, and subsection (9) is
1285 added to that section, to read:

1286 1012.33 Contracts with instructional staff, supervisors,
1287 and school principals.-

1288 (3)

1289 (g) Beginning July 1, 2001, for each employee who enters
1290 into a written contract, pursuant to this section, in a school
1291 district in which the employee was not employed as of June 30,
1292 2001, or was employed as of June 30, 2001, but has since broken
1293 employment with that district for 1 school year or more, for
1294 purposes of pay, a district school board must recognize and
1295 accept each year of full-time public school teaching service
1296 earned in the State of Florida ~~or outside the state~~ and for
1297 which the employee received a satisfactory performance
1298 evaluation; however, an employee may voluntarily waive this
1299 provision. Instructional personnel employed pursuant to s.
1300 121.091(9)(b)3. are exempt from the provisions of this
1301 paragraph.

1302 (9) Notwithstanding this section or any other law or rule
1303 to the contrary, for the 2009-2010 and 2010-2011 fiscal years,
1304 district school boards should not enter into a new professional
1305 service contract if the only funds available to pay such

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1306 contract are from nonrecurring Federal Stabilization Funds.

1307 Section 34. Subsection (6) is added to section 1012.71,
1308 Florida Statutes, to read:

1309 1012.71 The Florida Teachers Lead Program.—

1310 (6) For the 2009-2010 fiscal year, the Department of
1311 Education is authorized to conduct a pilot program to determine
1312 the feasibility of managing the Florida Teachers Lead Program
1313 through a centralized electronic system. The pilot program must:

1314 (a) Be established through a competitive process;

1315 (b) Provide the capability for participating teachers to
1316 purchase from online sources;

1317 (c) Provide the capability for participating teachers to
1318 purchase from local vendors by means other than online
1319 purchasing;

1320 (d) Generally comply with the provisions of this section;

1321 (e) Be subject to annual auditing requirements to ensure
1322 accountability for funds received and disbursed; and

1323 (f) Provide for all unused funds to be returned to the
1324 state at the close of each fiscal year.

1325
1326 Any participation in this pilot program by school districts and
1327 individual teachers must be on a voluntary basis. The department
1328 may limit the number of participating districts to the number it
1329 deems feasible to adequately test the viability of the pilot
1330 program. The department is not required to implement this pilot
1331 program if it determines that the number of school districts
1332 willing to participate is insufficient to adequately test the
1333 viability of the pilot program.

1334 Section 35. Subsection (1) of section 1013.62, Florida

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1335 Statutes, is amended to read:

1336 1013.62 Charter schools capital outlay funding.-

1337 (1) In each year in which funds are appropriated for
1338 charter school capital outlay purposes, the Commissioner of
1339 Education shall allocate the funds among eligible charter
1340 schools.

1341 (a) To be eligible for a funding allocation, a charter
1342 school must:

1343 1.a.(a)1. Have been in operation for 3 or more years;

1344 b. Be governed by a governing board established in the
1345 state for 3 or more years which operates both charter schools
1346 and conversion charter schools within the state;

1347 c.2. Be an expanded feeder chain of a charter school within
1348 the same school district that is currently receiving charter
1349 school capital outlay funds; or

1350 d.3. Have been accredited by the Commission on Schools of
1351 the Southern Association of Colleges and Schools.

1352 2.(b) Have financial stability for future operation as a
1353 charter school.

1354 3.(e) Have satisfactory student achievement based on state
1355 accountability standards applicable to the charter school.

1356 4.(d) Have received final approval from its sponsor
1357 pursuant to s. 1002.33 for operation during that fiscal year.

1358 5.(e) Serve students in facilities that are not provided by
1359 the charter school's sponsor.

1360 (b) The first priority for charter school capital outlay
1361 funding is shall be to allocate to the charter schools that
1362 received funding in the 2005-2006 fiscal year an allocation of
1363 the same amount per capital outlay full-time equivalent student,

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1364 up to the lesser of the actual number of capital outlay full-
1365 time equivalent students in the current year, or the capital
1366 outlay full-time equivalent students in the 2005-2006 fiscal
1367 year. After calculating the first priority, the second priority
1368 is ~~shall be~~ to allocate excess funds remaining in the
1369 appropriation in an amount equal to the per capital outlay full-
1370 time equivalent student amount in the first priority calculation
1371 to eligible charter schools not included in the first priority
1372 calculation and to schools in the first priority calculation
1373 with growth greater than ~~in excess of~~ the 2005-2006 capital
1374 outlay full-time equivalent students. After calculating the
1375 first and second priorities, excess funds remaining in the
1376 appropriation must ~~shall~~ be allocated to all eligible charter
1377 schools.

1378 (c) A charter school's allocation may ~~shall~~ not exceed one-
1379 fifteenth of the cost per student station specified in s.
1380 1013.64(6)(b). Before releasing ~~Prior to the release of~~ capital
1381 outlay funds to a school district on behalf of the charter
1382 school, the Department of Education must ~~shall~~ ensure that the
1383 district school board and the charter school governing board
1384 enter into a written agreement that provides ~~includes provisions~~
1385 for the reversion of any unencumbered funds and all equipment
1386 and property purchased with public education funds to the
1387 ownership of the district school board, as provided for in
1388 subsection (3) if, ~~in the event that~~ the school terminates
1389 operations. Any funds recovered by the state shall be deposited
1390 in the General Revenue Fund.

1391 (d) A charter school is not eligible for a funding
1392 allocation if it was created by the conversion of a public

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1393 school and operates in facilities provided by the charter
1394 school's sponsor for a nominal fee, or at no charge, or if it is
1395 directly or indirectly operated by the school district.

1396 (e) Unless otherwise provided in the General Appropriations
1397 Act, the funding allocation for each eligible charter school is
1398 ~~shall be~~ determined by multiplying the school's projected
1399 student enrollment by one-fifteenth of the cost-per-student
1400 station specified in s. 1013.64(6)(b) for an elementary, middle,
1401 or high school, as appropriate. If the funds appropriated are
1402 not sufficient, the commissioner shall prorate the available
1403 funds among eligible charter schools. However, a ~~no~~ charter
1404 school or charter lab school may not ~~shall~~ receive state charter
1405 school capital outlay funds greater than ~~in excess of~~ the one-
1406 fifteenth cost per student station formula if the charter
1407 school's combination of state charter school capital outlay
1408 funds, capital outlay funds calculated through the reduction in
1409 the administrative fee provided in s. 1002.33(20), and capital
1410 outlay funds allowed in s. 1002.32(9)(e) and (h) exceeds the
1411 one-fifteenth cost per student station formula.

1412 (f) Funds shall be distributed on the basis of the capital
1413 outlay full-time equivalent membership by grade level, which is
1414 ~~shall be~~ calculated by averaging the results of the second and
1415 third enrollment surveys. The Department of Education shall
1416 distribute capital outlay funds monthly, beginning in the first
1417 quarter of the fiscal year, based on one-twelfth of the amount
1418 the department reasonably expects the charter school to receive
1419 during that fiscal year. The commissioner shall adjust
1420 subsequent distributions as necessary to reflect each charter
1421 school's actual student enrollment as reflected in the second

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1422 and third enrollment surveys. The commissioner shall establish
1423 the intervals and procedures for determining the projected and
1424 actual student enrollment of eligible charter schools.

1425 Section 36. Paragraph (b) of subsection (6) of section
1426 1013.64, Florida Statutes, is amended, as amended by section 14
1427 of chapter 2009-3, Laws of Florida, and subsection (7) is added
1428 to that section, to read:

1429 1013.64 Funds for comprehensive educational plant needs;
1430 construction cost maximums for school district capital
1431 projects.—Allocations from the Public Education Capital Outlay
1432 and Debt Service Trust Fund to the various boards for capital
1433 outlay projects shall be determined as follows:

1434 (6)

1435 (b)1. A district school board, including a district school
1436 board of an academic performance-based charter school district,
1437 must not use funds from the following sources: Public Education
1438 Capital Outlay and Debt Service Trust Fund; School District and
1439 Community College District Capital Outlay and Debt Service Trust
1440 Fund; Classrooms First Program funds provided in s. 1013.68;
1441 effort index grant funds provided in s. 1013.73; nonvoted 1.5-
1442 mill ~~1.75-mill~~ levy of ad valorem property taxes provided in s.
1443 1011.71(2); Classrooms for Kids Program funds provided in s.
1444 1013.735; District Effort Recognition Program funds provided in
1445 s. 1013.736; or High Growth District Capital Outlay Assistance
1446 Grant Program funds provided in s. 1013.738 for any new
1447 construction of educational plant space with a total cost per
1448 student station, including change orders, that equals more than:

1449 a. \$17,952 for an elementary school,

1450 b. \$19,386 for a middle school, or

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1451 c. \$25,181 for a high school,
1452
1453 (January 2006) as adjusted annually to reflect increases or
1454 decreases in the Consumer Price Index.

1455 2. A district school board must not use funds from the
1456 Public Education Capital Outlay and Debt Service Trust Fund or
1457 the School District and Community College District Capital
1458 Outlay and Debt Service Trust Fund for any new construction of
1459 an ancillary plant that exceeds 70 percent of the average cost
1460 per square foot of new construction for all schools.

1461 (7) Notwithstanding subsection (2), the district school
1462 board of Wakulla County shall contribute 1 mill in the 2009-2010
1463 fiscal year and 0.50 mill in the 2010-2011 fiscal year to the
1464 cost of currently funded special facilities construction
1465 projects. The district school board of Liberty County shall
1466 contribute 1 mill in the 2009-2010 fiscal year, 1 mill in the
1467 2010-2011 fiscal year, and 1 mill in the 2011-2012 fiscal year.

1468 Section 37. Section 9 of chapter 2008-142, Laws of Florida,
1469 is repealed.

1470 Section 38. In order to implement Specific Appropriations
1471 5B, 6, 7, 76, and 77 of the General Appropriations Act for the
1472 2009-2010 fiscal year, the calculations of the Florida Education
1473 Finance Program for the 2009-2010 fiscal year in the document
1474 entitled "Public School Funding - The Florida Education Finance
1475 Program," dated April 17, 2009, and filed with the Secretary of
1476 the Senate are incorporated by reference for the purpose of
1477 displaying the calculations used by the Legislature, consistent
1478 with requirements of the Florida Statutes, in making
1479 appropriations for the Florida Education Finance Program.

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1480

Section 39. This act shall take effect July 1, 2009.